

**AN ORDINANCE
AMENDING THE MUNICIPAL CODE OF THE CITY OF OZARK, MISSOURI,
CHAPTER 115 RELATED TO ORGANIZATIONAL STRUCTURE**

WHEREAS, the Board of Aldermen wish to amend the Municipal Code of the City of Ozark, Missouri Chapter 115 to update the organizational structure of the City Departments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OZARK, MISSOURI, as follows, that:

SECTION 1 – The Municipal Code of the City of Ozark, Missouri, Chapter 115 Appointed Officers and Departments is hereby amended as follows:

NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~.

Section 115.010. Appointive Officers.

The Mayor, with the consent and approval of a majority of members of the Board of Aldermen, shall have the power to appoint a City Administrator, a City Attorney and Prosecutor and a Municipal Court Judge all as hereinafter set forth.

Section 115.020. City Administrator.

- A. *Establishment Of Office.* There is hereby created and established the office of the City Administrator for the City of Ozark.
- B. *Appointment, Qualifications And Tenure.* The person appointed to the office of City Administrator shall be at least twenty-one (21) years of age, shall be a graduate of an accredited university or college with a Bachelors Degree in Public Administration or shall have ~~the~~ an equivalent degree and/or qualifications and experience in financial, administrative and/or public relations fields. The City Administrator shall serve an indefinite term unless otherwise removed for cause as set forth below. The Board of Aldermen may enter into a contract with the City Administrator.
- C. *Removal.* The Mayor, with the consent of a two-thirds ($\frac{2}{3}$) majority of the Board of Aldermen, may remove the City Administrator from office at will and the City Administrator may also be removed by a three-fourths ($\frac{3}{4}$) vote of the Board of Aldermen independently of the Mayor's approval or disapproval. Unless the City Administrator is removed, after a public hearing held before the Board of Aldermen within thirty (30) days of the notice of termination, for specific acts of misfeasance or malfeasance that brings discredit upon the City, the City Administrator's salary, ~~and insurance, and retirement~~ benefits shall continue for a period of ~~three six (3 6)~~ months from the date of termination. If the Board of Aldermen, after the public hearing, finds the City Administrator responsible for the aforementioned acts then, in that event, his/her salary and benefits shall terminate immediately. During said ~~three six (3 6)~~ month period the City Administrator shall provide consultation services to the City at the request of the Mayor even though his/her daily presence at City Hall may not be required.

- D. *Powers And Duties.* The City Administrator shall be the Chief Operating Officer of the City of Ozark and, as such, shall execute all policies and laws duly enacted by the elected officers of the City. He/she shall have all powers necessary to carry out the responsibilities of the office unless otherwise limited by ordinance, State or Federal Statute. In all cases where the duty is not expressly charged to a department or any other official, it shall be the duty of the City Administrator to act to promote, secure, coordinate and execute all actions of the City as promulgated by its elected officials. The City Administrator may add or create new positions or titles to the City's organizational chart when deemed necessary with or without the recommendation of a Department Director. This includes the reassignment of duties.
- E. *Establishment of Department.* There is hereby established the Administration Department which shall have such other divisions or sections as from time to time may be authorized by the City Administrator. The City Administrator shall be the director of the Administration Department.
1. Assistant City Administrator. There is also established the office of Assistant City Administrator who shall have the responsibilities for such duties as may, from time to time, be assigned by the City Administrator.
- a. Qualifications. The person appointed to the office of Assistant City Administrator shall be at least twenty-one (21) years of age, shall be a graduate of an accredited university or college with a Bachelors Degree in Public Administration or shall have an equivalent degree and/or qualifications and experience in financial, administrative and/or public relations fields.
- b. The Assistant City Administrator shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Assistant City Administrator, with or without cause, with the consent of a majority of the Board of Aldermen

Section 115.030. Departmental Organization.

- A. The administrative service of the City shall be divided, under the direction of the City Administrator, into the following Departments and Directors thereof:
1. Finance Department: Director of Finance.
 2. Legal Department: City Attorney.
 3. Planning and Development Department: Director of Community Development.
 4. Public Works Department: Director of Public Works.
 5. Human Resources Department ~~Utility Billing~~: Director of Human Resources Utility Billing.
 6. Police Department: Chief of Police.
 7. Parks and Recreation Department: Director of Parks and Recreation.

8. Administration Department: City Administrator ~~Director of Administrative Projects~~

9. Communications Department: Director of Communications and Public Information Officer.

9. Office of the City Clerk: City Clerk

Section 115.040. Administrative Policy and Procedures — Department Directors.

A. The Directors of Departments, City Attorney and Police Chief, subject to appropriate disciplinary actions when warranted, shall:

1. *Responsibility to Administrator.* Be immediately responsible to the City Administrator, and at his/her discretion, the Assistant City Administrator, for the effective administration of their respective departments and all activities assigned thereto.
2. *Inaugurate sound practices.* Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the City Administrator, such new practices as appear to be of benefit to the service and to the public.
3. *Maintain information regarding grant opportunities.* Maintain current information regarding grant opportunities and other means to maximize revenue generating sources for the benefit of the City and become proficient in making those applications.
4. *Report to Administrator.* Submit an annual report of the activities of their department to the City Administrator and such other reports as may be required by the City Administrator.
5. *Maintain records.* Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the City Administrator.
6. *Authority over employees.* Have power, when authorized by the City Administrator, to hire and remove, subject to City personnel regulations, all subordinates working within their respective departments or any division or section thereof. In addition, ensure that subordinate employees comply with the City's Employee Manual.
7. *Maintain equipment.* Be responsible for the proper maintenance of all City property and equipment used in their respective department.
8. *Budget management.* Be responsible for proper management of the department budget as approved by the Board of Aldermen to include submitting appropriate and timely budget amendments as well as a proposed budget for the succeeding fiscal year.
9. *Internal control.* Follow all policies and procedures for the receipt and

disbursement of funds and purchase of services and property as authorized by Chapter 140 "Purchasing and Sales" of this Title.

10. Communications with Board. Shall communicate through the City Administrator, or his/her designee, to the Board of Aldermen except as authorized herein through Committee.
11. Committees. The Board of Aldermen shall be divided into three (3) Committees of not more than two Aldermen per Committee. The Mayor may sit on any Committee at any time. Each Director shall be assigned to a Committee for communicating with Aldermen regarding projects.

Section 115.050. Administrative Policy and Procedures — Cooperation With Other Departments.

Each Department shall furnish, upon direction of the City Administrator, any other Department such service, labor and material as may be requisitioned by the Head of such Department and its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.

ARTICLE II Finance Department

Section 115.060. Establishment of Department and Director.

