

CONSTITUTION
OF
FRANKLIN COUNTY, MISSOURI

PREAMBLE

We the people of Franklin County, Missouri, establish and adopt this Constitution as the fundamental law of County Government for the purpose of securing the benefits of home rule and greater self-determination, and perfecting the structure of Government to insure that it is just, orderly, efficient and responsible to the people.

**ARTICLE 1. CORPORATE NAME, BOUNDARIES,
POWERS, AND DEFINED TERMS**

SECTION 1.100: NAME

The name of the County as it operates under this Constitution shall continue to be Franklin County, Missouri.

SECTION 1.200: NATURE AND LEGAL CAPACITY

From the time that this Constitution takes effect, the County shall continue to be a political subdivision of the State of Missouri.

SECTION 1.300: BOUNDARIES

The boundaries of the County as it operates under this Constitution shall be the boundaries now or hereafter prescribed for the County by applicable law.

SECTION 1.400: COUNTY SEAT

The seat of County Government shall continue to be in the City of Union, Missouri, as prescribed by applicable law.

SECTION 1.500: POWERS

- 1.501. The County shall have all powers possible for a County to have under applicable law, as fully and completely as though they were specifically enumerated in this Constitution. These include, but are not limited to, powers now and hereafter given by applicable law to this County or any County of whatever class, whether or not Franklin County would be included therein, or to the County Commission, County Officer, County agency or department and all powers not expressly prohibited by the Constitution or by this Constitution.
- 1.502. The County shall have all powers necessary or proper to carry into execution any other power, and such other powers as may be implied in the powers granted.

- 1.503. The powers of the County under this Constitution shall be construed liberally in favor of the County, and the specific mention of particular powers in this Constitution or in any applicable law shall not be construed as limiting in any way of the general powers listed in this Article.

SECTION 1.600: RESTRICTIONS

- 1.601. Nothing herein contained shall be construed so as to give to the County of Franklin any rights or powers over or pertaining to school districts; fire protection districts, ambulance districts, sewer districts, library districts, levee districts, community college districts or Cities, Towns, or Villages that are not granted by law to First Class Charter Counties.
- 1.602. The County of Franklin shall not impose any tax unless same is authorized by the Constitution of the State of Missouri, the Statutes of the State of Missouri, and approved by the voters of Franklin County, Missouri

SECTION 1.700: DEFINED TERMS

In this Constitution, the following words shall be defined as follows:

- 1.701. *ACTIONS*: Includes sections, resolutions, orders, regulations, proceedings and legal proceedings.
- 1.702. *ALL COUNCIL VOTES*: The number of votes that would be cast by Council Members on any matter if no Council Members' seats were vacant and all Council Members were present and voting.
- 1.703. *APPLICABLE LAW*: The United States Constitution, the Missouri Constitution, Federal Statute, Missouri Statute, this Constitution, County ordinances, Federal regulations, State regulations, or judicial case precedents.
- 1.704. *BILL*: A proposed ordinance of the County.
- 1.705. *CHAIR*: The person described in Section 2.8 of this Constitution.
- 1.706. *CONSTITUTION*: This document as adopted or amended.
- 1.707. *CONSTITUTION AMENDMENT COMMISSION*: The body as described in Section 8.2 of this Constitution.
- 1.708. *COUNCIL OR COUNTY COUNCIL*: The body described in Article 2 of this Constitution.
- 1.709. *COUNCIL MEMBER*: A citizen elected to the County Council.
- 1.710. *COUNTY*: Franklin County, Missouri.

- 1.711. *COUNTY EXECUTIVE OR EXECUTIVE:* The person described in Article 3 of this Constitution.
- 1.712. *DEPARTMENT:* The entities over which elective or appointive officers have administrative control as established in this Constitution or as created by ordinance pursuant to this Constitution.
- 1.713. *MISSOURI CONSTITUTION:* The Constitution of the State of Missouri.
- 1.714. *ORDINANCE:* A bill that has been approved by the Council and County Executive, or a bill that was enacted by the Council over the veto of the County Executive or an enactment of the people as described in Section 9.2 of this Constitution.
- 1.715. *PERSON:* Both male and female, plural and singular, natural persons, partnerships, firms, associations, and corporations.
- 1.716. *REGISTERED VOTER:* A citizen legally registered to vote in the County.
- 1.717. *STATE:* The State of Missouri.
- 1.718. *TRANSITION COUNCIL:* The Presiding Commissioner and the two Associate Commissioners in office on July 1, 2009.
- 1.719. *TRANSITION PERIOD.* The period from the adoption of this Constitution until January 1, 2011.
- 1.720. *VICE-CHAIR:* The person referred to in Section 2.8 of this Constitution.
- 1.721. *WORKING DAY:* Any day except Saturday, Sunday, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and County Holidays.
- 1.722. For the purpose of this Constitution, all masculine pronouns used herein shall also mean the feminine of these pronouns.
- 1.723. The singular shall also include the plural.

ARTICLE II. LEGISLATIVE BRANCH

SECTION 2.100: GENERAL POWERS AND DUTIES

All legislative powers of the County shall be vested in the County Council.

SECTION 2.200: COMPOSITION

The County Council shall consist of seven (7) Council members. One (1) Council member shall be elected, in a non-partisan election, by the voters in each of the seven (7) Council districts.

SECTION 2.300: ELIGIBILITY

To be eligible to hold a position of Council member, a person must be:

- 2.301. A registered voter in Franklin County at the time of filing; and
- 2.302. A resident of the County for the twenty-four (24) months preceding the general election; and
- 2.303. A resident of the district at the time of filing, for the twelve (12) months preceding the general election and during the entire term of office; and
- 2.304. At least twenty-one (21) years of age.

SECTION 2.400: ELECTIONS/TERMS OF OFFICE

Until January 1, 2011 the person elected as the First District Associate Commissioner elected November, 2008 shall continue to represent the same district as it existed on July 1, 2009. Until January 1, 2011 the person elected as the Second District Associate Commission elected November, 2008 shall continue to represent the same district as it existed on July 1, 2009. From and after January 1, 2011 the person elected as the First District Associate Commissioner elected November, 2008 shall serve as the Council member from the third (3rd) district from January 1, 2011 until December 31, 2012 and the person elected as the Second District Associate Commissioner elected November, 2008 shall serve as the Council member from the fifth (5th) district from January 1, 2011 until December 31, 2012. The other five (5) County Council members shall be elected on November 2, 2010 and will take office on January 1, 2011. The County Council members from the first (1st) and seventh (7th) districts shall be elected for a two (2) year term and the members from the second (2nd), fourth (4th) and sixth (6th) districts shall be elected for a four (4) year term. The Council members from the first (1st), third (3rd), fifth (5th) and seventh (7th) districts shall be elected to a four year term at the election on November 6, 2012 and will take office on January 1, 2013. Thereafter, all terms will be four (4) years. The terms of Council members shall begin the first (1st) day of January after their elections.

SECTION 2.500 POWERS

The County Council shall have the power, pursuant to and in conformity with applicable law, and without limiting the generality of the powers vested in the County by this Constitution, to:

- 2.501. Exercise all legislative powers now or hereinafter conferred upon Counties, County Courts, County Commissions, County Governing Bodies and County Officers by applicable law, and to determine and make provision for any matter of County Government not otherwise provided for herein, including any matter involved in the transition to the form of Government provided by this Constitution; and
- 2.502. Exercise and perform any and all powers of a non-legislative nature which it may possess and any and all other duties which it may need to or be required to perform by applicable law; and
- 2.503. Approve or disapprove, within fifteen (15) days after notice is filed with the County Clerk, the appointment of all directors, commissioners, and heads of departments as well as members, boards or commissions who are appointed by the County Executive; and
 - 2.503.1. If not approved or disapproved within fifteen (15) days, the appointment is deemed approved; and
- 2.504. Disapprove, within thirty (30) days after notice is filed with the County Clerk, orders of the Executive that create, consolidate, abolish or reorganize departments; and
- 2.505. Set the compensation of members of boards and commissions and of all County Officers and employees, whether or not this Constitution fixes any such compensation. The compensation of the elective officers shall be fixed at least nine (9) months prior to the election of such officers and shall not be increased or diminished during their term of office; and
- 2.506. Maintain a pension and retirement plan, including death benefits, for employees of the County and the spouses and minor children of deceased employees; and
- 2.507. Except for the Offices of the County Executive, Assessor, Circuit Clerk, Collector, County Clerk, County Counselor, Medical Examiner, Prosecuting Attorney, Public Administrator, Recorder of Deeds and Sheriff, create, organize, consolidate, and abolish departments, divisions, bureaus, commissions, boards and offices, and transfer functions and duties from one department to another, but only upon recommendation of the County Executive, except where specified elsewhere in this Constitution; and
- 2.508. Employ financial, research, legal, technical or other advisors, consultants, or lobbyists as deemed advisable; and
- 2.509. Call elections to submit to the voters propositions for the issuance of bonds of the County incurring indebtedness to provide funds for purposes authorized by applicable law; call elections for any lawful purpose, establish election procedures not inconsistent with applicable law; and

