

ORDINANCE #66330
Board Bill No. 214

An ordinance submitting to the qualified voters of the city of St. Louis a proposed amendment to the charter of the city of St. Louis to restructure the finance offices and functions of the city of St. Louis by providing for financial and performance audits and budget review by an elected independent office of comptroller, providing for professional budget staff for the board of aldermen and authorizing the board of aldermen to adjust budget line items, establishing the director of finance as head of the finance department and of the budget division and outlining powers and duties for the director of finance, and other related matters; providing for an election to be held for voting on the proposed amendment and for the manner of voting; and for the publication, certification, deposit, and recording of this ordinance; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. This ordinance shall be known as the "City Finance Amendment Ordinance." The following amendment to the Charter of the City of St. Louis is hereby proposed and submitted to the voters of the city and to be voted upon at an election to be held as hereinafter provided.

The said amendment is in words and figures as follows:

Part A. Sections 1, 2, 3, 17, 24, 25, 28, 29, and 31 of Article XV of the Charter of the City of St. Louis are hereby repealed and enacted in lieu thereof are nine amended Sections and two new Sections within Article XV which shall be and read as follows:

Section 1 Composition.

The department of finance shall include the director of finance and the assessment, collection, treasury, supply, and budget divisions. The office of the comptroller referenced herein shall not be an office or division of the department of finance, but rather shall be an independent office elected in accordance with Article II, section 2 of this charter.

Section 2 The director of finance.

The Mayor shall have the qualifications and forfeit his office for the cause provided with regard to the mayor; receive a salary of eight thousand dollars per annum; mayor shall appoint a director of finance at his convenience, to hold the term for which the mayor was elected and until a successor director of finance qualifies. The director of finance shall receive a salary as provided by ordinance, shall give bond to the city for not less than three hundred thousand dollars, and appoint one deputy director of finance and such other deputies and employees as may be provided by ordinance. The director of finance shall be the head of the department of finance and exercise a general supervision over its divisions, over all the fiscal affairs of the city and over all its property, assets and claims, and the disposition thereof. The director of finance shall preserve the credit of the city, and for that purpose, or in case of any extraordinary emergency of any kind, he may, with or without any ordinance or other authority or appropriation therefor, draw warrants on the treasurer or effect temporary loans to pay debts and judgments and other liabilities of the city, or to meet any such emergency, charging such warrants to any excess balances in appropriations made by the general annual appropriation bill and specifically reporting this action to the board of aldermen at its first meeting thereafter. The director of finance shall be the general accountant of the city and the records of the director of finance shall show the financial operations and condition, property assets, claims and liabilities of the city, all expenditures authorized, and all contracts in which the city is interested. The director of finance shall require proper fiscal accounts, records, settlements and reports to be kept, made and rendered to the director of finance by the several departments and offices of the city and all other departments and offices subject to this charter so far as consistent with law, and shall control and continually audit the same, and prescribe forms, rules and regulations therefor and require their observance. The director of finance shall regulate the making of all requisitions for supplies. Except as by this charter or by law or ordinance otherwise provided he the director of finance shall prescribe and regulate the manner of paying creditors, officers and employees of the city. The director of finance shall audit all pay rolls, accounts and claims against the city, and certify thereon the balance as stated by the director of finance and draw a warrant on the treasurer therefor, but no pay roll, account or claim, or any part thereof, except for the preservation of the credit of the city, or in case of extraordinary emergency as hereinbefore provided, shall be audited against the city unless certified by the officer having knowledge of the facts and authorized by law or ordinance, and the amount required for payment of the same appropriated for that purpose by ordinance and in the treasury. The director of finance shall see that no contract liability is incurred except for the preservation of the city's credit, or in case of emergency, as hereinbefore provided, without previous authority of law or ordinance. The director of finance shall, at least monthly, adjust the settlements of all officers engaged in the collection of the revenue. The director of finance may temporarily transfer employees from one division of the department of finance to any other division thereof. The director of finance shall have power to administer oaths. The director of finance shall