- A. There is hereby established the Finance Department which shall have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Finance Department. The Department shall have responsibility for all of the following fiscal functions and such duties as may, from time to time, be assigned to it by the City Administrator:
 1. Manage investments in certificates of deposit.
 2. Prepare financial reports for publication and such financial reports as the Board of Aldermen may request from time to time.
 3. Assist City Administrator in budget preparation.
 4. Prepare budget amendments as required.
 5. Maintain all general ledgers for the entire City.
 6. Maintain in proper books a full and accurate account of all monies received and disbursed by the City.
 7. Compose the "Management Discussion and Analysis" and "Letter of Transmittal" for the annual audit.
 8. Establish processes for the following accounting functions:
 - a. Accounts payable.

- b. Bank reconciliations.
- c. General ledger.
- d. Receipt of funds.

9. Manage the Utility Billing Division

10. Purchases Management: Assisting all City Departments with following the Purchasing and Sales Policy in the Municipal Code of the City of Ozark, Missouri.

B. There is also established a Director of Finance who shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen. The Director of Finance shall be a co-signer of certain bank accounts as designated by the City Administrator and shall have such other fiscal duties and responsibilities as may from time to time be assigned by the City Administrator.

C. **Division of Utility Billing, Functions.** There is hereby established the Division of Utility Billing within the Finance Department, which shall consist of a Utility Billing coordinator, customer service clerks, and have such other employees as from time to time may be authorized by the City Administrator and assigned to the Division of Utility Billing. The Division of Utility Billing shall be responsible for billing and collections for water, sewer and trash services provided by the City. The Utility Billing coordinator shall be responsible for:

1. Supervision of all employees assigned to work with him/her in the performance of his/her duties.
2. Keep all accounts and prepare reports of the monthly reconciliation of accounts for the Director of Finance.
3. Receiving all monies due to the City for water, sewer and trash services, paying said monies to the Finance Department and making such reports of a full and accurate account of all receipts to the Finance Department, in such format and with such frequency as that Department may require.
4. When appropriate waive penalties and provide credit adjustments up to five-hundred dollars (\$500.00) per utility bill. This does not impact the authority to correct utility billing errors that may occur in the normal course of business. Any waived penalty or credit adjustment exceeding five-hundred dollars (\$500.00) shall be submitted to the Director of Finance for approval.
5. All billing procedures for water, sewer and trash customers.
6. Collection of any delinquent accounts by any lawful means and directing appropriate delinquencies to the City Attorney when necessary.
7. Such additional duties as may be assigned to the Department by the City Administrator.

ARTICLE III
Legal Department

Section 115.070. Composition.

The Legal Department shall consist of the City Attorney and may include a City Prosecutor, support staff and such temporary or special counsel as may be engaged from time to time. The City Attorney and Prosecutor shall be appointed by the Mayor with the approval of the Board of Aldermen for an indefinite term. The City Attorney and Prosecutor may be removed from office, for cause, by the Mayor with the approval of the Board of Aldermen. No such person(s) shall be appointed or employed unless he/she is, and remains, duly licensed to practice law in the State of Missouri by the Supreme Court of the State of Missouri.

Section 115.080. City Attorney's Duties.

- A. The City Attorney shall act to protect the interests of the City and shall:
1. *Give advice.* Advise the Mayor, the Board of Aldermen or its committees or any City Officials, when requested, upon all legal questions arising on the conduct of City business.
 2. *Prepare ordinances and legislation.* Prepare or revise ordinances and/or resolutions when so requested by the Board of Aldermen or any committee thereof.
 3. *Give opinions.* Give his/her opinion upon any legal matter or question submitted to him/her by the Mayor, Board of Aldermen or any of its committees or by the City Administrator.
 4. *Attend meetings of the Board of Aldermen.* Attend all meetings of the Board of Aldermen in their entirety for the purpose of giving the Board of Aldermen any legal advice requested by its members.
 5. *Prepare legal instruments.* Prepare for execution all contracts and instruments to which the City is a party and shall approve, as to form, all bonds required to be submitted to the City.
 6. *Defend officials.* Defend any and all actions or proceedings, civil or criminal, brought against the City or against any official or employee of the City arising out of, or in connection with, the performance of his/her duties as such official or employee if authorized by the Mayor and the Board of Aldermen.
 7. *Settlement of claims.* Have the power, with the approval of the Board of Aldermen, to adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the City in which the City is concerned as debtor or creditor, now existing or which may hereafter arise. He/she may settle all small claims up to one thousand dollars (\$1,000.00) with the approval of the City Administrator and report the same to the Board of Aldermen.

8. *Make reports.* Make reports as follows:
 - a. *Immediate report of decision.* Immediately report the outcome of any litigation in which the City has an interest to the City Administrator, the Mayor and Board of Aldermen.
 - b. *Annual report.* Make an annual report to the City Administrator, the Mayor and Board of Aldermen of all legal matters in which the City has an interest and the condition thereof.
9. *Records.* Prepare and forward records as follows:
 - a. *Suits.* Prepare and forward to the Mayor and City Administrator a complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case or its condition if pending and the briefs of counsel.
 - b. *Opinions.* Prepare and forward to the City Administrator a complete record of all written opinions furnished by him/her to the City or any department or official thereof.
10. *Collect monies and fees due City.* Demand and receive all monies and fees owing to the City whenever any person is indebted to the City in any manner.
11. *Payments of money from special trust funds.* Payout to the persons duly entitled thereto, with the approval of the Board of Aldermen, any money paid into the Treasury pursuant to condemnation proceedings or for the redemption of property sold for taxes or arising from special assessments for public improvements, park fund certificates, condemnation fund certificates and all special trust funds.

Section 115.090. City Prosecutor's Duties.

- A. A City Prosecutor, if the position is filled, shall serve as the City Attorney in his/her absence and, in addition thereto, shall:
 1. *Perform designated duties.* Perform such duties as designated by the City Attorney.
 2. *Prosecute offenders.* Prepare all charges and complaints against, and shall appeal in the appropriate court in the prosecution of, every person charged with the violation of a City ordinance or of any regulations adopted under authority of the Code of Ordinances of the City of Ozark. In any prosecution for violation of any ordinance or regulation adopted by the Board of Aldermen or any board or commission created under authority of the Code of Ordinances, the Prosecuting Attorney shall act under the direction of such board or commission, subject to such paramount control as is given to the Board of Aldermen by the State Constitution or Statute.

ARTICLE IV

Planning and Development Department

Section 115.100. Establishment of Department and Director

There is hereby established the Department of Planning and Development which shall have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Planning and Development Department.

Section 115.110. Functions.

- A. The Planning and Development Department shall have responsibility in the areas of community development, including zoning and development code enforcement, building code and maintenance code enforcement, housing and neighborhood preservation, project coordination, community planning and such other duties related to overall community development as from time to time may be authorized by the Board of Aldermen.
- B. The Department shall be responsible for the overall planning and development of the City including the preparation and maintenance of the Zoning Map, Official Map and Comprehensive Plan of the City; the preparation of special studies and provision of information on the physical, social and economic characteristics of the City; the coordination of new development proposals and project approvals; the review and inspection of building construction and property maintenance; and such other duties as may be prescribed from time to time by the City Administrator.