- 2.510. Appropriate money for the payment of debts and expenses of the County for any public purpose; adopt an annual budget in accordance with the terms of this Constitution; and
- 2.511. Correct errors in assessment records and tax records and compromise taxes as provided by applicable law; and
- 2.512. Assess, levy, equalize, remit, and collect all taxes now or hereafter authorized for counties by the Missouri Constitution or by applicable law and prescribe a method or system to facilitate the assessment, calculation, extension and collection of taxes including the design of books and forms and the purchase and installation of necessary mechanical devices; and to contract with Cities, Towns, or Villages to assess, equalize, remit, and collect their taxes; and
- 2.513. Establish and collect fees for licenses, permits, inspections and services performed by County Officers and employees; require all fees to be accounted for and paid into the County Treasury; and
- 2.514. Within the unincorporated area of the County, license, tax, and regulate all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the Missouri Constitution or by applicable law; and within the incorporated areas of the County, license and tax all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the Missouri Constitution or by applicable law, and to regulate those businesses, occupations, professions, vocations, activities, or things with the consent of the governing body of the affected City, Town or Village. Nothing in this Constitution shall preempt the power of any local government to license, tax, and regulate in accordance with the Missouri Constitution and the applicable law; and
- 2.515. Establish uniform procedures governing purchases of and contracts for property and services, all of which shall be based upon bidding procedures established by ordinance; and
- 2.516. Acquire in the name of the County by condemnation, purchase, gift, donation or otherwise, real and personal property, in fee simple title, or any estate or interest therein; exercise all the rights and powers of eminent domain and, upon condemnation and payment therefor, cause the fee simple title to such property to vest in the County; acquire by eminent domain such property or rights in property, together with any grants and privileges in excess of that actually to be occupied by the public improvement, or used in connection therewith, as may be reasonably necessary to effectuate the purpose intended and cause the fee simple title to such property or the control of the use thereof to be vested in the County provided, however, the power of eminent domain may not be exercised by Franklin County to take property for any use except strictly in accordance with Missouri law. Franklin County may not declare blighted for the purpose of exercising eminent domain any real property

primarily used for agricultural or horticultural purposes. The power of eminent domain may not be exercised by Franklin County to take property solely for the purpose of enhancing tax revenues. The power of eminent domain may not be exercised by Franklin County to take property for public use unless the taking is authorized by an Ordinance by the affirmative vote of 4/7ths of All Council Votes, subject to the power of the County Executive to veto the Ordinance as provided in this Constitution, which veto may be overridden only by the affirmative vote of 2/3rds of All Council Votes. The power of eminent domain may not be exercised by Franklin County to take property primarily for economic development purposes unless (1) the taking is authorized by an Ordinance by the affirmative vote of 6/7ths of All Council Votes, subject to the power of the County Executive to veto the Ordinance as provided in this Constitution, which veto may be overridden only by the affirmative vote of All Council Votes, (2) the owner of the property taken is paid compensation for the taking equal to the highest of (a) twice the fair market value of the property as determined in accordance with Missouri Law governing condemnation awards, or (b) the amount of compensation required to be paid under Missouri Law, or (c) if the property taken includes a regularly occupied single family residence, the cost of reconstructing a new residence of like kind and quality on substantially similar land, and (3) if the property taken is regularly occupied by one or more Persons, whether owners or tenants, they are paid relocation expenses that are the higher of \$1200 per individual or twice the amount of the actual relocation expenses incurred by them; and

- 2.517. Rent or lease County properties and rent or lease other property for County use; and
- 2.518. Dispose of any real property owned by the County, including, but not limited to, property acquired by condemnation as excess property, to the highest and best bidder by open and public competition after first offering the property to the former owner or abutting owner, unless made to the United States or any of its agencies or to the State or any of its political subdivisions; and authorize County Officers to dispose of personal property upon terms advantageous to the County; and
- 2.519. Borrow money in anticipation of the collection of taxes and revenues for the current calendar year but not in excess of ninety percent (90%) of the estimated collectible taxes and revenues for such year yet uncollected; determine the amount and terms of such loans, and authorize the County Executive to execute and issue negotiable instruments of the County for all money borrowed to the lenders thereof as evidence of such loans and of the terms of the County's original obligation to repay the same; and
- 2.520. Take and hold property in trust and provide for the administration thereof; and
- 2.521. Grant franchises or permits in the name of the County for periods not longer than twenty (20) years; and

- 2.522. Acquire, establish, construct, equip, improve, extend, repair, maintain, manage, and operate public hospitals, health centers, institutions, clinics and correctional facilities; and
- 2.523. Acquire, establish and provide for the planning, development, construction, maintenance and operation of a system of parks, parkways, recreation, conservation, forest, scenic and historic sites and facilities; and to propose and establish reasonable charges for the use of the facilities therein; and
- 2.524. Establish, open, locate, relocate, and vacate public easements, rights-of-way, streets, alleys, public roads, highways and bridges; construct, reconstruct, maintain and repair County highways, streets, roads, sidewalks, bridges and culverts; and when so determined by the Council, to levy the cost thereof as a special assessment on all lots or pieces of ground abutting such improvements in proportion to some reasonable standard relating thereto; and
- 2.525. Provide for the location, relocation and establishment of County highways and bridges into and through County and other public parks, areas, reservations and institutions, and for connecting such highways with the County highway system; and construct and maintain such highways and bridges; and
- 2.526. Adopt by reference, with or without modification, codes, standards, or regulations prepared by a national technical trade or service association, the State, or any of its agencies, or the United States or any of its agencies, relating to traffic, building, planning, electrical installations, fire prevention, food products, air and water pollution, and all other subjects which the County has power to regulate, provided that a copy of every such Code, standard or regulation as adopted and in effect shall be kept in the County Clerk's office and open to public inspection; and
- 2.527. Provide for the collection and disposal of wastes generated in the unincorporated areas of the County and cooperate and contract with other jurisdictions situated in the County to the extent such authority is granted to such jurisdictions by applicable law; and
- 2.528. Cooperate or join by contract or otherwise with any City, County, State or political subdivision or agency thereof, or with the United States or any agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; and accept, in the name of the County, gifts, devises, bequests, and grants-in-aid from any City, County, State of political subdivision or agency thereof, or from the United States or any agency thereof; and
- 2.529. Exercise legislative power pertaining to public health and welfare, Police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated Cities, Towns, and Villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

- 2.530. Make such rules and regulations as may be necessary or proper to establish and carry into effect the provisions of this Constitution and provide for their enforcement; and
- 2.531. Establish procedures for the conduct of investigations by the Council or any of its committees of any question or matter on which the Council may by applicable law take action, including, but not by any way of limitation, the power to issue subpoenas for witnesses and subpoenas duces tecum for books, records and documents; provide penalties for the failure to answer any subpoena or subpoena duces tecum; provide for the service of such subpoenas or subpoenas duces tecum by any officer charged with the service of process; subpoena witnesses and order the production of books and papers relating to any subject matter within its jurisdiction. The Council may call upon the appropriate officer to execute its process and to arrest any person refusing to obey such subpoena or order. Each day a person shall refuse to obey such subpoena or order shall be a separate offense; and
- 2.532. Provide for disaster planning and civil defense as required by applicable law or deemed appropriate for the County; and
- 2.533. Provide for a County-wide Master Plan for the development of the County. This Plan shall set forth policy regarding the social, governmental, economic and physical development of the County. It will include recommendations for the most desirable use of land within the County for residential, recreational, agricultural, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the County; for a system of principal thoroughfares, highways, streets and other public ways; for airports, parks, playgrounds and other public open spaces; for the general location, relocation and improvement of public buildings; for the general location and extent of public utilities and terminals for water, sewerage, light, power, transit and other purposes, whether publicly or privately owned; for adequate drainage facilities and control; and for such other matters as may be beneficial to the County. The County-wide Master Plan shall contain a statement of the objectives, standards and principles sought to be embodied therein. The Plan shall be based on studies of physical, social, economic and governmental conditions and trends. It shall be designed to assure the coordinated development of the County and to promote the general welfare and prosperity of its people. For the purpose of providing a complete source of information to residents of the County, appendices dealing with topics for which the County exerts no jurisdictional authority such as education, city growth boundaries, etc. may be included in the County-wide Master Plan. These appendices shall be developed by the organizations that exercise the jurisdictional authority for the applicable area(s) but shall not contain direction affecting the operation or provision of County services. The Plan and the elements thereof approved by the County Council shall be printed and made available upon request at a cost fixed by the County Council. The County Council shall, from time to time, review the County-wide Master Plan

in order to assure that the Plan conforms to the existing goals and policies of Franklin County.

- 2.534. Establish a County Municipal Court with jurisdiction to hear and determine cases involving violations of this Constitution and ordinances of the County, as provided by applicable law; and
- 2.535. Make all necessary and proper provisions for carrying into execution the foregoing powers directly or by and through County officers and employees; provide for any matter involved in the transition from the preceding form of government to this Constitution.
- 2,536. Eliminate the elected position of Auditor upon the expiration of the then current elected term and assign the duties of that position to an appointed official as determined by ordinance.
- 2.537. Eliminate the elected position of Treasurer upon the expiration of the then current elected term and assign the duties of that position to an appointed official as determined by ordinance.
- 2.538. Provide for a Consent Agenda for the purpose of efficient and routine matters and business and for other lawful matters.

SECTION 2.600: BILLS/ORDINANCES/RESOLUTIONS

- 2.601. Bills and resolutions shall be introduced by a member or members of the County Council or by the County Council as a whole. Each shall be in written or printed form, and shall be read aloud in its entirety the first time, or if more than two (2) pages in length, the first reading may be by title only if written copies are made available to the public through the County Clerk's office at least thirty-six (36) hour prior to the time scheduled for the first reading. Before passage and thereafter, the bill may be referred to by title for the second reading and final passage. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE COUNTY COUNCIL OF FRANKLIN COUNTY, MISSOURI."
- 2.602. An affirmative vote of a majority of the County Council shall be necessary to pass any bill or resolution. No final vote by the County Council shall be taken until the expiration of at least ten (10) calendar days from the time that such bill was first introduced. A bill which has been introduced may be amended after introduction and prior to its final passage, but any amendment must be germane to the original purpose of the bill. No section or sections of any ordinance shall be amended unless the section or sections amended shall be set forth in full as amended. Upon the final passage of any bill or any resolution, and on any other question, the yeas or nays of each member shall be entered on the journal of the County Council. All bills, ordinances, resolutions, orders, journals and proceedings of the County Council shall be public records, and available for public inspection.

- 2.603. The County Council shall specify the effective date of each ordinance, which may be any time after the approval by the County Executive.
- 2.603.1 No ordinance providing a penalty for violation shall be effective sooner than thirty (30) days after publication of same in a legal publication, or in a newspaper of general circulation in Franklin County, and posted in six (6) public places.
- 2603.2 All ordinances containing a penal provision shall specify whether the enforcement shall be the responsibility of the County Counselor or the Prosecuting Attorney.
- 2.604. All bills passed by the County Council shall within five (5) working days, be presented to the County Executive. If the County Executive approves the bill and signs it, the ordinance shall be deemed enacted.
- 2604.1 If not approved and signed, the bill shall be returned with objection to the County Council. The Council shall enter the objections on its journal and proceed to reconsider it within thirty (30) days after the veto. No bill shall be revived or reenacted by mere reference to the title, but the same shall be set forth at length.
- 2604.2 In the case of bills appropriating money, the County Executive may veto one (1) or more items or portions of items while approving other portions, in which case the approved items or portions shall take effect and items or portions vetoed shall be reconsidered separately.
- 2604.3 After such reconsideration, a vetoed Bill may be passed over the objections of the County Executive by an affirmative vote of 2/3 of All Council Votes. In all such cases, the “yeas” and “nays” of each member shall be recorded in the journal of the County Council.
- 2604.4 Any bill not returned by the County Executive within ten (10) working days after it shall have been so presented shall be deemed approved, as if signed.
- 2.605. To meet a public emergency affecting the immediate preservation of the public peace, health, safety and welfare, the Council may adopt emergency ordinances. An emergency bill shall be introduced in the form and manner prescribed for ordinances. It shall be plainly designated as an emergency bill and shall contain in the body of the bill a declaration that an emergency exists. It shall set forth the fact in clear and specific terms to support the declaration. If at least two-thirds (2/3) of all Council members vote in the affirmative, the ordinance shall take effect immediately upon its enactment. But, if there is

only a majority vote in the affirmative, it shall take effect immediately after it is signed by the County Executive.