receive and preserve all books, vouchers and papers relating to the fiscal affairs of the city. The director of finance may destroy any document, books, vouchers, papers or canceled blank forms pertaining to any department, board or office if the director of finance, the city counselor, and the head of such department, board or office certify that they are useless. Except with respect to the delinquent and special tax bill matters described in the sentence immediately following and the property tax matters described in sections 15 and 16 of this article XV, whenever the comptroller is required or permitted to act or perform any duties or take any action in any existing statute, ordinance, bond, lease, investment contract, indenture or other contract, instrument or obligation of any type whatsoever, the director of finance shall be substituted for the comptroller. The comptroller shall keep a register of all delinquent and special tax bills or other claims of the city in the nature of liens on property and shall release any such bill or claims thereon on proof of payment thereof.

Section 3 Designation of subordinate to affix director of finance's signature.

Any officer or employee in the finance department may be designated by the director of finance to draw warrants upon the treasury with the same effect as if signed by the director of finance, such designation to be in writing, in duplicate, filed with the mayor and in the treasury division; provided, that the mayor may make such designation if the director of finance be absent or disabled and there be no one in the department of finance designated to act. Any such designation may be revoked by the director of finance while acting as such by filing the revocation in duplicate with the mayor and in the treasury division.

Section 17 Payment of expenses of assessment.

The costs and expenses of the assessment for each year shall be paid by the city. The director of finance shall, as soon as the amount is ascertained, certify the same to the state auditor and obtain a warrant in favor of the city for one-half thereof as provided by law.

Section 24 Treasurer.

The treasurer shall have the qualifications provided with regard to the mayor and be the head of the treasury division. The treasurer shall receive a salary as provided by ordinance; before entering upon the duties of office, give bond to the city for at least one hundred thousand dollars; and appoint the deputies and employees in his the treasury division. The treasurer shall receive and keep the money of the city, and pay out the same on warrants drawn by the director of finance and not otherwise. All money belonging to the city received by any officer or agent thereof shall be deposited daily in the treasury division unless otherwise provided by law or ordinance, and any delinquency in this respect shall be reported promptly by the treasurer to the mayor and to the director of finance. The treasurer shall deliver duplicate receipts for all money received, one to the party paying, the other to the director of finance, stating the source, the amount and to what account credited. The treasurer shall daily report the balance in the treasury to the director of finance and to the mayor.

Section 25 Depositories of city funds.

Depositories of the city funds shall be selected and deposits made therein as provided by law or by ordinance recommended by the mayor, with approval of the director of finance.

Section 28 Board of standardization.

The director of finance, supply commissioner and president of the board of public service shall personally or by deputy constitute the board of standardization, whose duty it shall be to classify and standardize all supplies and materials purchased by the city or used for municipal purposes and prepare precise specifications for all supplies to be purchased through the supply division. The board may maintain such laboratories or other methods of testing as may be necessary.

Section 29 How supplies, equipment and materials are leased and purchased.

Supplies, equipment, and materials for all departments, boards or officers, exclusive of material for public work or improvements, shall be purchased or leased only through the Supply Division, according to such standards and specifications, if any, adopted or prepared by the Board of Standardization, and by advertising for proposals therefore. Bids may be for one or more or all the articles advertised for, but there shall be a specific bid on each article. The award may be made to the lowest bidder for any article or to the lowest bidder for the entire requisition or any part thereof; but the Board of Standardization may reject any or all bids or any part of any bid. The Supply Commissioner may contract for supplies, equipment and material in any amounts or for any periods as may be approved by the Board of Standardization, and subject to the provisions of this Charter. In cases of emergency, to be

determined by said board, purchases or leases may be made without advertising. Purchases or leases in amounts not exceeding five thousand dollars (\$5000.00) under any one contract may be also made, with the written approval of the Director of finance, without advertising, after securing competitive bids, but there shall be no division of requisitions or contracts for the purpose of securing this privilege. The Supply Commissioner shall inspect and receipt for all supplies, equipment and material. Supplies, equipment or material shall not be ordered or contracted for by the Supply Division unless the Director of finance shall certify that a fund is applicable for payment thereof.