Section 115.120. Community Development Director.

- A. There is hereby established a Community Development Director, who may also be referred to herein as the Planning and Development Director. The Director shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen.
- B. The Director shall advise and make recommendations to the Planning and Zoning Commission on matters relating to the growth and development of the City. In addition to the powers enumerated below, the Director shall have the powers delegated to such position or subordinate positions by ordinances of the City, plus such other duties as may be prescribed from time to time by the City Administrator.

Section 115.130. Office of Senior Planner.

The Community Development Director shall serve as ex officio Senior Planner and shall have the responsibility to enforce all Zoning Regulations of the City as may be provided in the City's Zoning Ordinances. The City Planner or his/her designees shall recommend long-range plans for the City and review all projects, plans and applications to ensure compliance with all ordinances of the City concerning zoning, subdivision and development requirements.

Section 115.140. Office of Chief Building Official.

There is hereby created a Chief Building Official. Unless otherwise designated by the

Board of Aldermen, the Community Development Director shall serve as ex officio Chief Building Official. The Chief Building Official and his/her designees shall review all plans for the construction, reconstruction or alteration of any structure within the City and shall inspect such construction to ensure that all work is done in compliance with the City's building, plumbing, electrical, mechanical and other codes or ordinances that may from time to time be adopted by the Board of Aldermen. The Chief Building Official and his/her designees shall also be responsible for securing compliance with other codes or ordinances of the City as may be assigned by the City Administrator. The Chief Building Official may employ and supervise building, plumbing, electrical and mechanical inspectors and property maintenance Code Enforcement Officials as may be authorized from time to time by the Community Development Director. The employment of inspectors and officers shall be subject to the approval of the City Administrator.

Section 115.150. Stop Work Orders — Zoning and Development Codes.

The Community Development Director and the Senior Planner shall have the power to order all work to be stopped on any building or structure where such work is being done in violation of any provision of the City zoning ordinance or development code. Such stop orders may be given orally and may be enforced when so given, provided however, that any oral stop work order shall be followed by a written order within two (2) hours. All work that is stopped shall not be resumed except upon permission of the Director in any case involving the Zoning or Development Ordinances. Written stop orders may be served by any Police Officer or by any Community Development Department employee and may be served by personal service or by posting on the premises affected.

Section 115.160. Stop Work Orders — Building and Construction Codes.

The Community Development Director and the Chief Building Official shall have the power to order all construction, alteration or repair work to be stopped on any building, plumbing or electrical installation in the City when such work is being done in violation of any provision of any City ordinance or any International Code adopted by the City by reference. Such stop orders may be given orally and may be enforced when so given, provided however, that any oral stop order will be followed by a written order within two (2) hours. All work thus stopped shall not be resumed except upon the permission of the Director. Written stop orders may be served by any Police Officer or by any Planning and Development Department employee and may be served by personal service or by posting on the premises affected.

Section 115.170. When Senior Building Official to Issue Complaint and Summons.

The Chief Building Official or any of his/her authorized Code Enforcement Officials shall issue complaint and summons as provided for in Missouri Supreme Court Rule 37 when there is a determination that there is a violation of the City's Zoning Ordinance, subdivision regulations or a violation of any provision of any City ordinance or violation of any International Code adopted by the City by reference. Such complaint and summons may be served by any Police Officer or by any Planning and Development Department employee so designated and may be served by personal serviced by posting on the premises affected.

ARTICLE V

Department of Public Works

Section 115.180. Establishment of Department and Director.

There is hereby established the Department of Public Works which shall have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Department of Public Works.

Section 115.190. Functions.

The Department of Public Works shall be responsible for emergency management for the City, construction and maintenance of all City infrastructure, as well as engineering functions, to include, but not be limited to, the repair, care and maintenance of all public streets, public alleys and driveways, and facilitate the provision of public lighting systems, sanitary sewer systems, storm water collection systems and potable water systems owned or maintained by the City which are not assigned to the care or custody of any other Department and project management administration of contracts and other duties and functions as may be assigned by the City Administrator.

Section 115.200. Office of Public Works Director — Created, Supervisory Control, Duties.

- A. There is hereby established a Public Works Director. The Director shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen.
- B. The Department of Public Works, under the direction of the Public Works Director, shall be responsible for:
1. The repair, care and maintenance of all public streets, alleys and driveways.
 2. Storm water collection systems owned or maintained by the City.
 3. Facilitate the provision of The lighting of public streets and alleys.
 4. The care of all property of the City, to include all public buildings and real property either owned or leased by the City and which is not assigned to the care or custody of any other Department.
 5. The care and maintenance of all City cemeteries. With this responsibility, the Director shall have the authority to promulgate, issue and enforce regulations for the use of said cemeteries and the sale of any lots contained therein.
 6. Promulgate and enforce codes, specifications, standards and regulations for location and construction of highways, streets, roads, sidewalks and storm water drainage. Promulgate and enforce codes, specifications, standards, and drawing details for the construction of water, sewer, and stormwater utilities.
 7. Advising the Board of Aldermen generally and specifically on

engineering matters as the same pertain to the programs and problems of the City.

8. Supervision of all employees assigned to work with him/her in the performance of his/her duties.
9. Solicit and recommend contracts for construction for professional services including engineering, surveying, appraisal and title service and any other services required for operation of the Public Works Department as hereinafter outlined or as assigned by the City Administrator.
10. Supervise, inspect and recommend payments for services or construction under the Department's jurisdiction.
11. Prepare an emergency plan, coordinate and execute emergency services for the City in the event of a catastrophic occurrence affecting the basic functions of the City other than police services.
12. Establish and maintain an organizational structure capable of performing the services assigned to the Department by the City Administrator.

Section 115.210. Contracts for Activities Assigned to Department.

The Board of Aldermen may from time to time contract with consultants, contractors, other municipalities or other governmental agencies for activities assigned to the Public Works Department. Said contracts shall be administered by the Public Works Director.

Section 115.220. Office of City Engineer.

- A. There is hereby established a City Engineer. The Director of Public Works shall serve as ex officio City Engineer unless otherwise directed by Board of Aldermen. The City Engineer shall have the specific duties and powers provided for in this Section.
- B. The City Engineer shall advise the City Administrator and the Board of Aldermen generally and specifically on engineering matters as the same pertains to the programs and problems of the City.
- C. It shall be the duty of the City Engineer to inspect or to supervise the inspection of all public improvements within the City as frequently as may be necessary to ensure compliance with the applicable ordinances and codes of the City and he/she shall have the authority to enforce all provisions of the ordinances of the City relating to public improvements and the construction thereof. He/she shall also issue such permits as may be required from time to time by the ordinances and Codes of the City.
- D. The City Engineer shall have the power to order all work stopped on the construction, alteration or repair of any streets or roads, storm sewers, storm swales, manholes and inlet structures, curbs and gutters, sidewalks, land clearance, trenching, excavating, pipe installation, cable installation, street and parking lot light pole installation and similar improvements including the barricading of areas or streets and the use of equipment which could cause damage to pavement and other surface or buried items or utilities in the City when such work is being done in violation of any provisions of

the City ordinances or codes. Such stop orders shall be given in writing and may be enforced when served in the manner provided in this Section. All work thus stopped shall not be resumed except upon the written permission of the City Engineer. Stop orders may be served by any Police Officer or Public Works Department employee and may be served by personal service on any person who is supervising or is responsible for the work affected by the order or by posting on the premises on which the work is taking place.