- 2.606. The agreements for any bids, contracts, change orders or addendums approved on the Consent Agenda may be executed by the County Executive without requiring a second reading as required in Section 2.602.

SECTION 2.700: COMPENSATION/EXPENSES

The annual salary of the former First District Associate Commissioner member of the County Council elected in November, 2008 for the years 2009, 2010, 2011 and 2012 shall be the same as it was on July 1, 2009. The annual salary of the former Second District Associate Commissioner of the County Council elected in November, 2008 for the years 2009, 2010, 2011 and 2012 shall be the same as it was on July 1, 2009. The annual salary of the other five (5) members of the County Council elected at the election on November 2, 2010 shall be set at ten thousand and 00/100 dollars (\$10,000.00). The annual salary of all members of the County Council shall be payable in twelve (12) monthly installments. From and after January 1, 2014 the annual salary of the members of the County Council will be set by ordinance, which shall also provide for the schedule on which such salary is paid. No ordinance increasing such salary shall become effective until the date of commencement of the terms of Council members elected at the next regular election. The members of the County Council shall not receive an expense allowance; however, they shall be reimbursed by the County for their lawful, actual, and necessary expenses, as defined by ordinance, incurred in the performance of their legally required duties of office. Expenses must be supported by invoices, receipts or other evidence showing the nature and purpose of the expenses. The Council shall annually determine the maximum expenses for which any member may be reimbursed in the ensuing term. The members of the Council, other than the Transition Council, shall not be eligible to participate in any benefits provided to County employees.

SECTION 2.800: COUNCIL CHAIR

- 2.801. The County Council shall, at its first (1st) meeting in January each year, elect from among its Council members, officers of the Council who shall have the titles of Chair and Vice-Chair of the Council. Each shall serve at the pleasure of the Council.
- 2.802. The Chair shall preside at meetings of the Council; have a voice and vote on all questions before it; and have authority to.
- 2.802.1 Preserve order at Council meetings; and
 - 2.802.2 Enforce the rules of the Council; and
 - 2.802.3 Determine the order of the Council business under the rules of the Council; and

2.802.4 Call special meetings and executive sessions of the Council as needed.

2.803. The Vice-Chair shall perform these functions in the Chair's absence.

SECTION 2.900: PROCEDURES

2.901. *Meetings.* The council shall meet regularly at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Chair or of five (5) or more council members. Emergency meetings may be held as provided Chapter 610 of the Revised Statutes of Missouri in effect at the time. All meetings shall be open to the public except as prescribed by applicable law. Notice of the time, date, and place of each meeting, and its tentative agenda, shall be given in the manner provided by Chapter 610 of the Revised Statutes of Missouri.

2.902. *Quorum.* A majority of the Council (four members) shall constitute a quorum for its business.

2.903. *Rules And Journal.* The County Council shall determine its own rules and shall provide for keeping a journal of its proceedings. The journal shall be a public record.

SECTION 2.1000: VACANCIES-FORFEITURE OF OFFICE-FILLING OF VACANCIES

2.1001. The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by applicable law.

2.1002. A Council member shall forfeit that office if he:

2.2002.1. Does not meet the eligibility requirements for office, or

2.1002.2. Violates any prohibition of this Constitution; or

2.1002.3 Is convicted of a felony.

2.1003. Should a vacancy on the County Council occur less than one hundred eighty (180) days before the end of the term the vacancy shall be filled by selection by the County Executive with the consent of a majority of the remaining members of the County Council. The successor shall serve for the balance of the term. Should a vacancy on the County Council occur more than one hundred eighty (180) days before the end of the term the vacancy shall be filled by selection by the County Executive with the consent of a majority of the remaining members of the County Council. The successor shall serve until the next election date as provided by law.

SECTION 2.1100: REDISTRICTING

- 2.1101. Following each decennial census, there shall be a Redistricting Commission consisting of seven (7) members. One (1) member shall be chosen from each of the seven (7) Council districts by the Circuit Judges of the Circuit that includes Franklin County. The Redistricting Commission may require agencies of County Government to provide technical assistance. This Redistricting Commission shall have a budget as provided by the County Council.
- 2.1102. The duties of the Redistricting Commission are to establish seven (7) districts that shall be compact, of contiguous territory, and shall not vary more than five percent (5%) from the average population for all County Council districts, according to figures available from the most recent decennial census.
- 2.1103. Starting in 2011 and every ten (10) years thereafter, the Redistricting Commission shall meet when the data from the preceding year's decennial census becomes available, but no later than June first (1st), to initiate its duties. It shall complete its duties before December thirty-first (31st) of that same year. By September fifteenth (15th) and upon twenty (20) days' published notice, the Redistricting Commission shall present its redistricting plan to the County council which shall have ten (10) days after presentation to vote approval or disapproval by vote of the majority of Council members. If the County Council fails to approve this initial plan, it shall return the plan to the Redistricting Commission with the objections of individual members of the Council. The meeting at which the presentation is made to the County Council shall be a public hearing in which the public may participate. If the initial plan is not approved, a second (2nd) plan shall be submitted by November thirtieth (30th) with the same procedure, but disapproval shall require a two-thirds (2/3) vote of the members of the County Council. Disapproval of the second (2nd) submission shall cause the Redistricting Commission to file a petition in its name by December thirty-first (31st) with the Circuit Court of Franklin County to determine if the second (2nd) plan meets the requirements of Paragraph 2.1102.
- 2.1104. Council districts in 2011 and until 2012 shall be established as shown and described in Appendix A of this Constitution.

SECTION 2.1200: PROHIBITIONS

- 2.1201. *HOLDING OTHER OFFICE.* Except where authorized by applicable law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other County office or employment with the County during the terms for which the member was elected to the Council.

No former Council member shall hold any compensated appointive office or employment with the County until one (1) year after the expiration of the term for which the member was elected to the Council. Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Council member to represent the County on the governing boards of any regional or other intergovernmental agency.

2.1202. *Appointments and Removals.* Neither the County Council nor any of its Council members shall in any manner control or demand the appointment or removal of any County administrative officer, elected or appointed, or any County employee. The Council may express its views and freely discuss with the County Executive anything pertaining to appointment and removal of such officers and employees.

2.1203. *Interference with Administration.* Except for the purpose of inquiries and investigations, the County Council shall deal with the County officers and employees who are subject to the direction and supervision of the County Executive solely through the County Executive. Neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

ARTICLE III. EXECUTIVE BRANCH

SECTION 3.100: EXECUTIVE POWER

3.101 The executive power of the County shall be vested in a County Executive. The Executive shall be elected at large on August 3, 2010 for a four (4) year term, beginning January 2011.

3.102. If any candidate for County Executive does not receive a vote of at least fifty percent (50%) plus one (1) of all votes cast the candidates receiving the two highest vote totals shall participate in a runoff election to be held at the next general election in November.

3.103. Until January 1, 2011, the executive branch functions of the County shall be performed by the present Presiding Commissioner, whose annual salary shall be the same as it was on July 1, 2009.

SECTION 3.200: ELIGIBILITY

To hold office as the County Executive, a person shall:

3.201. Be a registered voter of the County at the time of filing; and

3.202. Be a resident of the County for a period of not less than two (2) years immediately prior to the general election; and be at least 21 years of age.

3.203 Not engage in any of the following activities:

- 3.203.1 At the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivisions of the State; or

The County Executive shall forfeit his office if he willfully violates this Subparagraph, or existing laws of conflict of interest and lobbying found in Chapter 105, Revised Statutes of Missouri. This Subparagraph shall not apply to notaries public or to membership in the military forces of the United States or the State militia.

SECTION 3.300: ELECTION

There shall be an election for the County Executive at the primary election of 2010 and every four (4) years thereafter.

SECTION 3.400: VACANCY

Should a vacancy in the office of the County Executive occur less than one hundred eighty (180) days before the end of the term the vacancy shall be filled by appointment by the County Council upon approval of a majority of All Council Votes. The successor shall serve for the balance of the term. Should a vacancy in the office of the County Executive occur more than one hundred eighty (180) days before the end of the term the vacancy shall be filled by appointment by the County Council upon approval of a majority of All Council Votes. The successor shall serve until the next election date as provided by law.

SECTION 3.500: RESPONSIBILITIES

The County Executive shall be responsible for the administration of all affairs of the County placed in the County Executive's charge by applicable law. The County Executive may appoint an executive staff as may be authorized by ordinance. All of the executive staff shall serve at the pleasure of the County Executive.

SECTION 3.600: POWERS

In addition to other powers and duties herein provided, the County Executive shall:

3.601. Appoint, except as otherwise provided in this Constitution, and subject to approval as herein provided:

3.601.1. Directors, commissioners, or department heads whom the County Executive may remove at any time; and

3.601.2 Members of boards and commissions; and

3.602. Upon the occurrence of any vacancy in any appointive office, designate an acting officer to serve until the vacancy is filled in the manner provided in this

Constitution. The acting officer shall serve for no more than one hundred eighty (180) days. If the vacancy has not been filled in the manner provided in this Constitution within one hundred eighty (180) days, the County Executive shall submit the acting officer's nomination to the County Council for their approval. If the County Council approves the nomination, the acting officer shall serve until such time as the vacancy is filled in the manner provided in this Constitution; and

- 3.603. Employ, by and with the approval of the Council, experts and consultants in connection with any of the functions, services, and activities of the County; and
- 3.604. Coordinate and supervise the work of the departments, boards, and agencies of the County which are subject to the control of the County Executive, and
- 3.605. Transfer temporarily, with the consent of the head of the office or department, deputies or employees from one office or department to another office or department to promote efficiency and economy; and
- 3.606. Execute and enforce the provisions of this Constitution, the laws of the State pertaining to the Government of the County, and the ordinances, resolutions, orders and policies of the Council; and
- 3.607. See that all contracts with the County are faithfully performed and cause to be instituted in the name of the County appropriate actions; and
- 3.608. Attend regular meetings of the Council and participate in its discussions without vote, and attend such other meetings as the Council may require; and
- 3.609. Recommend to the Council such measures as may, in his opinion, tend to improve the County Government and the general well being of the people; and
- 3.610. Submit to the Council an annual report of the affairs of the County and such other reports as may be requested by the Council or any three (3) members; and
- 3.611. Promote and encourage cooperative relationships between the County and the political subdivisions within the County in matters relating to public health, safety, and public welfare and any and all other governmental functions in which the people of the County could gain through better cooperative arrangements; and
- 3.612. Examine parties, witnesses and others on oath or affirmation touching any matter or circumstances in the examination of any payroll, account, demand or claim against the County and have access to all County books, records and papers kept by County officers and employees; and
- 3.613. Represent the County and perform such other duties as may be prescribed by applicable law or as may be necessarily implied by the powers and duties herein specified; and

- 3.614. Establish from time to time by executive order, systems of administrative organization in the departments which shall be as uniform as the various departmental functions will permit and which shall not be inconsistent with any ordinance; and
- 3.615. Submit to the Council for approval by ordinances an annual balanced budget at the time and in the manner provided in this Constitution and by ordinance.