Section 31 Composition; of office of comptroller.

The office of the comptroller shall consist of the comptroller and such deputy comptrollers and employees as may be provided by ordinance.

Section 32 Comptroller, powers and duties.

The comptroller shall have the qualifications and forfeit office for the cause provided with regard to the mayor, receive a salary as provided by ordinance, and appoint the deputies and employees of the office of comptroller. The comptroller may at any time and shall at least once every three years post-audit the accounts of all departments and agencies of the city, and post-audit the treasury at least once annually. The comptroller may at any time and shall at least once every three years audit the performance of all departments and agencies of the city. The comptroller shall have a seat and a voice but no vote in the board of aldermen. The comptroller may review revenue and cost assumptions in any budget or any economic development bill introduced in the board of aldermen and report on same to the board of aldermen. The comptroller may request from the head of any city department or agency any records necessary to perform the foregoing duties, and such department or agency head shall be required to furnish same to the comptroller with reasonable promptness. The comptroller shall make an annual report to the mayor and board of aldermen.

Section 33 Budget division.

There shall be within the department of finance a budget division as described in Article XVI of this charter. Part B. Article XVI of the Charter of the City of St. Louis is repealed and enacted in lieu thereof is a new Article XVI which shall be and read as follows:

The title of Article XVI of the Charter of the City of St. Louis is hereby deleted, and in lieu thereof the title shall be "Budget Division".

Section 1 Composition; of budget division.

The budget division shall consist of the director of finance and such deputies and employees as may be provided by ordinance.

Section 2 Statements and estimates to be furnished to the director of finance.

The head of every department, board or office shall furnish to the director of finance such statements of receipts and expenses and estimates of receipts and requirements of such department, board or office as said the director of finance may require.

Section 3 Annual budget and tax rate.

The Mayor, with approval of the director of finance shall submit to the Board of Aldermen on or before sixty (60) days prior to the start of each Fiscal Year for the City of St. Louis a statement showing the estimated receipts and an operating budget for the General Fund and all other operating funds. The budgets shall include a Table of Organization, as well as personnel, supplies, maintenance, repairs, services, and contractual requirements of each department, board, and office for the Fiscal Year beginning on the first day of that Fiscal Year and a comparative statement of the receipts and expenses for the previous year as well as the estimates for the current Fiscal Year, first, however affording taxpayers an opportunity to be heard thereon as may be provided by ordinance. The Mayor, with approval of the director of finance shall also annually and on or before sixty (60) days prior to the start of each Fiscal Year submit and recommend to the Board of Aldermen a proposed ordinance appropriating the amounts deemed necessary for the Table of Organization, as well as the personnel, supplies, maintenance, repairs, services, and contractual requirements for the use of each department, board, and office for that Fiscal Year and a proposed ordinance establishing the City tax rates for said Fiscal Year, provided that the appropriations for payment of salaries and compensation of officers and employees may, in the discretion of the director of finance, be embodied in a separate proposed ordinance. The Board of Aldermen shall immediately proceed to the

consideration of said proposed ordinance or ordinances. The Board of Aldermen may, by ordinance, appoint such professional budget staff to assist the Board of Aldermen and its Committees as it deems necessary. The Board of Aldermen or one of its Committees shall meet daily Monday through Friday, until the ordinance or ordinances are finally acted upon, and said Board of Aldermen shall finally act upon said proposed ordinance(s) before the start of the Fiscal Year. Such Committees may require from the head of any city department any records or testimony necessary to evaluate the budget and such department head shall be required to furnish same. The Board of Aldermen may increase or reduce the amount of any item in the appropriating proposed ordinance, except amounts fixed by statute or for the payment of principal or interest of the City debt or for meeting any ordinance obligations, Notwithstanding the provisions of Article IV Section 16 of the Charter of the City of St. Louis in the event the Board of Aldermen has not finally acted upon said proposed ordinance or ordinances by the start of the Fiscal Year, the proposed ordinance or ordinances recommended by the Mayor, with approval of the director of finance shall be considered to have been approved by the Board of Aldermen. The director of finance shall deliver a copy of the proposed annual appropriations ordinance to the Comptroller at least ninety (90) days prior to the start of each Fiscal Year for the City of St. Louis.