- E. The City Engineer shall have the power to order all construction or repair work to be stopped on any project within the City right-of-way when such work is being done in violation of any ordinance. Such stop orders shall be given in writing and may be enforced when served in the manner provided above. All work thus stopped shall not be resumed except upon the written permission of the City Engineer.
- F. The City Engineer shall have the power to make or cause to be made, at any reasonable hour, entry into any building site premises where the work of altering or constructing any right-of-way improvement is going on for the purpose of making inspection.
- G. The Public Works Director may retain special engineers from time to time to advise and/or represent the City on special matters or to assist the Director, all professional service contracts subject to the approval of the Board of Aldermen.

Section 115.230. Divisions of the Public Works Department.

- A. There are hereby established within the Public Works Department the following Divisions:

- 1. Storm Water/MS4.
- 2. ~~Field Office Water.~~
- 3. Emergency Management.
- 4. Wastewater.
- 5. Streets/Right-Of-Way and Fleet Maintenance.
- 6. Engineering.
- 7. Transportation.
- 8. Geographical Information Systems (GIS).

- B. Each Division shall be under the direction of the respective supervisor who shall be hired by the Public Works Director with the approval of the City Administrator. Each Division shall exercise such functions and duties as may be assigned by the Public Works Director from time to time. The Public Works Director may further organize the aforementioned Divisions into Sections if such organization will best accomplish the duties and responsibilities of the Division.

Article VI ~~Utility Billing Department~~ Communications Department.

Section 115.240. Establishment of Department, Director and Functions.

There is hereby established the Communications Department which shall consist of a Director

of Communications, public information officers, and such other employees as may be approved by the City Administrator. The Department shall be responsible for providing information to the general public and media, and serve as a departmental resource to the community.

~~There is hereby established the Department of Utility Billing which shall consist of a Director of Utility Billing, customer service clerks, meter technicians and have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Department of Utility Billing. The Department shall be responsible for billing and collections for water, sewer and trash services provided by the City.~~

Section 115.250. Department Responsibilities and Duties.

- A. The Director of the Communications Department ~~The Director of Utility Billing~~ shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen.
- B. The Department of Communications ~~Utility Billing~~, under the direction of the Director of ~~Utility Billing~~, shall be responsible for:
1. Supervision of all employees assigned to work with him/her in the performance of his/her duties. The Director shall, with the authorization of the City Administrator, hire or discharge any employee within the Department.
 2. The Communications Department oversees public communication on behalf of the City, including public relations, media relations, marketing and advertising-related functions, digital media, branding, design, and audio/visual support, and assists with internal communications and crisis management. Keep all accounts and prepare reports of the monthly reconciliation of accounts for the Director of Finance.
 3. The Communications Department shall assist the City in creating and maintaining its brand identity, to enhance internal and external communications, develop media and public relations, and use its various channels to educate and engage citizens in the governmental process. Receiving all monies due to the City for water, sewer and trash services, paying said monies to the Finance Department and making such reports of a full and accurate account of all receipts to the Finance Department, in such format and with such frequency as that Department may require.
 4. The Communications staff works directly with the City Administration and City Departments to gather and deliver timely and accurate information about services, projects, and initiatives. All billing procedures for water, sewer and trash customers.
 5. The Communications Department serves as a point of contact between the local government and the community it serves. Its role is to distribute information about city services, upcoming events, and other important news to residents through various channels, including the City's website, social media, press releases, newsletters, and community meetings, as appropriate to each circumstance. Collection of any delinquent accounts by any lawful means and directing appropriate

~~delinquencies to the City Attorney when necessary.~~

6. The Department creates and distributes informational material through its various channels, administers the maintenance and updates to the City's web and social media sites, and assists with marketing special events organized by the City or its departments.
7. Such additional duties as may be assigned to the Department by the City Administrator.

ARTICLE VII

Police Department

Section 115.260. Establishment of Department and Functions.

- A. There is hereby established the Department of Police which shall have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Department of Police. The Police Department shall perform the following functions:
1. Identification of criminal offenders and criminal activity and, where appropriate, apprehension of offenders and participation in subsequent court proceedings.
 2. Reduction of the opportunities for the commission of some crimes through preventive patrol and other measures.
 3. Aiding individuals who are in danger of physical harm.
 4. Protection of constitutional guarantees.
 5. Facilitation of the movement of people and vehicles.
 6. Identification of problems that are potentially serious law enforcement or governmental problems.
 7. Promotion and preservation of civil order.
 8. Provision of other services, both emergency and non-emergency.

Section 115.270. Office of Chief of Police.

- A. There is hereby established a Chief of Police who shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Chief, with or without cause, with the consent of a majority of the Board of Aldermen. The Chief of Police shall act in accordance with policies set forth by the City Administrator, be responsible for the enforcement of all laws and ordinances of the City and shall:
1. Be responsible for the proper administration, efficiency and general conduct of the Police Department.
 2. With the authorization of the City Administrator, hire and may discharge, with

or without cause, a Deputy Chief and such division supervisors as are necessary to the discharge of the Department's functions and any other subordinate Police Officers and employees that may be authorized from time to time.

3. Be responsible for the assignment and reassignment of all police personnel and for the efficiency, discipline, general conduct and appearance of such personnel. In this capacity he/she shall have the authority to prescribe and enforce the rules and regulations for the operation of the Department.
4. Take such action as he/she deems necessary for the protection of the safety and welfare of persons and property.

Section 115.280. Major Case Squad — Definitions.

For the purpose of Sections 115.280 and 115.290, the "*major case squad*" shall mean any formation, operation, organization or cooperative action between any County Governing Body, any municipal government and the City of Ozark, the purpose of which is intensive professional investigation of certain individual crimes that may occur in their general geographical area and which is operated and activated on request of a County Sheriff or the Police Chief of a political subdivision wherein a crime has occurred.

Section 115.290. Authorization of Police Department to Participate.

The officers of the City of Ozark Police Department are authorized to participate in and cooperate with any Law Enforcement Officers of other jurisdictions in any major case squad operation or formation. The officers designated to act in the major case squad operation will be so designated by the Chief of Police and when acting outside of the City of Ozark as a member of the major case squad operation shall be considered to be on active duty the same as if acting within the boundaries of the City of Ozark.

