

SECOND REGULAR SESSION

HOUSE BILL NO. 2460

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE AMATO.

4141H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 77.370 and 78.070, RSMo, and to enact in lieu thereof two new sections relating to city contracts for legal services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 77.370 and 78.070, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 77.370 and 78.070, to read as follows:

77.370. 1. Except as hereinafter provided, the following officers shall be elected by
2 the voters of the city: mayor, police judge, attorney, assessor, collector, treasurer and, except
3 in cities which adopt the merit system police department, a marshal.

4 2. Notwithstanding the provisions of subsection 1 of this section, in cities which
5 contract with another entity for police service, the city council may eliminate the office of
6 marshal.

7 3. (1) The attorney shall be a person licensed to practice law in Missouri, and the
8 council, by ordinance, may provide for the appointment of an attorney, by the mayor with the
9 approval of the council, in lieu of electing an attorney. If so appointed he shall serve at the
10 pleasure of the mayor and council.

11 (2) (a) **If the city enters a contract with an attorney to provide legal services for**
12 **such city, the term of such contract shall not exceed three years and shall be rebid every**
13 **third year.**

14 (b) **Paragraph (a) of this subdivision shall apply only in a city that adopts the**
15 **three-year limit on such contracts upon a vote of the registered voters of the city as**
16 **provided in this subdivision.**

17 (c) **A city may adopt such contract limits as follows:**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **a. The governing body of a city that desires to adopt contract limits as provided**
19 **in this subdivision shall, by order, ordinance, or resolution, vote on the question of**
20 **adopting such contract limits. Upon the approval of the question by a majority of the**
21 **total number of city council members, the governing body shall submit the question to**
22 **the registered voters of the city for approval or rejection of the adoption of such**
23 **contract limits on the next day available for an election in such city; or**

24 **b. If the governing body of a city receives a petition, signed by at least ten**
25 **percent of the number of registered voters of the city voting in the last election for**
26 **mayor, calling for the city to adopt contract limits as provided in this subdivision, the**
27 **governing body shall submit the question to the registered voters of the city for approval**
28 **or rejection of the adoption of such contract limits on the next day available for an**
29 **election in such city.**

30 **(d) If a majority of the registered voters of the city voting on a question**
31 **submitted under paragraph (c) of this subdivision approve the adoption of contract**
32 **limits, contracts described in paragraph (a) of this subdivision shall be subject to the**
33 **contract limits described in paragraph (a) of this subdivision. If a majority of the**
34 **registered voters of the city voting on the question reject the adoption of contract limits,**
35 **no contract limits as described in this subdivision shall apply.**

36 4. Whenever a city contracts for the assessment of property or the collection of taxes
37 with either a public or private entity as authorized by section 70.220, the city council may by
38 ordinance provide that at the expiration of the term of the then city assessor or collector, as
39 the case may be, the office is abolished and thereafter no election shall be had to fill the
40 office; except that in the event the contract expires and, for any reason, is not renewed, the
41 council may by ordinance provide for the election of such officer at the next and succeeding
42 regular elections for municipal officers.

43 5. The term of office for each of the officers is two years except the office of mayor
44 and the marshal which are four-year terms. All officers hold office until their successors are
45 duly elected or appointed and qualified.

46 6. The council, by ordinance, may provide that any officer of the city except the
47 mayor and the councilmen shall be appointed instead of elected. Such ordinance shall set the
48 manner of appointment, in accordance with section 77.330, and the term of office for each
49 appointive officer, which term shall not exceed four years.

78.070. 1. The mayor shall be superintendent of the department of public affairs and
2 the council shall at the first regular meeting after election of its members designate by a
3 majority vote one councilman to be superintendent of the department of accounts and
4 finances; one to be superintendent of the department of public safety, and one to be
5 superintendent of the department of street and public improvements and one to be

6 superintendent of the department of parks and public property; provided, however, that in
7 cities having a population of less than ten thousand there may be designated to each
8 councilman two of such departments. Such designation shall be changed whenever it appears
9 that the public service would be benefitted thereby. The council shall at such first meeting, or
10 as soon as practicable thereafter, elect by majority vote the following officers: A city clerk,
11 attorney, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of fire
12 department, market master, street commissioner, and such other officers and assistants as
13 shall be provided for by ordinance and necessary to the proper and efficient conduct of the
14 affairs of the city; provided, however, that only such of the above officers shall be appointed
15 as may in the judgment of the mayor and councilmen be necessary for the proper and efficient
16 transaction of the affairs of the city. Any officer or assistant elected or appointed by the
17 council may be removed from office at any time by a vote of a majority of the members of the
18 council, except as otherwise provided in sections 78.010 to ~~[78.420]~~ **78.400**.

19 **2. (1) If the city enters a contract with an attorney to provide legal services for**
20 **such city, the term of such contract shall not exceed three years and shall be rebid every**
21 **third year.**

22 **(2) Subdivision (1) of this subsection shall apply only in a city that adopts the**
23 **three-year limit on such contracts upon a vote of the registered voters of the city as**
24 **provided in this subdivision.**

25 **(3) A city may adopt such contract limits as follows:**

26 **(a) The governing body of a city that desires to adopt contract limits as provided**
27 **in this subdivision shall, by order, ordinance, or resolution, vote on the question of**
28 **adopting such contract limits. Upon the approval of the question by a majority of the**
29 **total number of city council members, the governing body shall submit the question to**
30 **the registered voters of the city for approval or rejection of the adoption of such**
31 **contract limits on the next day available for an election in such city; or**

32 **(b) If the governing body of a city receives a petition, signed by at least ten**
33 **percent of the number of registered voters of the city voting in the last election for**
34 **mayor, calling for the city to adopt contract limits as provided in this subdivision, the**
35 **governing body shall submit the question to the registered voters of the city for approval**
36 **or rejection of the adoption of such contract limits on the next day available for an**
37 **election in such city.**

38 **(4) If a majority of the registered voters of the city voting on a question**
39 **submitted under subdivision (3) of this subsection approve the adoption of contract**
40 **limits, contracts described in subdivision (1) of this subsection shall be subject to the**
41 **contract limits described in subdivision (1) of this subsection. If a majority of the**

- 42 **registered voters of the city voting on the question reject the adoption of contract limits,**
43 **no contract limits as described in this subdivision shall apply.**

✓