

Bill No. 4764, an Ordinance Amending Certain Sections of Chapters 120, 135, 140, and 540 of the Municipal Code of the City of Wentzville, Missouri Pertaining to Supervision of Department Directors, and Enacting a New Section 120.215 of Article III of Chapter 120 of the Municipal Code of the City of Wentzville, Missouri, Pertaining to the Powers and Duties of the City Administrator

WHEREAS, pursuant to the authority provided in § 77.042 to § 77.048 RSMo, the City of Wentzville, Missouri (the "City"), has established the office of City Administrator; and

WHEREAS, the City's policies previously required all director-level employees to be appointed by the Mayor with the consent of the Board of Aldermen; and

WHEREAS, pursuant to § 77.046 RSMo, and subject to the procedures for the hiring of director-level employees as outlined below, the City desires to delegate the authority to appoint, hire, discipline, and discharge all City employees, including director-level employees, to the City Administrator for consistency in the hiring, discipline, and discharge policies and practices amongst all employees; and

WHEREAS, it is the desire and intent of the Board of Aldermen to amend Chapters 120, 135, 140, and 540 of the Code in order to achieve consistency in the City's personnel process, and to enact a new Section 120.215 establishing the powers and duties of the City Administrator, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI, AS FOLLOWS:

Section 1: Section 120.010 of the Municipal Code regarding appointment of officers is hereby repealed in its entirety and a new Section 120.010 is adopted in lieu thereof to read as follows:

Sec. 120.010. - Appointment of officers.

The mayor, with the consent and approval of the majority of the members of the board of aldermen, shall have the power to appoint such officers as authorized by ordinance or RSMo 79.230 to appoint, except as provided in Section 120.215 or as delegated to the city administrator pursuant to this code.

Section 2: A new Section 120.215 of the Municipal Code regarding the powers and duties of the City Administrator is adopted to read as follows:

Sec. 120.215. - Powers and duties of the City Administrator

The city administrator shall be responsible to the mayor and board of aldermen for the administration of all city operations placed in the charge of the city administrator by or under this code. The city administrator shall:

1. In accordance with the laws of the State of Missouri and any employee policies

adopted by the board of aldermen, the city administrator shall have the authority to appoint, hire, discipline, suspend, or remove city employees and appointed officers, except for the city clerk, city attorney, prosecuting attorney, municipal judge, and provisional municipal judge. Specifically, as to the hiring and appointment of department directors by the city administrator, the mayor and board of aldermen shall have the authority to interview candidates recommended by the city administrator. The mayor and participating aldermen shall recommend to the city administrator which candidate should be hired. The city administrator shall follow the recommendation of the board of aldermen and mayor for the appointment of a department director without deviation, unless the board of aldermen elects to not interview candidates or not recommend a candidate. The hiring or removal of the police chief shall remain under the authority of the mayor and board of aldermen, as specified by state law and section 200.060. The city administrator may delegate personnel management responsibilities to administrative employees under their direction and supervision, enabling them to manage subordinates within their respective departments;

2. Direct and supervise the administration of all departments of the city, except as otherwise provided by law. The city administrator shall not supervise the administration of the offices of the city clerk, city attorney, prosecuting attorney, municipal judge and provisional municipal judge;

3. Attend all meetings of the board of aldermen, and direct agenda preparation of same, except as excused by the board of aldermen and except when the board may be considering personnel matters relating to the city administrator;

4. Prepare the city's annual operating budget, annual capital improvement and long-range infrastructure, and economic development plans;

5. Provide that all laws, provisions of the code and legislative acts of the board of aldermen, subject to enforcement by the city administrator or by employees subject to the direction and supervision of the city administrator, are faithfully executed;

6. Keep the board of aldermen fully informed so that the board of aldermen shall properly execute their legislative and policy-making functions and make such other reports as the board may require concerning the operations of city departments, offices, and agencies subject to the direction and supervision of the city administrator;

7. Prepare and submit to the board of aldermen policy recommendations for programs and priorities which, in the opinion of the city administrator, should be considered by the board.

8. Facilitate the prompt, economical and efficient dispatch of city business. To that end, the city administrator may from time to time:

a. Organize or reorganize work within or among departments;

b. Assign assistants, deputies, and employees from any office or department of the city government to perform work or service in connection with any other office or department or to work in more than one of such offices and departments. Thus, where this code provides that a certain function or duty shall be performed by a particular department director, such function or duty may also be performed by a qualified designee of the city administrator.

Additional duties may be delegated or provided for in an employment contract agreed to by the city administrator and authorized by the board of aldermen.

Section 3: Sections 120.320, 120.330 and 120.350 of the Municipal Code regarding establishment of the Department of Public Works, the office of the Director of Public Works and the responsibilities of the Director of Public Works are hereby repealed in their entirety and new Sections 120.320, 120.330 and 120.350 are adopted in lieu thereof to read as follows:

Sec. 120.320. - Department established; composition.

There has been established by the board of aldermen a public works department in and for the city, which shall consist of street and building grounds divisions, and shall consist of a public works director, and such other personnel as the city administrator shall, from time to time, deem necessary.

Sec. 120.330. - Office of public works director established; selection process.

There has been established by the board of aldermen the office of public works director in and for the city. The public works director shall be hired by the city administrator following the procedures set forth in Section 120.215.

Sec. 120.350. - Responsibility to follow policies; removal; salary.

The public works director shall be responsible to the city administrator and shall follow all applicable policies established by the city administrator or board of aldermen. He/she shall report to the city administrator on day-to-day matters. The public works director is an at will position, and subject to the provisions of Section 135.600 and other personnel policies established by the board of aldermen. The salary of the public works director and all other personnel shall be established by the board of aldermen.