Section 115.300. Mutual Assistance — Police to Respond to Calls for Assistance.

Pursuant to and under the authority of the provisions of Section 70.837, RSMo., members of the City Police may respond to a request for assistance from any other public safety agency within the State of Missouri or any bordering State as directed by the Chief of Police or any duly appointed representative bearing immediate command responsibility.

Section 115.310. Rights, Privileges and Immunities of Police in Municipalities Requesting Assistance.

- A. Each Ozark Police Officer performing services within any other municipality, County or bordering State shall have all of the powers, rights, privileges, duties and immunities as the members of the Police Department of the public safety agency requesting assistance, but shall remain in the employment and under the direction, supervision and control of the office of the Chief of Police of the City of Ozark, Missouri.
- B. Each Police Officer of any other public safety agency performing services in the City in accordance with a request for emergency assistance or aid initiated by the City or its Police Chief shall have all the rights, powers, privileges, duties and immunities as members of the City Police Department, but the members of such other Departments

of Police shall remain in the employ and under the direction, supervision and control of the proper officials and authorities of their respective governmental subdivision.

Section 115.320. Compensation, Reimbursement or Indemnity.

The consideration for any agreement for mutual police cooperation or assistance by or on behalf of the City shall be a mutual agreement only and no compensation, reimbursement or indemnity shall or will be paid by the City to any other governmental subdivision unless agreed to in writing.

Section 115.330. Risk of Equipment Loss on Owner Municipality — Not to Limit Liability for Tortious Conduct.

- A. Any equipment or property utilized by the Police Department of another governmental subdivision in providing and carrying out police services within the City pursuant to a request for assistance initiated by the City or its Police Department shall be used solely at the risk of the governmental subdivision owning same. Any loss or damage to such equipment or property shall be the sole responsibility of, and be borne solely by, the governmental subdivision owning such equipment or property.
- B. Nothing herein contained shall be construed to affect the liability of any governmental subdivision or its agents or employees arising out of tortious conduct while carrying out any Police service pursuant to a request for assistance initiated by the City.

Section 115.340. Protection or Coverage of Insurance Benefits.

- A. Nothing herein contained shall be construed to afford the protection or coverage of Workers' Compensation or any other insurance benefits, provided by the City, to any member of a Police Department or governmental subdivision of another municipality or governmental entity who may be injured or killed or who may die as a result of injuries sustained while performing police services in the City pursuant to a request for assistance initiated by the City or its Police Department.
- B. Nothing herein contained shall be construed to deny the coverage of Workers' Compensation or any other insurance benefits provided by the City to any member of the Ozark Police Department who may be injured or killed or who may die as a result of injuries sustained while serving in any other municipality pursuant to its request for assistance and under the direction of the Chief of Police or his/her duly appointed representative.

Section 115.350. No Liability for Failure to Respond.

- A. Neither the City, its Police Department or members or any other municipality or governmental subdivision shall be liable to any entity requesting assistance or to any party whatsoever for failure to respond or for delay or negligence or mistake in receiving any call for assistance; nor shall any request for assistance be interpreted as an agreement for the benefit for any third party.
- B. In responding to request for assistance from other municipalities, Police Officers of the City shall not leave the City's inhabitants with inadequate police protection or be absent for extended periods of time. The response of the City's Officers shall, to the extent practical, be in aid of and to assist the authorities of the political subdivision in which the emergency situation is

located.

Section 115.360. Reserve Police Force — Creation — Membership.

There is hereby created in the Police Department a section to be known as the Police Reserve. Membership in the Reserve force shall be those persons duly commissioned as members thereof by the Chief of Police. Reserve Officers shall have all powers and perform all duties as required of regular Police Officers of the City under the direction of the Chief of Police.

Section 115.370. Disposal of Property Held by the Police Department.

- A. This Section relates to and embraces lost, stolen, strayed, abandoned, unclaimed or confiscated property which of itself is not contraband or the possession of which is not unlawful, which is now or which may hereafter come into the possession of the Police Department and which is not subject to other provisions of State or Federal law pertaining to the disposal of property.
- B. All personal property shall be kept by the Police Department for a period of sixty (60) days from the date of its acquisition, unless the owner or person entitled to the possession of such property shall sooner claim such property and establish his/her/ its ownership and right to possession thereof.
- C. If the owner or person entitled to the possession of the property shall fail to claim such property within the period specified in Subsection (B) hereof and the Police Department is unable to locate the owner, then at such time or at any time thereafter the Chief of Police may cause a notice to be published three (3) times in a newspaper of local circulation, which notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. The notice shall state that the property shall be disposed of on a certain date or dates for use in the Police Department, for sale by public auction (live or Internet), or destroyed if the property is of such poor quality or would be a safety concern if returned to the general public. In the event that the property will be sold at public auction to the highest bidder for cash, the notice shall state the time, place and method (live or Internet) for the sale.
- D. If the owner or person entitled to the possession of property advertised as above shall fail to claim the same at any time before the date of disposal, then the property shall be transferred to a City department or sold to the highest bidder for cash and the acquiring department or purchaser shall take a good and perfect title to the property. The City Administrator or his/her designated representative is hereby authorized to contract for the services of an auctioneer and clerk (live or Internet) for said auction sales and may pay for the costs of such services from the proceeds of the sale.
- E. Any funds, other than those payable to the State, received from the sale of any property as provided in this Section, less the cost of the publication and keeping the same for sale and the costs of such sale, shall be paid into the General Fund of the City.
- F. Whenever a firearm comes into the possession of the Police Department, it is no longer needed as evidence and there is no applicable Missouri Statute for its disposition, then the Chief of Police may cause such firearm to be retained for use by the Police Department or application may be made by the Chief of Police to the Board of Aldermen for an order of

disposition. The Board of Aldermen may order the sale of legal firearms which are in apparent working order to the highest bidder who holds a valid Federal firearms license; a certified copy of said license shall be provided to the Police Department at the time of the sale. The sale of any such firearm will be under the condition that the City makes no warranty as to the firearm's fitness for its intended purpose. The Board of Aldermen may order the destruction of ammunition or of any firearm or other weapon which is illegal to possess or a firearm which is in such worn condition as to be dangerous for use.

- G. Upon application by the Chief of Police, the Board of Aldermen shall issue an order of destruction or disposition of any alcoholic beverage seized as a result of a violation of the Code of Ordinances of the City of Ozark or State law.
- H. The Chief of Police shall order the destruction of all property which is not disposed of as above. Said property shall be destroyed in the presence of the Police Department's evidence technician and at least one (1) Police Officer who both shall sign a certificate of said destruction. These certificates shall become part of the permanent records kept by the Police Department.

Section 115.371. Establishment and Acceptance of a Bargaining Unit.