SECTION 3.700: EXECUTIVE VETO

Except as otherwise provided in this Chapter, the County Executive shall have the right to veto any bill, and veto or reduce any expense of an appropriation or budget ordinance.

- 3.701 Every bill shall be presented to the County Executive within three (3) working days after its adoption or enactment by the County Council.
- 3.702 Within ten (10) working days after its presentation, the County Executive shall either sign the bill and return it to the County Council or veto the bill and return it to the County Council with a written and signed statement of the reasons for his veto or reduction.
- 3.702.1 The County Executive may also sign and partially veto an appropriation bill and return it to the County Council with a written and signed statement of the reasons for a partial veto.
- 3.703. If a bill is not returned by the County Executive within ten (10) working days after its presentation, it shall be considered enacted without the Executive's signature.
- 3.704. Within thirty (30) working days after a bill has been vetoed and returned, or partially vetoed and returned, the County Council may override the veto or partial veto by enacting the bill with a minimum of two-thirds (2/3) of All Council Votes voting in the affirmative. In all such cases, the "yeas" and "nays" of each member shall be recorded in the journal of the County Council.

SECTION 3.800: SALARY

The salary of the County Executive shall be fixed by ordinance.

- 3.801. For the term beginning January 1, 2011, the salary shall be fixed prior to February 1, 2010.
- 3.802. The salary of the County Executive for future terms of office shall be fixed by the County Council before February 1, 2014, and before February first (1st), each four (4) years thereafter. The amount of salary of the County Executive for future terms shall be fixed at the discretion of the County Council.

SECTION 3.900: DIRECTOR OF ADMINISTRATION

The County Council may create the position of Director of Administration by ordinance. If the County Council creates the position of Director of Administration the County Executive shall appoint a professionally qualified Director of Administration who shall be approved by a majority of the members of the County Council. Appointment shall be on the basis of executive and administrative qualifications. The administrator shall be the principal managerial aide to the County Executive and shall perform such duties as may be assigned to him by the County Executive. Subject to the direction to the County Executive, duties shall include supervision of all departments, offices and agencies of the executive branch, advice to the County Executive on all administrative matters and performance of other duties as assigned by the County Executive or this Constitution.

3.901. The salary of the Director of Administration shall be fixed by the County Executive as part of the annual budget, subject to approval by the County Council. Such salary shall be paid to the Director in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer. Salary, mileage, travel and other actual and necessary expenses incurred by the Director shall be reimbursed as provided by ordinance.

ARTICLE IV. COUNTY OFFICERS AND DEPARTMENTS

SECTION 4.100: ASSESSOR

4.101. Selection.

4.101.1. The Assessor shall be elected for a four year term at the general election of 2012 and every four (4) years thereafter. The Assessor shall assume the office on September 1, 2013, following certification of election to office.

4.102. *Vacancy.* A vacancy in the elective office of Assessor shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated) and shall hold office until the next general election at which time a successor shall be elected for the unexpired or full term as the case may be.

4.103. Powers and Duties.

4.103.1. The Assessor shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.

4.104. *Qualifications.* To serve as Assessor a person:

4.104.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

4.104.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.104.3. Shall take an oath or affirmation to support the Constitution of the United States and the constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

4.104.4. Shall complete all training for Assessors that the laws of the State of Missouri authorize for Assessors in any non-Constitution County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.105. *Salary/Fees.* The salary of the Assessor shall for the term beginning September 1, 2009, remain the same as is being paid to him on July 1, 2009. The salary of the Assessor shall be fixed by ordinance. The salary for the four (4) year term beginning September 1, 2013, shall be fixed by the County Council prior to February 1, 2012, and every four (4) years thereafter for ensuing terms. Such salary shall be paid to the Assessor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel and other actual and necessary expenses incurred by the Assessor shall be reimbursed as provided by ordinance.

SECTION 4.200: AUDITOR

4.201. *Selection.*

4.201.1 Subject to the provisions of Section 2.536, the Auditor shall be elected for a four year term at the general election of 2010 and every four years thereafter. The Auditor shall assume the office on January 1, 2011, following certification of election to office.

4.202. *Vacancy.* A vacancy in the elective office of Auditor shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated) and shall hold office until the next general election at which time a successor shall be elected for the unexpired or full term as the case may be.

4.203. *Powers and Duties.*

4.203.1. The Auditor shall possess and exercise all of the powers and duties given to that office for a County of the First Class having a Charter form of Government by applicable law except for those removed or assigned to other offices pursuant to the provisions of this Constitution.

- 4.203.2. The Auditor shall account for a deposit, in accordance with applicable law, all fees, commissions, penalties, and other fund payable to the office.
 - 4.203.3. The Auditor shall be responsible for monitoring the development, implementation and maintenance of an accounting system which will meet or exceed standard accounting practices for governmental bodies.
 - 4.203.4. The Auditor shall provide all requested information for the annual external contracted audit.
 - 4.203.5. All officers and employees of the County shall furnish to the Auditor such information and records regarding powers, duties, activities, funding, services, organization, property, financial transactions, and methods of business in their respective offices and employments as he may from time to time require of them.
- 4.204. *Qualifications.* To serve as Auditor a person:
- 4.204.1. Must be a registered voter in Franklin County; and
 - 4.204.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia; or notaries public; and
 - 4.204.3. Shall take an oath of affirmation to support the Constitution of the United States and the constitution of the State of Missouri, to abide by this Constitution and to faithfully perform the duties of the office; and
- 4.205. *Salary/Fees.* Until January 1, 2011 the salary of the Auditor shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the Auditor shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Auditor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Auditor shall be reimbursed as provided by ordinance.

SECTION 4.300: CIRCUIT CLERK

4.301. *Selection.*

- 4.301.1. The Circuit Clerk shall be elected for a four year term at the general election of 2010, and every four years thereafter, and shall take office on January 1, 2011, following certification of election to office.

4.302. *Vacancy.* A vacancy in the elective office of the Circuit Clerk shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that time, a successor shall be elected for the unexpired or full term as the case may be.

4.303. *Powers and Duties.*

4.303.1 The Circuit Clerk shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for the powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.

4.303.2 The Circuit Clerk shall account for and deposit, in accordance with the applicable law, all fees, commissions, penalties, or other fund payable to this office.

4.303.3 The Circuit Clerk shall be the Administrative Officer for the Circuit Court of the County. He shall assist the Circuit Court in the conduct of the business of the Court as the Court may request.

4.304. *Qualifications.* To serve as Circuit Clerk a person:

4.304.1 Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election or appointment; and

4.304.2 Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.304.3 Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

4.304.4 Shall complete all training for Circuit Clerks that the laws of the State of Missouri authorize for a Circuit Clerk in any non-charter County, whenever such training is offered by the State of Missouri, State Court Administrator's Office or by another appropriate State training agency; and shall furnish a certificate of completion of such training to the Franklin County Circuit Court en banc.

4.305. *Salary.* Until January 1, 2011 the salary of the Circuit Clerk shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the Circuit Clerk shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Circuit

Clerk in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Clerk shall be reimbursed as provided by ordinance.

SECTION 4.400: COLLECTOR

4.401. Selection.

4.401.1 The Collector shall be elected for a four year term at the general election of 2010, and every four years thereafter, and shall take office on January 1, 2011, following certification of election to office.

4.402. *Vacancy.* A vacancy in the elective office of Collector shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January 1st, following the next general election. At that general election, a successor shall be elected for the unexpired or full term as the case may be.

4.403. Powers and Duties.

4.403.1 The Collector shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.

4.403.2 The Collector shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.404. Qualifications. To serve as Collector a person:

4.404.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

4.404.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.404.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

- 4.404.4. Shall complete all training for Collectors that the laws of the State of Missouri authorize for Collectors in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.
- 4.405. *Salary/Fees.* Until January 1, 2011 the salary of the Collector shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the Collector shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Collector in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Collector shall be reimbursed as provided by ordinance.

SECTION 4.500: COUNTY CLERK

- 4.501. *Selection.* The County Clerk shall be elected for a four year term at the general election of 2010, and every four (4) years thereafter. He shall take office on January first (1st), following certification of election to office.
- 4.502. *Vacancy.* A vacancy in the elective office of the County Clerk shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that time, a successor shall be elected for the unexpired or full term as the case may be.
- 4.503. *Powers and Duties.*
- 4.503.1. The County Clerk shall possess and exercise all powers and duties now or hereafter given to that office by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.
- 4.503.2. The County Clerk shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.
- 4.503.4. The County Clerk shall serve as the election authority for Franklin County, as prescribed by applicable law.
- 4.504. *Qualifications.* To serve as County Clerk a person:
- 4.504.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

- 4.504.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and
- 4.504.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and
- 4.404.4. Shall complete all training for County Clerks that the laws of the State of Missouri authorize for County Clerks in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.
- 4.505. *Salary/Fees.* Until January 1, 2011 the salary of the County Clerk shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the County Clerk shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the County Clerk in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the County Clerk shall be reimbursed as provided by ordinance.

SECTION 4.600: COUNTY COUNSELOR

- 4.601. *Selection.* The County Counselor shall be appointed by the County Executive subject to approval by the Council and shall hold office at the pleasure of the County Executive. He shall be the County's Attorney and Counselor at Law. He may appoint a Deputy County Counselor and such a number of Associate and Assistant County Counselors as may be authorized by ordinance.
- 4.602. *Powers and Duties.*
- 4.602.1. The County Counselor shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.
- 4.602.2. The County Counselor shall have charge of and conduct all of the civil law business of the County, its departments, divisions, offices, officers, boards and commissions, including the authority to file an action in quo warranto.
- 4.602.3. The County Counselor shall institute, in the name of and on behalf of the County, all civil suits and other proceedings, at law or in equity necessary to protect the rights and interests of the County and enforce any and all rights, interests or claims against any and all persons, firms, or

corporations in whatever court or jurisdiction such action may be necessary. He may also appear and interplead, answer or defend, in any proceeding or tribunal in which the County's interests are involved. He shall prosecute violations of prescribed County ordinances.