Section 4 How appropriations to be set up.

All appropriations shall be specific and in detail and be segregated according to the functions or kinds of work for which the money is appropriated.

Section 5 Limitations on appropriations.

Except in the general appropriation bill and bills providing for the payment of the principal or interest of the public debt, no appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such fund, and no appropriation shall be made from any fund for any purpose to which the money therein is not lawfully applicable.

Section 6 Disposition of unappropriated revenue and transfer of appropriated funds.

Any accruing, unappropriated city revenue may be appropriated from time to time by ordinance recommended by the Mayor, with approval of the director of finance; and whenever an appropriation exceeds the amount required for the purpose for which it has been made, the excess or any portion or portions thereof may by ordinance recommended by the Mayor, with approval of the director of finance be appropriated to any other purpose or purposes.

Section 7 Reversion of unexpended appropriations.

All unexpended appropriated money, not appropriated by special ordinance for a specific purpose, shall at the end of the current fiscal year revert to the fund or funds from which the appropriation was made.

Section 8 Fiscal year.

A fiscal year as mentioned in this charter shall commence on the second Tuesday in April of each year, or at such other time as may be provided by ordinance recommended by the Mayor, with approval of the director of finance.

Part C. Section 8 of Article II of the Charter of the City of St. Louis is hereby repealed and enacted in lieu thereof is one amended Section within Article II which shall be and read as follows:

Section 8 Expense of elections on initiative, referendum or recall.

All necessary expenses incurred in preparing for and conducting any election under the initiative, referendum or recall provisions of this charter shall be paid as follows: The board of election commissioners shall prepare its estimate of such expenses and submit same to the board of aldermen. The mayor and board of aldermen must then appropriate the amount so estimated. The board of election commissioners shall audit and approve all such expenses so incurred and certify them to the director of finance, who must draw a warrant therefor on the treasurer, who must pay the same. If no appropriation has been made for such payment, the treasurer shall charge the same to any fund not otherwise appropriated or to any fund available therefor, anything in this charter to the contrary notwithstanding.

Part D. Sections 25 and 26 of Article IV of the Charter of the City of St. Louis are hereby repealed and enacted in lieu thereof are two amended Sections within Article II which shall be and read as follows:

Section 25 Expenditures to be pursuant to ordinance; recommendations required.

Except as otherwise expressly provided in this charter, no money shall be expended except in consequence of appropriations made by ordinance, and no improvement involving any expenditure of money shall be ordered except by ordinance. No ordinance making, changing or transferring an appropriation or contemplating or involving the payment of any money shall be adopted unless the mayor, with approval of the director of finance, shall have recommended or joined in recommending the same.

Section 26 Limitations on powers of board.

The board of aldermen shall not have power to relieve or exempt any person from the payment of any tax or from any burden imposed by law; nor to authorize the compromise of any disputed contractual demand, or any allowance on account thereof not provided for in the contract, except on recommendation of the mayor, with approval of the director of finance; nor to authorize the payment of any damages claimed for alleged injuries to persons or property, except upon recommendation by the city counselor; or to appropriate any money for charitable purposes, except such as shall be subject to the administration or supervision of the city; nor to sell, lease or otherwise dispose of the waterworks; nor to sell any of the city's real estate except by ordinance adopted by a vote of two-thirds of all the members; nor to acquire real estate by private purchase except by ordinance recommended by the board of public service.