- A. *Initial Recognition.* The City will not voluntarily recognize an organization, association, employee group, union or professional group ("union") as a representative for City employees covered by this Article, without a secret ballot election. The City recognizes the importance of a secret ballot election in order to insure that employees have the opportunity to vote and determine, by secret ballot, whether they desire to be represented by a union or not to be represented by a union.
- B. In order to request an election to select a union, a City employee must first submit to the City Administrator or designee the following information:
 - 1. A description of the bargaining unit requesting representation. The description will include the general classifications of employees sought to be included and excluded and the approximate number of employees in the proposed bargaining unit; and
 - 2. The name of the union seeking recognition as the representative and the name, address, e-mail address and telephone numbers of the union's contact person; and
 - 3. A petition requesting an election by secret ballot signed by at least thirty percent (30%) of the City employees in the proposed bargaining unit. No signature can be older than six (6) months from the date the petition is submitted to the City Administrator or designee. The petition will be submitted in a sealed envelope separate from the other required information and labeled "Petition".
- C. Once the City Administrator or designee receives such a request, he or she will post notice of receipt of the request in the same location that notices for meetings of the Board of Aldermen are posted.

- D. The City Administrator or designee and the contact person for the union seeking recognition will identify a person mutually acceptable to both the City and the union to review the petition. The person will not be an agent or representative of either the City or the union or have a personal interest in the results of the election. The City Administrator or designee will provide the designated person a list of names of City employees meeting the definition of the proposed bargaining unit. The envelope labeled "Petition" will remain sealed until the designated person opens it to verify that signatures from at least thirty percent (30%) of the employees in the proposed bargaining unit were obtained. The designated person will not disclose the petition, which employees signed the petition, or the total number of employees who signed the petition to any person unless required by law. The designated person will notify the City Administrator or designee whether thirty percent (30%) of the signatures were obtained, but will not provide additional information unless required by law.
- E. The City Administrator or designee, and the person designated to review the petition, will have thirty (30) business days to verify that the required information is present and to examine the description of the proposed bargaining unit. The City Administrator or designee will notify the contact person for the union seeking recognition of any missing information, so that the problem can be corrected immediately.
- F. If the information is complete, the City Administrator or designee will submit to the Board of Aldermen a written recommendation on the appropriateness of the bargaining unit description and a list of the employees who would belong to the unit, if formed. If the City Administrator or designee determines that the description is appropriate and the Board of Aldermen agrees, the Board will set a date for the election to take place.
- G. If the City Administrator or designee determines that the proposed bargaining unit is not appropriate, the Board of Aldermen will set a date and time for a public hearing on the issue before the Board, unless the City and the union agree that a hearing is not necessary to resolve the dispute. If a hearing is held, the contact person for the union seeking recognition will receive notice of the hearing. The City Administrator or designee and the union seeking recognition will have an opportunity to present witnesses, evidence and arguments at the hearing. The Board of Aldermen will make a determination as to the appropriateness of the description of the proposed bargaining unit within ten (10) business days of the hearing. The decision of the Board of Aldermen will be final.
- H. If the description of the proposed bargaining unit is not approved by the Board of Aldermen, the Board shall issue a written decision which explains the reason or reasons it found that the proposed bargaining unit was not appropriate. The petitioner may thereafter submit a revised description of the proposed bargaining unit. The City Administrator or designee will provide the designated person a list of names of City employees meeting the revised definition of the proposed bargaining unit so that the designated person can determine if signatures from at least thirty percent (30%) of the City employees in the revised proposed bargaining unit were obtained. If so, the City Administrator or designee will submit to the Board of Aldermen a written recommendation on the appropriateness of the proposed bargaining unit, as described above. If the appropriate number of signatures were not obtained, the petitioner may resubmit the request for an election as described above.

Section 115.372. Determining Representative Status of the Labor Organization.

- A. The Board of Aldermen will approve the ballot language for the election for representation by a union, after receiving recommendations from the City Administrator or designee and any union that will appear on the ballot. All ballots will include an option

where a City employee may vote not to be represented by a union.

- B. The City Administrator or designee will provide notice of the election in writing, electronically or otherwise, to all City employees in the proposed bargaining unit. In addition, the City Administrator or designee will post notice of the election at all locations where notices of meetings of the Board of Aldermen are posted no less than ten (10) business days prior to the election. The notice will state:
1. The date, hours and place of the election.
 2. The copy of this Section any policies or regulations regarding the election of a bargaining representative.
 3. A description of the proposed bargaining unit.
 4. A sample ballot with "sample" clearly marked on its face.
- C. The election will be held in one (1) or more polling places reasonably convenient to the City employees voting and at times when the employees in the proposed bargaining unit may vote without leaving their assigned duties. The election will be conducted by secret ballot. The City Administrator or designee will appoint one (1) or more City employees or other persons who do not belong to the proposed bargaining unit, or to any union listed on the ballot, to check the names off of a list of all City employees in the proposed bargaining unit, distribute and collect the ballots.
- D. The City Administrator and each union seeking recognition will select observers so there is one (1) observer representing the City and one (1) observer from the union at each polling place during the election. Any observer may challenge any employee's eligibility to vote. Each challenged ballot shall be folded and placed in a sealed envelope with the name of the voter plainly written on the outside. A challenged ballot or ballots will not be considered unless the vote could affect the results of the election. Before the other ballots are counted, the City Administrator or designee and the representative of the union will confer to determine if the challenge to each challenged ballot can be resolved. After the non-challenged ballots are counted, if the remaining challenged ballots will affect the results of the election, the challenged ballots will be presented to the Board of Aldermen for a determination.
- E. Ballots will not be tallied until after the posted time for closing the polls, unless all eligible voters have cast their ballots. The ballots will be tallied by the City Administrator or designee in the presence of designated observers from the City and the union listed on the ballot. Tallied ballots will be placed in a sealed envelope and saved until all objections are resolved, the time for filing objections to the conduct of the election or conduct affecting the results of the election has passed and the Board of Aldermen votes to certify the election results. The preliminary results will be recorded in writing on a form prepared for that purpose and signed by the observers present when the ballots were tallied. The election results will remain tentative until the Board of Aldermen votes to certify the results.
- F. Within ten (10) business days after the votes are tallied, any City employee in the proposed bargaining unit may file with the Board of Aldermen objections to the conduct of the election or conduct affecting the results of the election, which shall contain a statement of the reasons for the objection. A copy of the objections will be provided to all members of the Board of Aldermen, as well as the contact person(s) for the union seeking to represent

the proposed bargaining unit. The City Administrator or designee will investigate all claims.

- G. Unless the City and persons objecting to or challenging the ballots agree otherwise, the Board of Aldermen will hold a public hearing on:
 - 1. All objections to the conduct of the election; and/or
 - 2. All objections to conduct affecting the results of the election; and/or
 - 3. All unresolved challenged ballots, if the challenged ballots will affect the result of the election.