- 4.602.4 The County Counselor shall prepare, or approve as to form, all leases, deeds, contracts, bonds, ordinances, rule, regulations, drafts of legislation, and other instruments.
- 4.602.5 The County Counselor shall institute and prosecute all proceedings for the collection of delinquent taxes and licenses of every kind owing to the County.
- 4.602.6 The County Counselor shall, upon request, furnish legal advice and opinions to the Council, the County Executive, County Officials, and to all County boards and commissions, respecting County business.
- 4.602.7 Before bringing an original action or permissive counterclaim against a municipality or other political subdivision located in whole or in part in the County of Franklin, the County Counselor shall present to the County Council a notice of his intent to bring an action. The County Counselor shall then be authorized to file such legal action unless the County Council, within twenty-one (21) days, passes a resolution against the filing of such action. The Counselor shall not file such action until such time expires unless authorized in writing by a majority of the County Council. At any time after the filing of an action in which the County Counselor is required to provide the Council notice, the County Council may by ordinance direct the County Counselor to dismiss any pending claims.
- 4.603. *Qualifications.* To serve as County Counselor a person:
 - 4.603.1. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and
 - 4.603.2. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and
 - 4.603.3. Have been a licensed practicing attorney in Missouri for at least five (5) years.
- 4.604. *Salary.* The salary of the County Counselor shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council. Such salary shall be paid to the County Counselor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the

office. Salary, mileage, travel and other actual and necessary expenses incurred by the County Counselor shall be reimbursed as provided by ordinance.

SECTION 4.700: COUNTY ENGINEER

4.701. *Selection.* The County Engineer shall be appointed by the County Executive with the approval of the Council and shall hold office at the pleasure of the County Executive.

4.702. *Powers and Duties.*

4.702.1 The County Engineer shall exercise those powers and perform those duties required by applicable law to be performed by a County Surveyor or by a County Highway engineer and such other powers and duties as may be required by ordinance.

4.702.2. The County Engineer shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.703. *Qualifications.* To serve as County Engineer a person:

4.703.1. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.703.2. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

4.703.3 Shall be a registered professional engineer with at least five (5) years experience in a responsible position in highways, transportation, or traffic engineering or a combination thereof. At least three (3) years shall have been in an administrative capacity; and

4.703.4 Shall establish residence in Franklin County within one hundred twenty (120) days after assuming office.

4.704. *Salary.* The salary of the County Engineer shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council. Such salary shall be paid to the County Engineer in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel and other actual and necessary expenses incurred by the County Engineer shall be reimbursed as provided by ordinance.

SECTION 4.800: MEDICAL EXAMINER

4.801. *Selection.* The Medical Examiner shall be appointed by the County Executive subject to approval by the County Council. He shall hold office at the pleasure of the County Executive.

4.802. *Powers and Duties.*

4.802.1. The Medical Examiner shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.802.2. The Medical Examiner may, as provided by ordinance, appoint and remove medical assistants, who shall be licensed physicians; appoint investigators experienced in law enforcement, who shall be trained in forensic medical examination; and appoint other technical personnel with approval of the County Council.

4.802.3. The Medical Examiner may enter into contracts and agreements on behalf of the County with any hospital, laboratory, governmental institution or medical facility for medical services required in furtherance of his duties.

4.802.4. He shall have certain powers of investigation.

4.802.4.1 The Medical Examiner shall have power and duty to investigate the cause of violent or suspicious deaths where the body of any person coming to death shall be discovered in the County. He shall perform or cause to be performed autopsies as allowed by applicable law, and may investigate any condition that may be deleterious to public health and to the environment in the County. He shall perform all duties and functions prescribed by applicable law for coroners except as otherwise provided in this Constitution, and make examinations as to any matter within his jurisdiction.

4.802.4.2 Whenever, in the opinion of the Medical Examiner, after a full investigation of the circumstances and causes of death, or of the deleterious condition of health or the environment in the County, there is reasonable suspicion of a violation of the criminal or civil law of the State, or the ordinance of the County, a full copy of all evidence and opinion of the investigating examiner shall be promptly filed with the Prosecuting Attorney and the appropriate law enforcement office of each jurisdiction affected.

4.802.5. The Medical Examiner and assistants shall have power to administer oaths and affirmations, take affidavits, but shall not be required to summon a jury of inquisition.

4.802.6. The Prosecuting Attorney and all interested and affected officers and employees of the County shall cooperate fully with and assist the medical Examiner in the performance of his duties.

4.803. *Qualifications.* To serve as Medical Examiner, a person shall:

4.803.1. Be a licensed physician, and a pathologist certified by the board in that specialty, or eligible for such certification, with the experience in forensic pathology.

4.804. *Salary.* The salary of the Medical Examiner shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council, or through a contractual agreement approved by the County Council and executed by the County Executive.

SECTION 4.900: PROSECUTING ATTORNEY

4.900. *Selection.* The Prosecuting Attorney shall be elected for a four year term at the general election of 2010 and every four (4) years thereafter. He shall take office on January first (1st), following certification of election.

4.901. *Vacancy.* A vacancy in the office of Prosecuting Attorney shall be filled by the County Executive subject to confirmation by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election at which time a successor shall be elected for the unexpired or full term as the case may be.

4.902. *Powers and Duties.*

4.902.1 The Prosecuting Attorney shall possess and exercise all powers and duties now or hereafter given to that office by applicable law.

4.902.2 The Prosecuting Attorney shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.902.3 The Prosecuting Attorney shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.902.4 The Prosecuting Attorney shall not engage in the private practice of law.

4.903. *Qualifications.* To serve as Prosecuting Attorney, a person:

4.903.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

- 4.903.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and
 - 4.904.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and
 - 4.904.4. Be currently and for at least five (5) years have been duly licensed to practice law in the State of Missouri; and
 - 4.904.5. Shall complete all training for Prosecuting Attorneys that the laws of the State of Missouri authorize for Prosecuting Attorneys in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.
- 4.905. *Salary.* Until January 1, 2011 the salary of the Prosecuting Attorney shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the Prosecuting Attorney shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Prosecuting Attorney in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Prosecuting Attorney shall be reimbursed as provided by ordinance.
- 4.906. *Assistant Prosecuting Attorneys.* The Prosecuting Attorney may appoint assistants, as the budget allows, to carry out the duties of the office. Assistants shall be licensed practicing attorneys but shall not be required to reside in Franklin County while working as Assistant Prosecutors.

SECTION 4.1000: PUBLIC ADMINISTRATOR

- 4.1001. *Selection.* The Public Administrator shall be elected for a four year term at the general election of 2012, and every four (4) years thereafter. He shall take office on January first (1st), following certification of election.
- 4.1002. *Powers and Duties.*
- 4.1002.1 The Public Administrator shall possess and exercise all powers and duties now or hereafter given to that office by applicable law.
 - 4.1002.2 The Public Administrator shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.1002.3 The Public Administrator shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.1003. *Qualifications.* To serve as Public Administrator, a person:

4.1003.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

4.1003.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.1003.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

4.1003.4 Shall complete all training for Public Administrators that the laws of the State of Missouri authorize for Public Administrators in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the Franklin County Circuit Court en banc.

4.1004. *Salary/Fees.* Until January 1, 2013 the salary of the Public Administrator shall be the same salary being paid to him on July 1, 2009. After January 1, 2013, the salary of the Public Administrator shall be fixed by ordinance. The salary for the year 2013 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Public Administrator in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Public Administrator shall be reimbursed as provided by ordinance.

SECTION 4.1200: RECORDER OF DEEDS

4.1201. *Selection.*

4.1201.1. The Recorder of Deeds shall be elected at the general election of 2010, and every four years thereafter, and shall take office on January 1, 2011, following certification of election to office.

4.1202. *Vacancy.* A vacancy in the elective office of the Recorder of Deeds shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that time, a successor shall be elected for the unexpired or full term as the case may be.

4.1203. *Powers and Duties.*

- 4.1203.1. The Recorder of Deeds shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.
- 4.1203.2. The Recorder of Deeds shall operate the office within the guidelines of the County personnel policy and purchasing policy.
- 4.1203.3. The Recorder of Deeds shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.1204. *Qualifications.* To serve as Recorder of Deeds a person:

- 4.1204.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and
- 4.1204.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and
- 4.1204.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and
- 4.1204.4. Shall complete all training for Recorder of Deeds that the laws of the State of Missouri authorize for Recorder of Deeds in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.1205. *Salary/Fees.* Until January 1, 2011 the salary of the Recorder of Deeds shall be the same salary being paid to him on July 1, 2009. After January 1, 2011, the salary of the Recorder of Deeds shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Recorder of Deeds in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Recorder of Deeds shall be reimbursed as provided by ordinance.

SECTION 4.1300: SHERIFF

4.1301. *Selection.*

4.1301.1. The Sheriff shall be elected for a four (4) year term at the general election of 2012 and then every four years thereafter for four (4) year terms beginning with the election of 2012. The Sheriff shall assume the office on January first (1st), following certification of election to office.

4.1302. *Vacancy.* A vacancy in the elective office of Sheriff shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st) following next general election at which a successor shall be elected for the unexpired or full term as the case may be.

4.1303. *Powers and Duties.*

4.1303.1. The Sheriff shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.

4.1303.2. The Sheriff shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.1304. *Qualifications.* To serve as Sheriff, a person:

4.1304.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and

4. 1304.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4. 1304.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and

4. 1304.4 Shall complete all training for Sheriffs that the laws of the State of Missouri authorize for Sheriffs in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive; and

- 4.1304.5 Shall be at least twenty-one (21) years old and free of any felony convictions during the term of office and shall not have plead guilty to, been convicted or, or plead nolo contendere to a felony prior to the term of office; and
- 4.1304.6. Shall be Peace Officer Standards and Training Commission (POST) certified in a First Class County on the day of assumption of the office of Sheriff.
- 4.1305. *Salary.* Until January 1, 2013 the salary of the Sheriff shall be the same salary being paid to him on July 1, 2009. After January 1, 2013, the salary of the Sheriff shall be fixed by ordinance. The salary for the year 2013 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Sheriff in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Sheriff shall be reimbursed as provided by ordinance.