Section 4: Sections 135.130, 135.420 and 135.600 of the Municipal Code regarding personnel are hereby repealed in their entirety and new Sections 135.130, 135.420 and 135.600 are adopted in lieu thereof to read as follows:

Sec. 135.130. - Employment at will.

The city seeks to employ people who will work together as a team on an ongoing basis. However, both the employee and the city have the right to terminate employment and compensation at any time, for any reason, provided such reason is not a reason prohibited by law, or for no reason, with or without notice. Nothing said or done by any city employee or stated in the employee manual should be considered or construed as a contract (express or implied), or a guarantee of employment or compensation, or of a particular position with the city. No one other than (i) the board of aldermen, with the consent of the mayor, or (ii) the city administrator has the authority on behalf of the city to enter into any agreement regarding employment. Any agreement must be in writing and signed by both the employee and the mayor or city administrator. Furthermore, by establishing policies or practices on employee conduct, the city in no way intends to be obligated to follow such procedures in every case.

Sec. 135.420. - Appointments.

Appointments to positions with the city shall be made on the basis of ability, training and experience, with provision being made for reasonable accommodations when necessary. The hiring of new employees and filling of vacant positions shall be accomplished as follows:

Except as otherwise provided in chapter 120 regarding appointment of certain officers, the city administrator shall be responsible for hiring department directors following the procedures established in section 120.215 and hiring all uncontracted positions within the guidelines of this chapter

Sec. 135.600. - Discipline.

(a) All employees are expected to meet the city's standards of employee performance. Employee performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency, conduct on or off duty (if it brings discredit to the city) and general compliance with the Municipal Code, policies and procedures including those policies and procedures as outlined in the city employee manual.

(b) If an employee does not meet these standards, the supervisor will initiate progressive discipline. The progressive disciplinary process may result in a verbal or written reprimand, disciplinary probation, suspension, demotion or dismissal. In certain instances where an employee's conduct or omission is egregious, such conduct or omission may result in immediate discharge or other discipline that does not strictly follow the progressive discipline process.

(c) The city administrator must approve any disciplinary probation, suspension, demotion or dismissal of employees, including department directors (including, but not limited to, Public Safety, Public Works, Engineering, Utilities, Parks and Recreation, General Government, Finance, and Community Development). Prior to the dismissal of any department director, the mayor will be advised of the proposed dismissal by the city administrator. Any department director subject to dismissal shall have the right to appeal such dismissal to the mayor. The mayor may, but shall not be required to, request the appeal be brought to the board of aldermen, who may consider the appeal with or without a hearing.

(d) A more detailed statement of the city's disciplinary action policy and the applicable procedures, including a listing of improper conduct and the progressive disciplinary process shall be addressed in the employee manual.

Section 5: Section 140.020 of the Municipal Code regarding the Director of Finance is hereby repealed in its entirety and a new Section 140.020 is adopted in lieu thereof to read as follows:

Sec. 140.020. - Finance director and city collector.

Pursuant to the authority of RSMo 79.230, the board of aldermen has established the position of finance director for the city. The finance director shall be hired by the city administrator following the procedures set forth in Section 120.215. The holder of the position of finance director shall be at least 21 years of age and have a college education in the field of finance, accounting, business or public administration. Compensation shall be paid to the finance director as set by ordinance. The finance director, or the city administrator's designee, shall serve as the city collector and receive and account for such funds, fees and taxes as are delivered to the finance

director, or designee, on behalf of the city.

Section 6: Sections 540.020 and 540.040 of the Municipal Code regarding the establishment of the position of the Director of Engineering and the responsibilities of the Director of Engineering are hereby repealed in their entirety and new Sections 540.020 and 540.040 are adopted in lieu thereof to read as follows:

Sec. 540.020. - Director of engineering position established; selection process.

(a) The board of aldermen has created the office of director of engineering. The director of engineering shall be a licensed professional engineer, preferably a graduate of an accredited four year program in civil engineering, and shall possess a minimum of five years of working knowledge of municipal engineering including the planning, design and construction of water, wastewater, stormwater and transportation infrastructure related to residential, commercial, industrial and city capital projects. Pursuant to sections 135.420 and 120.215, the city administrator shall hire a director of engineering who shall serve at will. The director of engineering will be employed pursuant to a written employment contract with the city. The director of engineering is responsible for the everyday operations of the engineering department including all design, review, inspections and other duties as may be necessary to ensure the safety, health and welfare of the public. The director of engineering shall perform all duties required by state law, ordinance and those designated by the city administrator.

(b) Wherever the term "director of engineering" or reference to a director-level employee supervising and overseeing engineering functions performed by the city shall appear throughout this section and all other sections of this Municipal Code, and in other city ordinances and city documentation, it shall be deemed to mean the office of the director of engineering, or the city administrator's designee.

Sec. 540.040. - Responsibility to follow policies; supervision; salary.

The director of engineering shall be responsible to the city administrator and shall follow policies established by the city administrator and board of aldermen. The director of engineering shall report to the city administrator on day-to-day matters. The salary of the director of engineering and all other personnel shall be established by the board of aldermen.

Section 7: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance shall be deemed valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior resolutions or ordinances in conflict herewith shall be and are hereby repealed.

Section 8: This Ordinance shall be in full force and effect from and after its passage by the Board of Alderman and approval by the Mayor.

Ordinance No. ⁴⁵⁵⁷~~(ID # 13422)~~

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 22 DAY OF January, 2025.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 23 DAY OF January, 2025.

Nickolas Guccione
Mayor, Nickolas Guccione

Attest:

Kathryn Bowman
City Clerk, Kathryn Bowman

Approved as to Form:

[Signature]
Attorney