If a hearing is held, the contact person for the union seeking recognition and the person(s) filing the objection or challenging the ballots will receive notice of the hearing. The City, through the City Administrator or designee, the representative of the union and the City employee who filed the objections, if that person is not affiliated with the City or the union, shall have an opportunity to present witnesses, evidence and argument at the hearing. The Board of Aldermen will make a decision within ten (10) business days of the hearing. The decision of the Board of Aldermen will be final.

- H. The final results of the election will be presented to the Board of Aldermen for certification after the time for filing objections has expired or the Board has made a decision on all objections and, if necessary, challenged ballots.
- I. A union will become the bargaining representative if it receives a majority of the valid votes cast in the election, after the Board of Aldermen has voted to certify the election.
- J. A null election will occur when an equal number of votes are cast for no representation by the union, and for representation by the union or when there are two (2) or more unions on the ballot which receive the same number of votes. When this occurs, the Board of Aldermen will declare the election a nullity and set a date for a rerun election. If the second (2nd) election results in another nullity, the Board will dismiss the petition and the bargaining unit will not be formed.
- K. Once a final decision is made regarding the representation of a bargaining unit, a petition requesting another election will not be accepted by the Board of Aldermen, City Administrator or designee for a minimum of one (1) year after the date of the last election in the unit.
- L. All actual expenses of the election will be divided between the City and the union seeking to represent the City employees in the proposed bargaining unit. "Actual expenses" include the costs incurred in running the election, such as printing costs for notices and ballots, the cost of renting any necessary machinery, the costs incurred in providing poll workers other than observers and the costs incurred in providing necessary security at the election, as determined to be necessary by the City. The City may require the union to pay the City the union's proportional share prior to incurring the election expenses.

Section 115.373. Collective Bargaining.

- A. If a majority of the members of the bargaining unit vote to be represented by a union, for purposes of collective bargaining, the City, through a bargaining committee composed of the City Administrator, a legal representative for the City and such other

persons whose presence during bargaining as a representative of the City is deemed by the City Administrator to be necessary or helpful to the bargaining committee, will meet with the union to bargain over wages and other terms and conditions of employment.

- B. The City Administrator, as Chief Budget Officer for the City, shall designate the spokesperson for the City's bargaining committee and said committee shall be authorized to participate in negotiations with the union. The City's bargaining committee is empowered to reach a tentative agreement with the union, within the parameters established by the Board of Aldermen. Individual members of the Board of Aldermen shall not negotiate privately with representatives of any union or employee bargaining unit. The City further recognizes that effective negotiations may require input from other members of the City or outside resources. Accordingly, the bargaining committee is authorized to consult with other City employees, the heads of other departments of the City and outside consultants.
- C. Negotiation meetings will be scheduled at times convenient to the bargaining committee and the union. The negotiation meetings will be scheduled at times that will not interfere with the work duties of the members of the bargaining committee and will be scheduled at times which are least disruptive to the normal business of the bargaining committee and the employee bargaining unit. Each side will be responsible for compensating the members of their bargaining committee for time spent in negotiations. Unless otherwise approved by the bargaining committee, negotiations will be held in City buildings.
- D. Any tentative agreement will be reduced to writing and initialed by the bargaining committee for the City and the union. Agreements will be tentative until approved by a majority vote of the whole Board of Aldermen, ratified by the members of the bargaining unit, and signed by authorized representatives of the Board of Aldermen and the union in accordance with law.
- E. The results of the negotiations shall be reduced to a written document and presented to the Board of Aldermen in the form of a written collective bargaining agreement for the Board of Aldermen's adoption, modification or rejection, consistent with State law. Notwithstanding, the obligation to collectively bargain in good faith does not require either party to agree to proposal or to make a concession. The ordinances of the City and/or City policy will govern in the absence of:
 - 1. A collective bargaining agreement which has been approved by the Board of Aldermen and ratified by the members of the bargaining unit; or
 - 2. When the collective bargaining agreement expires by its terms; or
 - 3. When the collective bargaining agreement does not address an issue.

City will negotiate wages, salary and other conditions of employment as required by law. The Board of Aldermen will not approve an agreement that could cause the City to violate any State or Federal law, negatively affect the City's financial position, or disrupt or weaken the operation of other departments or functions of the City.

- G. Once a collective bargaining agreement receives final approval by the Board of Aldermen and the union, the agreement is considered inclusive and complete. The City may refuse to negotiate any item that is addressed in the existing policy or agreement, or that was discussed during negotiations for the existing agreement, during the term of the agreement.

- H. The certified union shall ratify the tentative agreement before it is presented to the Board of Aldermen for ratification. The union is responsible for obtaining consent to the tentative agreement from the bargaining unit and will notify the City's bargaining committee in writing of the decision.
- I. Before presenting the proposed collective bargaining agreement to the Board of Aldermen, the City Administrator or designee shall examine the agreement thoroughly and prepare a written estimate of the cost to the City under the agreement and the estimated effect the agreement will have on the City's future budget. Once a written tentative agreement has been presented to the Board of Aldermen, the Board may adopt the agreement or reject the agreement in whole or in part. In the event the Board of Aldermen rejects all or a part of the tentative agreement, the City's bargaining committee will meet with the union to negotiate over any issues which were rejected by the Board. The decision of the Board of Aldermen shall be final.
- J. Once an agreement is entered into, it will be posted on the City's website and otherwise distributed to employees and the community as determined by the City Administrator or designee.

Section 115.374. Employee Walkouts, Strikes and Other Disruptions Prohibited.

- A. The City is committed to peacefully resolving labor issues, but will not hesitate to act if City operations are disrupted. No employee covered by this Section shall engage in any strike, walkout, work slowdown, stoppage or interruption of work, work-to-rule, boycott, sympathy strike, refusal to cross any picket line, sit-down, sick-out or any other similar activity or practice that disrupts the operation of any department of the City where bargaining unit employees work or any other operations of the City. This prohibition includes sympathy strikes or other disruptive actions taken in support of a different bargaining unit in the City or elsewhere.
- B. In the event of a disruption, the City Administrator or designee is authorized to contact an attorney to seek court intervention, compensation or any other recourse in accordance with law. Any employee participating in disruptive acts will be deemed to have engaged in a serious violation of City policy, will be considered excessively and unreasonably absent from duties, and may be terminated from employment or otherwise disciplined. Employees will not be disciplined for actions protected by law.
- C. All City employees are prohibited from using paid or unpaid leave for any work stoppage, strike or other disruption of work for the City, unless leave is required by law. The City reserves the right to revoke previously approved vacation leave, personal leave or other optional leaves.
- D. The City Administrator or designee is directed to develop an emergency plan to be used in the event of a prohibited strike, work stoppage or other disruption to City operations. The City Administrator or designee may reassign employees as necessary to maintain City operations and may hire replacement employees in accordance with law.

ARTICLE VIII Parks and Recreation Department

Section 115.380. Establishment of Department and Functions.