SECTION 4.1400: TREASURER

- 4.1401. *Selection.* Subject to the provisions of Section 2.537, the Treasurer shall be elected at the general election of 2012, and every four years thereafter, and shall take office on January 1, 2013, following certification of election to office.
- 4.1402. *Vacancy.* A vacancy in the elective office of the Treasurer shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that time, a successor shall be elected for the unexpired or full term as the case may be.
- 4.1403. *Powers and Duties.*
- 4.1403.1. The Treasurer shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Constitution.
- 4.1403.2. The Treasurer shall operate the office within the guidelines of the County personnel policy and purchasing policy.
- 4.1403.3. The Treasurer shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.
- 4.1404. *Qualifications.* To serve as Treasurer a person:

- 4.1404.1. Must be a registered voter in Franklin County who shall have resided in Franklin County for a period of not less than two (2) years immediately prior to the general election; and
 - 4.1404.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, Franklin County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and
 - 4.1404.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Constitution and to faithfully perform all of the duties of the office; and
 - 4.1404.4. Shall complete all training for Treasurers that the laws of the State of Missouri authorize for Treasurers in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.
- 4.1405. *Salary/Fees.* Until January 1, 2013 the salary of the Treasurer shall be the same salary being paid to him on July 1, 2009. After January 1, 2013, the salary of the Treasurer shall be fixed by ordinance. The salary for the year 2011 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Treasurer in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Treasurer shall be reimbursed as provided by ordinance.

SECTION 4.1500: OTHER COUNTY OFFICERS AND DEPARTMENTS

- 4.1501. The County Council may by ordinance establish and amend an administrative Code which shall govern all County Officers including those heretofore described and many others not herein described. This administrative Code may create, eliminate, monitor, and regulate functions, services, offices and departments of County Government, all to be administered by the County Executive, except the Assessor, Circuit Clerk, Collector, County Clerk, County Counselor, Medical Examiner, Prosecuting Attorney, Public Administrator, Recorder of Deeds and Sheriff, each of whom will perform their duties independent of the County Executive.
- 4.1502. There shall be departments as may be established by ordinance. All departments shall be internally organized as may be provided by ordinance or, in the absence thereof, by executive order.
- 4.1503. Except as otherwise provided in this Constitution, the head of each department shall be appointed by the County Executive subject to approval by the Council.

4.1504. The head of each department shall manage the department, and appoint, except as otherwise provided herein, and assign functions and duties to such officers, deputies, assistants and employees as may be provided for in this Constitution or by ordinance.

ARTICLE V. BOARDS AND COMMISSIONS

SECTION 5.100: BOARDS AND COMMISSIONS

5.101. The County Council shall by ordinance create such boards and commissions as are required by applicable law.

5.102. The County Council may by ordinance create or abolish such other boards and commissions as it may deem beneficial.

5.103. The enabling ordinance shall prescribe the duties and functions of each board and commission, and shall specify the number of and duties and terms of the members.

5.104. Members of all boards and commissions shall be appointed by the County Executive with approval of the Council or as required by applicable law.

5.105. Membership on any County board or commission shall be limited to registered voters who shall have resided in Franklin County for a period of not less than one (1) year.

5.106. Members of boards and commissions will serve without compensation unless specified by applicable law.

SECTION 5.200: EXISTING BOARDS AND COMMISSIONS

All County boards and commissions in existence as of July 1, 2009, shall continue to operate under the provisions of applicable law pertaining to them until the County Council establishes by ordinance any new provisions relating to them.

ARTICLE VI. FINANCES

SECTION 6.100: FISCAL YEAR

The fiscal year of the County shall begin on the first (1st) day of January and end on the last day of December unless a different fiscal year is established by ordinance.

SECTION 6.200: BUDGET

Except as otherwise provided in this Constitution, the preparation and adoption of the County budget shall be accomplished in a manner as prescribed by applicable law. The County Executive is designated as the Budget Officer. Prior to January 1, 2011, the Transition Executive shall perform the budgetary duties assigned to the County Council.

6.201. On or before the first (1st) day of the eleventh (11th) month of each fiscal year, the County Executive shall submit to the County Council a budget for the ensuing fiscal year, and an accompanying message.

6.202. *Budget Message.* The County Executive's message shall explain the budget, both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the budget. It shall indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes. It shall summarize the County's debt position and include such other material as the County Executive deems desirable.

6.203. *Budget Contents.* The budget shall provide a complete financial plan of all County funds and activities for the ensuing fiscal year, and shall be in such form as the County Executive deems desirable or the County Council may require. The budget shall begin with a clear general summary of its contents. It shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

6.203.1. The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures; and

6.203.2. Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and

6.203.3. The anticipated income and expense and profit and loss of the ensuing year for each ability or other enterprise fund operated by the County; and

6.203.4. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

6.204. *County Council Action on Budget*

6.204.1. *Notice and Hearing.* The County council shall publish in a legal publication, or in a newspaper of general circulation in the County, and posted in six (6) public places including a summary on the Franklin County Government Internet Home Page if any, the general summary of the budget and notice stating:

6.204.1.1. The times and places where copies of the message and budget are available for inspection by the public; and

- 6.204.1.2. The time and place, not less than ten (10) days after such publication, for a public hearing on the budget.
- 6.204.2. *Amendment Before Adoption.* After the public hearing, the County Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income for the ensuing year and the beginning fund balance.
- 6.204.3. *Adoption.* The County Council shall adopt the budget by ordinance on or before the last day of the calendar year. Should the Council fail to adopt the budget by this date, the budget proposed by the County Executive shall be deemed approved.
- 6.205. *Appropriation and Revenue Ordinances.* To implement the adopted budget, the County Council shall adopt in accordance with applicable law.
- 6.205.1. An appropriation ordinance making appropriations by department or major organization unit and authorizing a single appropriation for each program or activity; and
- 6.205.2. A tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and
- 6.205.3. Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.
- 6.206. *Amendments After Adoption.*
- 6.206.1. *Supplemental Appropriations.* If during the fiscal year, the County Executive certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the County Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- 6.206.2. *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the County council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.605. To the extent that there are not available, unappropriated revenues nor a sufficient fund balance to meet such appropriations, the County Council may, by such emergency ordinance, authorize the issuance of emergency notes. These may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of

the fiscal year next succeeding that in which the emergency appropriation was made.

- 6.206.3. *Reduction Of Appropriations.* If at any time during the fiscal year it appears probable to the County Executive that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Executive shall report to the County Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the County Executive and recommendations as to any other steps to be taken. The County Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.
- 6.206.4. *Transfer of Appropriations.* At any time during the fiscal year, the County Council by ordinance may transfer within a department all or any part of any unencumbered appropriation balance. At any time during the fiscal year, a department may within its department transfer all or any part of any unencumbered line item authorization to another line item within the same category with the written approval of the County Executive. At any time during the fiscal year, the County council by ordinance may transfer all or any part of any unencumbered appropriation balance from one department or fund to another department or fund. At any time during the fiscal year, the County Council by ordinance may transfer all or any part of any unencumbered appropriation balance to a new line in the budget.
- 6.206.5. *Line Item Veto of County Executive.* The County Executive shall be able to veto any line item appropriation. Such line item appropriation vetoed may be resubmitted by the County Executive to the County Council for reconsideration pursuant to the provisions for veto override.
- 6.206.6. *Limitations and Effective Date.* No appropriation debt service may be reduced or transferred and no appropriation may be reduced below any amount required by State and/or Federal law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Subparagraph may be made effective immediately upon adoption.
- 6.207. *Lapse of Appropriations.* Every appropriation, except an encumbered appropriation for a capital expenditure, shall lapse at the close of the fiscal year.
- 6.208. *Administration of the Budget.* The County Council shall provide by ordinance any and all procedures for administering the budget that are necessary and that do not conflict with the language contained in this Constitution.
- 6.209. *Overspending Of Appropriations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations

duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Constitution shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the County for any amount so paid. Except where prohibited by law, however, nothing in this Constitution shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, or in any other manner, but only if such action is made or approved by ordinance.

SECTION 6.300: CAPITAL PROGRAM AND STRATEGIC PLAN

6.301. *Submission to County Council.* The County Executive shall annually prepare and submit to the County Council a five (5) year capital program and strategic plan no later than three (3) months prior to the final date for submission of the budget.

6.301.1. The capital program and strategic plan shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.302. *Contents.* The capital program and strategic plan shall include the following:

6.302.1. A clear general summary of its contents; and

6.302.2. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity of each; and

6.302.3. Cost estimates and recommended time schedules for each improvement or other capital expenditure; and

6.302.4. Method of financing upon which each capital expenditure is to rely; and

6.302.5. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

6.302.6. Forecasts and analysis of the capital program with all other capital and non-capital expenditures; and

6.302.7. A strategic plan outlining anticipated expenditures to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity of each.

6.303. *County Council Action On Capital Program and Strategic Plan.*

6.303.1. *Notice and Hearing.* The County Council shall publish in a legal publication, or in a newspaper of general circulation in the County and

post in six (6) public places, the general summary of the capital program and strategic plan and a notice stating:

6.303.1.1. The times and places where copies of the capital program and strategic plan are available for inspection by the public; and

6.303.1.2. The time and place, not less than ten (10) days after such publication, for a public hearing on the capital program and strategic plan.

6.303.2. *Adoption.* The County Council by resolution shall adopt the capital program and strategic plan, with or without amendment, after the public hearing and no later than two (2) months prior to final date for submission of the budget.

SECTION 6.400: AUDIT

An external audit shall be provided within six (6) months after the end of each fiscal year and such external audit by a certified public accounting firm shall be provided to the County Executive who shall submit such audit to the County Council for its approval.

SECTION 6.500: PUBLIC RECORDS

Copies of the budget, capital program and appropriation and revenue ordinance shall be public records.

ARTICLE VII. PERSONNEL MANAGEMENT

SECTION 7.100:

7.101 **Employees other than employees of the Sheriff's Office.** For all employees, other than those employed in the Sheriff's Office, all personnel rules, regulations and orders of Franklin County promulgated before July 1, 2009 are to remain in full force and effect until amended, repealed, modified, or replaced by the County Council.