- A. There is hereby established the Department of Parks and Recreation which shall

have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Department of Parks and Recreation. The Department of Parks and Recreation shall have such functions, duties and responsibilities as may from time to time be assigned by the City Administrator, however, they shall include, but not be limited to, the following:

1. Manage and control all recreational programs for all recreational facilities owned, leased or otherwise controlled by the City.
2. Manage and control the recreational use of all parks, parkways, playgrounds, playfields, disc golf courses, recreation/fitness centers, ball diamonds, ball fields and such other recreation areas and facilities as may be made available to carry out the City's recreation program.
3. Plan and execute a long-range park and recreational program for the City in order to anticipate the future recreational needs of the City for the foreseeable future.
4. Formulate, publish and enforce rules for the appropriate use of the parks and recreational facilities. The Director shall have the authority to use whatever reasonable methods he/she deems necessary to enforce the regulations promulgated hereunder, to include, but not limited to, barring an individual from the property(ies) permanently or for specified periods of time.
5. Under the City Administrator's supervision shall have control and supervision over all employees hired by the Parks and Recreation Department.
6. Recommend to the Board of Aldermen such legislation necessary for the orderly use of recreational facilities including community buildings, parks, trails, sports fields and supporting facilities such as streets and parking lots. When such legislation or regulations are adopted by the Board of Aldermen, the Director shall have the authority to enforce said laws through the use of appropriate employees of the Department or assistance requested from the Police Department.
7. Manage and control, including responsibility for the maintenance of, greenways, blueways, trails, and public open spaces, excluding the maintenance and/or repair of infrastructure.

Section 115.390. Office of Director of Parks and Recreation.

There is hereby established a Director of Parks and Recreation. The Director shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen. The Director of Parks and Recreation shall plan, promote, organize, execute and supervise a comprehensive municipal park and recreation program and administer the same in the interest of the entire community and shall have such other duties and responsibilities as may from time to time be assigned by the City Administrator.

Section 115.400. Divisions of the Parks and Recreation Department.

- A. There are hereby established within the Parks and Recreation Department the following Divisions:
1. Recreation.
 2. Special events (on or within property managed by the department).
 3. Aquatics.
 4. Sports.
 5. Fitness.
 6. Ozark Community Center facility and grounds maintenance.
 7. Maintenance of greenways, trails, blueways, and public open spaces.
 8. ~~Facility clerk and front desk.~~
 9. ~~Family development.~~
 10. ~~Fitness.~~
 11. ~~Community Center facility maintenance.~~
 12. ~~Horticulture.~~
 13. ~~Park maintenance.~~
 14. ~~Food and beverage services.~~
- B. Each Division shall be under the direction of the respective supervisor who shall be hired by the Parks and Recreation Director with the approval of the City Administrator. Each Division shall exercise such functions and duties as may be assigned by the Parks and Recreation Director from time to time. The Parks and Recreation Director may further organize the aforementioned Divisions into Sections if such organization will best accomplish the duties and responsibilities of the Division.

ARTICLE IX

Department of Human Resources

Section 115.410. Establishment of Department, Director and Functions.

- A. There is hereby established a Department of Human Resources which shall have such other divisions or sections as from time to time may be authorized by the Board of Aldermen and assigned to the Department of Human Resources.
- B. There is hereby established a Director of Human Resources. The Director shall be hired by the City Administrator for an indefinite term with the consent of a majority of the Board of Aldermen. The City Administrator may discharge the Director, with or without cause, with the consent of a majority of the Board of Aldermen.
- C. The Human Resources Department shall have such functions, duties and responsibilities as may, from time to time, be assigned by the City Administrator, however,

such duties shall include, but not be limited to, the following:

1. Serves as the principal advisor to the City Administrator and other City Officials (elected or appointed) on personnel matters, including employment, compensation, training, labor relations, safety, employee relations, retirement and other fringe benefits.
2. Plans, coordinates and directs all activities of the Department of Human Resources, including employment, compensation, equal employment opportunity, affirmative action, risk management, safety, workers' compensation, benefits, payroll training and educational programs, performance appraisals, retirement programs, office procedures and record keeping.
3. Conducts internal and supervises external investigations regarding sexual harassment, discrimination, and hostile work environment or other grievances, claims, and reports results to appropriate Department Director(s) or the City Administrator.
4. Supports Department Directors by providing human resources advice, counsel and recommendations; analyzing information and applications.
5. Supervises the preparation of personnel rules, periodic reports and proposed ordinances pertaining to personnel matters.
6. Monitors staff development and provides support to the Department Directors for development to insure appropriate succession planning programs within the Departments and City.
7. Ensures the City is compliant with Federal, State and local legal requirements by studying existing and new legislation; anticipating legislation; requesting adherence to requirements; advising management on needed actions.
8. Ensures the City maintains an Employee Manual and that said Manual is made available to all employees; additionally, assisting employees by answering questions related to the Employee Manual.

ARTICLE X

Elective Office — City Clerk

Section 115.420. Election, Duties and Deputies.

Pursuant to Section 79.320, RSMo., the Board of Aldermen shall elect a Clerk for the Board to be known as the "Ozark City Clerk." The City Clerk shall be responsible for maintaining a journal of the proceedings of the Board and shall be the custodian of all of the records and papers of the City. The City Clerk is hereby empowered to administer official oaths including oaths to persons certifying to demands or claims against the City. The City Clerk shall serve for an indefinite term ~~of two (2) years~~ unless otherwise removed for cause by the Board of Aldermen ~~and the Board of Aldermen shall hold an election for City Clerk at the first meeting after each biennial mayoral municipal election in April.~~ The Board may also elect such number of Deputy Clerks as the Board sees fit from time to time and when such Deputy Clerk(s) are so elected and

have taken and subscribed to the oath of office provided herein, he/she shall be charged with the same duties and responsibilities as the City Clerk. The Board of Aldermen, from time to time, may delegate to the City Clerk and/or any Deputy Clerks duly elected by the Board such additional administrative duties as the Board finds to be in the best interest of the administration of the City. Such delegated additional duties shall be managed under the direction and supervision of the City Administrator. The City Clerk and any Deputy Clerks duly elected shall be considered employees of the City of Ozark and, as such, shall follow all regulations established for any City employee. The Board of Aldermen does hereby delegate to the City Administrator those personnel management functions for the City Clerk as he/she would have with respect to any other Department Director.

SECTION 2 – Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3 – This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AT MEETING ON JANUARY 2, 2024.

	AYE	NAY	ABSENT/ABSTAIN
ALDERMAN RJ FLORES	X		
ALDERMAN BRUCE GALLOWAY	X		
ALDERMAN DAVID SNIDER		X	
ALDERMAN DREW OWEN			X
ALDERMAN JEAN ANN HUTCHINSON	X		
ALDERMAN HEATHER ALDER	X		

APPROVED ON JANUARY 2, 2024.

DON CURRENCE, MAYOR

ATTEST:

CHANDRA HODGES, CITY CLERK