7.102 **Employees of the Sheriff's Office.** The Sheriff shall appoint such deputies, assistants and other employees as he deems necessary for the proper discharge of the duties of his office and may set their compensation within the limits of the allocations made for that purpose by the County Council. The compensation for the deputies, assistants and employees shall be paid in equal installments out of the County Treasury in the same manner as other county employees are paid. The assistants and employees shall hold office at the pleasure of the Sheriff. Deputies shall hold office pursuant to the following provisions:

7.102.1 As used in this Article, the following words and terms shall have the following meaning:

7.102.1.1 "Deputy sheriff" or "officer", any deputy sheriff who is employed full time by a law enforcement agency, authorized by this Article and certified pursuant to Chapter 590, RSMo. This term shall not include an officer serving in probationary status or one year, whichever is longer, upon initial employment. This term shall not include any deputy sheriff with the rank of lieutenant and above, or any chief deputies, under sheriffs and the command staff as defined by the sheriff's department policy and procedure manual;

7.102.1.2 "Hearing", a closed meeting conducted by a hearing board appointed by the Sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff. Witnesses to the event that triggered the dismissal may attend the hearing for the limited purpose of providing testimony; the attorney for the deputy dismissed may attend the hearing, but only to serve as an observer; the Sheriff and his or her attorney may attend the hearing, but only to serve as an observer;

7.102.1.3 "Hearing board", the individuals appointed by the Sheriff for the purpose of receiving evidence in order to determine the facts regarding the dismissal of a deputy sheriff; and

7.102.1.4 "Sheriff" the Sheriff of Franklin County that employs county law enforcement deputies authorized by this Article and certified by Chapter 590, RSMo.

7.102.2 Any full-time deputy sheriff upon dismissal shall be furnished with a written notice of the grounds for the dismissal. Upon receipt of the written grounds for the dismissal, the deputy sheriff may request a hearing. The request must be made to the Sheriff, in writing, within three working days of receipt of the grounds for dismissal. Such hearing shall take place before the hearing board to be appointed by the Sheriff. The Sheriff shall schedule a closed hearing within a reasonable time but within thirty days after the written request was received by the Sheriff. A written report of the facts determined during the hearing shall be forwarded to the Sheriff. The Sheriff will review the findings, and has the final decision-making authority. The Sheriff shall be deemed to be in compliance with this Article if the Sheriff:

7.102.2.1 Has published and distributed department policies and procedures which include provisions for dismissal of deputy sheriffs or other employees;

7.102.2.2 Provides a deputy sheriff who has been dismissed written notification of the grounds for the dismissal;

7.102.2.3 Allows the officer to request and have a hearing; and
7.102.2.4 Provides the officer with written results of such hearing.

7.102.3 The procedural requirements created pursuant to this Article shall not be interpreted as creating any new substantive due process rights. Nothing in this Article shall be interpreted as conferring or creating an employment status for deputy sheriffs other than at-will status and nothing in this Article shall be interpreted as depriving any person of any rights which are conferred as a matter of employment, including postemployment benefits such as workers' compensation and unemployment compensation.

7.102.4 For all employees in the Sheriff's Office all personnel rules, regulations and orders of the Sheriff's Office promulgated before July 1, 2009 are to remain in full force and effect until amended, repealed, modified or replaced by the Sheriff.

ARTICLE VIII. AMENDMENTS TO CONSTITUTION

SECTION 8.100: METHODS OF AMENDMENT

This Constitution may be amended in any one (1) of the following ways:

- 8.101. In the manner provided in the Missouri Constitution for framing and adopting of a County Constitution.
- 8.102. By ordinance adopted by the County Council and submitted to the voters at a regular or special election and approved by a majority of those voting on the proposition, or
- 8.103. By petitions setting forth the proposal and adopted by the voters in the manner hereinafter provided. Such petitions shall be signed by registered voters of the County and by separate Council Districts, equal in number to at least ten percent (10%) of the total vote cast for Governor in each of those County Council Districts at the last election at which a Governor was chosen. Each petition shall contain the full text of the proposal and an enacting clause which shall read as follows: "Be it resolved by the people of Franklin County that the County Constitution be amended." The petition shall be filed by the County Clerk who shall determine its sufficiency. The proposal shall be submitted to the voters at the next general election occurring not less than ninety (90) days after the petitions are filed. An affirmative vote of a majority of those voting on any proposal shall be sufficient for its adoption.

SECTION 8.200: CONSTITUTION AMENDMENT COMMISSION

- 8.201. At the general election in 2020, and every ten (10) years thereafter, the County Council may submit to the voters the question “Shall there be a Constitution Amendment Commission to amend the Constitution? The question shall be submitted on a separate ballot and if a majority of the votes cast thereon is in the affirmative, a Constitution Amendment Commission shall be appointed in the manner set forth in the Missouri Constitution, Article VI, Section 18 (n) before January 15 next following the general election. On the death, resignation, or inability of any member to serve, the appointing authority shall appoint a successor. Members of the Constitution Amendment Commission shall receive no compensation but the necessary expenses of the Constitution Amendment Commission shall be paid by the County.
- 8.202 The Constitution Amendment Commission may frame a new Constitution or amendment of this Constitution on or before July 31 following its appointment. On said date, the Constitution Amendment Commission shall stand discharged and cease to exist. Any Constitution or amendment must receive the affirmative vote of six tenths (6/10) of all the members of the Constitution Amendment Commission before submission to the voters.
- 8.203 Any Constitution or amendments framed by the Constitution Amendment Commission shall take effect on the day fixed therein if approved by a vote of a majority of the voters of the County voting thereon at a special or general election held on a day fixed by the Commission. The election shall be held not less than thirty (30) days nor more than six (6) months after the completion of the Constitution or amendments.

SECTION 8.300: REPEAL

This Constitution may be repealed in the same manner and with the same requirements and actions spelled out for the amendments except that the percentage of registered voters signing the petition shall be twenty percent (20%) rather than ten percent (10%).

ARTICLE IX. INITIATIVE, REFERENDUM AND RECALL

SECTION 9.100: GENERAL

In accordance with the procedures hereinafter provided, the people reserve the power to propose by their own initiative and to enact ordinances, independent of the Council; to approve or reject any ordinance by referendum; and to recall any elected County official.

SECTION 9.200: INITIATIVE

Initiative petitions may propose ordinances or the repeal of ordinances on any subject except ordinances concerning appropriations for the budgetary support of County Government and the payment of principal and interest on the County’s debts, or ordinances concerning the borrowing of funds in anticipation of taxes or directing the issuance of bonds previously authorized at an election, or ordinances establishing tax

rates, or ordinances proposing amendments to the County Zoning Order. Such petitions shall be signed by registered voters equal in number to at least five (5%) of the total cast for Governor in each of two thirds (2/3) of the Council Districts at the last election at which a Governor was chosen. The petitioners must file with the County Clerk an intent to circulate an initiative petition and shall have a maximum of twelve (12) months to collect the required signatures after notice of that intent. Each petition shall contain not more than one (1) subject which shall be expressed clearly in the title and shall contain the full text of the measure and an enacting clause which shall read as follows: "Be it enacted by the people of Franklin County." Such petitions shall be filed not less than six (6) months before the next general election with the County Clerk who shall be the judge of their sufficiency. The proposed ordinance shall be submitted to the voters at the next general election held at least six (6) months after the petitions are filed. An affirmative vote of 4/7 of those voting on the proposition shall be sufficient for its adoption.

SECTION 9.300: RECALL

Petitions demanding the recall of any County elected official shall be signed by registered voters in the County or the Council District, as the case may be, equal in number to at least twenty percent (20%) of the total vote cast for Governor therein at the last election at which a Governor was chosen. Such petitions shall be filed with the County Clerk who shall be the judge of their sufficiency. The question shall be submitted to the voters in the County or Council District, as the case may be, at the next primary or general election held at least thirty (30) days after the petitions are filed. If the petitions are filed more than ninety (90) days before any such election, the question shall be submitted at a special election called by the County Clerk. If the majority of the votes cast on the question at the election are in favor of the recall, the office shall become vacant immediately upon certification of the results by the County Clerk. All recall proceedings shall at once be discontinued upon the death, resignation or removal of the officer whose recall is in question.

ARTICLE X. GENERAL PROVISIONS; CONFLICT OF INTEREST; INTERGOVERNMENTAL RELATIONS; AND ELECTIONS

SECTION 10.100: PROHIBITIONS

- 10.101. *Discrimination.* There shall be no discrimination with respect to any county position, contract or other County action because of race; creed; color; age; religion; national origin; gender; disability; ancestry; political affiliation or activity or lack thereof; or union membership or non-membership.
- 10.102. Any officer or employee of the County whose pay is fixed by this Constitution or by ordinance may not receive additional pay for any other services or duties for the County.

SECTION 10.200: SEVERABILITY

The Articles, Sections, Paragraphs, Subparagraphs, sentences, clauses, and all other parts of this Constitution are severable, it being the purpose of this Constitution to provide for the Government of Franklin County, Missouri, in compliance in all respects with applicable law governing said County. If a court of competent jurisdiction shall adjudge invalid any one (1) or more Articles, Sections, Paragraphs, subparagraphs, sentences, clauses or other parts of this Constitution, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Constitution, but the effect thereof shall be confined to the Articles, Sections, Paragraphs, Subparagraphs, sentences, clauses or other parts of this Constitution so adjudge to be invalid or unconstitutional.

SECTION 10.300: CONFLICT OF INTEREST:

- 10.301. The County Council may enact ordinances to guard against injustices and to supplement the provisions and extend prohibitions against conflicts of interest not inconsistent herewith.
- 10.302. All officers and employees of the County shall be bound by all applicable laws that pertain to conflicts of interest of such officers and employees such as those contained in the Revised Statutes of Missouri, 2000 or its successor Statutes.

SECTION 10.400: INTERGOVERNMENTAL RELATIONS

- 10.401. In order to eliminate duplication of services and to provide for an equitable distribution of costs to all County residents, all departments, officers, boards and commissions provided for in this Constitution, or later created, shall cooperate and coordinate their respective activities with the cities, towns, and villages and special purpose districts of the County. Any new service or activity provided for or available to all unincorporated County residents, shall be provided to or made available for all municipal residents provided such new service or activity is requested by resolution of the city, town, or village.
- 10.402. Any City, Town, or Village of this County may contract with the County for service delivery by either entity on a proportional cost basis. The County is hereby prohibited from setting fees or otherwise assessing charges in contracts with Cities, Towns, or Villages within the County in excess of the actual cost of delivering such service, excepting however, such State Statutory requirements for those charges such as for election or assessment of property. All service contracts and rates shall be subject to validation by independent audits by the City, Town, or Village.
- 10.403. *New Incorporation*
 - 10.403.1 Prior to the adoption of any ordinance submitting the question of incorporation of a city, town, or village, to the voters, or prior to the declaration that any town or village is incorporated, the County Council shall hold a public

hearing to determine whether the proposed incorporation meets the requirements of applicable law.

10.403.2 The language of the ballot proposition of incorporation must state all taxes to be established to provide municipal services.

10.403.3 After determining the existence of the aforementioned circumstances, the ordinance of incorporation shall be passed upon the affirmative vote of a majority of the members of the County Council, subject to the approval of the County Executive.

SECTION 10.500: GENERAL PROVISIONS

10.501. Nothing in this Constitution, nor any ordinance adopted by the County Council, shall prohibit the rebatement to the Cities, Towns or Villages of road and bridge taxes collected on properties within such jurisdictions. The County shall continue its rebatement program and shall not reduce the percentage of tax rebated to Cities, Towns, or Villages below the percentage level rebated in the year 2008.

10.502. All equipment, facilities, infrastructure and other County held assets shall remain the property of County's residents and shall be uniformly available and procured for public use until disposed of as provided by applicable law.

10.503 The County shall not intervene, or otherwise participate, in favor of, or in opposition to, any annexation of territory by any City, Town or Village.

10.504. Nothing in this Constitution, nor any ordinance adopted by the County Council, shall reduce or eliminate any County services provided within any municipality unless such service is uniformly reduced or eliminated throughout the County or except where mutually agreed by the affected City, Town or Village

10.505. This Constitution and all ordinances, resolutions, orders and proceedings of the County Council may be provided by the certificate of the County Clerk of the County Council under the County's Seal, and the same or copies thereof when so certified or when printed and published by authority of the County Council shall be received in evidence in cases and places, and by all courts, in accordance with law and Appellate Court decisions.

Copies of the books, records and papers, or parts thereof, of any department, office, officer, board, commission or agency of the County, and copies of any instrument filed for record or with the County Clerk, when duly certified by the officer having custody and control thereof, shall

be prima facie evidence of the recitals therein contained and shall be received in evidence in all places and by all courts without further proof, provided that same meet and comply with the rules of evidence as established by law and the decisions of the Appellate Courts of the State of Missouri.

10.506. If a Code or other volume or volumes containing this Constitution or the ordinances, resolutions or orders of the County be published by authority of the County Council, the same shall be received in evidence in all courts and other places without further proof, provided that same meet and comply with the rules of evidence as established by law and the decisions of the Appellate Courts of the State of Missouri.

10.507. In the event that any of the powers or duties of the Counties or County Officers prescribed by the Constitution or by Statute are withdrawn or assumed by the State, the implementation thereof and the closing or abolition or any County office may be effectuated by ordinance.

SECTION 10.600: FILING/ELECTIONS

10.601. Elections for elective County offices, except the County Council and County Executive, shall be held on a partisan basis, with independent candidates running in accordance with applicable law.

10.602. Filing fees and procedures shall be determined by applicable law.

10.603. The County Clerk shall be the election authority for the County.

10.604. Before entering into his duties, every officer shall file with the County Clerk a certificate of election or appointment and shall take and shall subscribe before and file with the County Clerk, his oath or affirmation that he possesses all the qualifications of the office to which he is chosen, he is not subject to any disqualifications in this Constitution named, that he will support the Constitution of the United States and of the State of Missouri and that he will demean himself faithfully in office.

ARTICLE XI. TRANSITION

SECTION 11.100:

This Constitution shall be submitted to the voters of Franklin County, Missouri, at an election which shall be held on Tuesday, April 7, 2009.

SECTION 11.200:

This Constitution shall become effective on July 1, 2009, except as otherwise expressly provided for in this Constitution. This Constitution, except as herein otherwise expressly provided, shall supersede all laws of the State of Missouri in conflict herewith, provided

however, the State laws relating to nomination or election of all officers required to be elected under this Constitution commencing with the primary and general elections in 2009.

SECTION 11.300:

11.301. The First District Associate Commissioner elected November, 2008 shall serve as the Council member from the third (3rd) district from January 1, 2011 until December 31, 2012 and the Second District Associate Commissioner elected November, 2008 shall serve as the Council member from the fifth (5th) district from January 1, 2011 until December 31, 2012. The other five (5) County Council members shall be elected on November 2, 2010 and will take office on January 1, 2011. The County Council members from the first (1st) and seventh (7th) districts shall be elected for a two (2) year term and the members from the second (2nd), fourth (4th) and sixth (6th) districts shall be elected for a four (4) year term. The Council members from the first (1st), third (3rd), fifth (5th) and seventh (7th) districts shall be elected to a four year term at the election on November 6, 2012 and will take office on January 1, 2013. Thereafter, all terms will be four (4) years. The terms of Council members shall begin the first (1st) day of January after their elections.

SECTION 11.400: TRANSITION PERIOD

During the Transition Period, if there is any conflict between a clause in this Article XI and any clause of any other Articles of this Constitution, the clauses of this Article XI are controlling. Beginning at the time when there are no Transition Executives as provided in this Constitution, and thereafter, if there is any conflict between a clause in this Article XI and any clause of any of the other Articles of this Constitution, the clause of the other Article is controlling.

SECTION 11.500 LEGISLATIVE POWERS

Until January 1, 2011, the Transition Council may not, except by the affirmative vote of all serving Transition Council Members, enact any Ordinance that the Commissioners of Franklin County could not under Missouri Law enact before this Constitution was adopted, other than Ordinances mandated by this Constitution and Ordinances respecting transition to the form of government provided by this Constitution from the form of government that existed prior to the adoption of this Constitution. Notwithstanding the foregoing, the Transition Council may, by the affirmative vote of all serving Transition Council Members, eliminate the elected positions of Auditor and Treasurer upon the expiration of the then current elected terms and assign the duties of these positions to an appointed official as determined by ordinance.

SECTION 11.600 EXECUTIVE POWERS

During the Transition Period, the executive powers of the County are vested in the County Executive.

SECTION 11.700 VACANCIES

If the office of any member of the Transition Council becomes vacant, a Person is to be appointed in the manner provided by Missouri Law for appointments to fill vacancies in the office of commission of a first class county not having a constitution form of government, to serve only the remainder of the time such members of the Transition Council was to serve as such as provided in this Constitution.

SECTION 11.800 EMPLOYEES

All employees of Franklin County when this Constitution was adopted whose employment has not otherwise terminated continue to be employees of Franklin County after its adoption.

SECTION 11.900 ORDINANCES, RULES, REGULATIONS AND ORDERS

All ordinances, rules, regulations and orders of Franklin County and its officers, departments, divisions, commissions and boards enacted or promulgated before this Constitution was adopted are to remain in full force and effect as if enacted or promulgated by the County Council or other correlative officers, department, division, commission or board as provided in this Constitution, except to the extent that they conflict with the provisions of this Constitution or are amended or repealed after the adoption of this Constitution.

SECTION 11.1000 EXISTING DEPARTMENTS AND DIVISIONS

All departments of county government of Franklin County existing when this Constitution was adopted that perform governmental functions equivalent to the governmental functions to be performed by Departments provided for in this Constitution are to continue in existence as the Departments provided for in this Constitution. All divisions of such departments existing when this Constitution was adopted are to continue in existence except to the extent they are later modified or abolished as provided in this Constitution.

SECTION 11.1100 SURVIVAL OF RIGHTS AND ACTIONS

All actions, causes of action, rights, duties, titles, claims, obligations, debts, judgments, recognizances, and forfeitures in favor of or against Franklin County existing before this Constitution was adopted are to remain in existence in full force and effect in favor of or against Franklin County upon the adoption of this Constitution.

SECTION 11.1200 CONTINUANCE OF PENDING MATTERS

All matters pending before of under consideration by the County Commission or any department, division, office, officers, head of a department, or commission or board of Franklin County when this Constitution was adopted may be acted upon and disposed of as if they had been originated, initiated or introduced as contemplated by this Constitution.

CERTIFICATE OF ADOPTION

We, the undersigned members of the Franklin County Constitution Commission, were duly appointed by the Circuit Court of Franklin County under Article VI, Section 18(m) – (r) of the Missouri Constitution. We certify that the members of the Franklin County Constitution Commission, on January 24, 2009, by a vote of a majority of the members adopted the foregoing Constitution of Franklin County, Missouri for submission to the vote of the qualified voters of Franklin County at the April, 2009 election. The question is to be stated on the ballot in substantially the following form:

PROPOSITION C

“Shall the citizens of Franklin County adopt the Constitution approved by the Franklin County Constitution Commission on January 24, 2009, that provides, among other things, as follows:

The citizens of Franklin County shall govern themselves as provided in Article VI, Sections 18(m) – (r) of the Constitution of Missouri through a seven member elected County Council and an elected County Executive.

There will be no tax increase without approval of the voters of Franklin County.

There will be restrictions on the use of eminent domain.

Franklin County is required to have a balanced budget.

Amendment of the Constitution requires approval of a majority of the voters of Franklin County.

INSTRUCTIONS

If you are in favor of this proposition darken in completely the oval next to your choice.

Yes

No

Herb Adams

Jeanine Bandermann

David L. Baylard

Travis R. Blankenship

Sallie Hancox

Robert E. Hansen

James T. Hardy

Ed Heisel

Prudence Johnson

Sandy Lucy

Mark C. Piontek

Jane Reed

Nancy S. Russell

Frank N. Wood

APPENDIX A

<u>District Number</u>	<u>Precincts Included</u>
1	City of Berger Ward 1 City of Berger Ward 2 Berger Out of Town Yeates Excelsior City of New Haven Ward 1 City of New Haven Ward 2 Detmold Lyon Jaegers Shop Beaufort-Lyon Leslie Village Leslie Out of Town Beaufort/Union Ziegenmeyer Clover Bottom
2	City of Gerald Ward 1 City of Gerald Ward 2 Gerald Out of Town Spring Bluff Japan Elmont Pea Ridge Stanton Oak Grove Miramiguoa Village City of Sullivan Ward 1 City of Sullivan Ward 2 City of Sullivan Ward 3 Sullivan Out of Town
3	City of Washington Ward 1 City of Washington Ward 2 City of Washington Ward 3 City of Washington Ward 4
4	Krakow South Point Gildehaus Labadie Villa Ridge Gray Summit

<u>District Number</u>	<u>Precincts Included</u>
5	City of Union Ward 1 City of Union Ward 2 City of Union Ward 3 City of Union Ward 4 Union Out of Town Jeffriesburg Prairie Dell
6	City of St. Clair Ward 1 City of St. Clair Ward 2 St. Clair Out of Town Parkway Village Dry Branch Duemler Luebbering
7	St. Albans City of Pacific Ward 1 City of Pacific Ward 2 City of Pacific Ward 3 Pacific Out of Town Catawissa Robertsville