Part E. Section 2 of Article IX of the Charter of the City of St. Louis is hereby repealed and enacted in lieu thereof is one amended Section within Article IX which shall be and read as follows:

Section 2 Attestation and issuance of licenses and forms.

All blank licenses, tickets, receipts, permits, certificates or other blank forms as may be provided by ordinance shall be attested and issued by the register, and delivered and charged to the director of finance, who shall countersign and deliver them to the proper officers and take receipts therefor. All such blanks not used shall be returned to the director of finance who shall cancel and return them to the register.

Part F. Sections 3 and 6 of Article XVII of the Charter of the City of St. Louis are hereby repealed and enacted in lieu thereof are two amended Section within Article XVII which shall be and read as follows:

Section 3 Elections authorizing issues.

No bonds of the city, except bonds for paying, refunding or renewing bonded indebtedness, and except bonds payable only from proceeds of special assessments for local improvements, shall be issued without the assent of two-thirds of the voters of the city voting at an election to be held for that purpose. All forms, proceedings and other matters with respect to any such election and the amounts, purposes, issue and disposition of bonds may be prescribed by ordinance recommended by the director of finance. It shall not be necessary in the ordinance calling the election, in the notice of election, in the question submitted, or on the ballot, or in any of the matters preceding the said election, to state the amount of bonds proposed to be issued for each purpose, but it shall be sufficient if the ordinance and notice of election state the total amount of bonds proposed to be voted upon at the said election and in general language the purpose or purposes for which such total amount of bonds is to be issued, and if two-thirds of the voters of the city voting at such election assent to the issuance of such amount of bonds, then such amount may be issued and such bonds or the proceeds thereof may from time to time, by ordinance recommended by the director of finance, be appropriated in any amount or amounts to the purpose or purposes for which total amount was voted.

Section 6 Administration of sinking funds.

The director of finance shall administer all sinking funds and in the course thereof may purchase with any sinking fund, as an investment therefor, bonds of the city, state or United States, preferably city bonds, and may provide for the payment of maturing bonds out of the sinking fund created therefor, and to that end sell bonds held in such sinking fund; provided, that all bonds purchased with the particular sinking fund created therefor shall not be regarded as an investment or be reissued, but shall be canceled. Bonds forming part of any sinking fund and not required to be canceled shall be deposited in a safe deposit vault in the city to which access can be had by only by the director of finance. All interest earned on investments or deposits belonging to any sinking fund shall belong to such fund. Whenever the amount in any sinking fund exceeds an amount sufficient to pay all the bonds for which such fund is created, the director of finance may transfer the excess to other sinking funds.

Part G. Sections 3, 11 and 25 of Article XVIII of the Charter of the City of St. Louis are hereby repealed and enacted in lieu thereof are three amended Sections within Article XVIII which shall be and read as follows:

Section 3 Scope of civil service rules.

To give effect to the purpose and requirements set forth in the next preceding section, the civil service rules, hereinafter required to be adopted, shall provide for the following things, among others, with relation to the classified service as defined herein:

(a) Classification plan. For a systematic classification plan providing for the classification of all positions on the basis of their duties, responsibilities, and resulting qualification requirements; for definitions of the classes in the classification plan; for the allocation of all positions to their appropriate classes in the classification plan; and, for the amendment and continuous administration of the classification plan. No person shall be employed or paid in any position until the class of such position has been determined by allocation of the position by the director to its appropriate class;

(b) Compensation plan. For development and recommendation to the mayor and aldermen of a systematic compensation plan, and amendments thereto from time to time as deemed necessary, to provide for uniform scales of compensation for all positions of the several classes, by grades, with due relationships among scales of compensation of the several grades, and for the continuous administration of such compensation plan as is adopted by ordinance;

(c) Competitive examinations. For determining merit and fitness for appointment and promotion to competitive positions by means of competitive examinations held after due public notice. The tests of fitness in such examinations shall be practical in character and designed fairly to measure the relative qualifications of candidates for positions of the several classes;

(d) Certification and appointment of eligibles. For certification of eligibles and for appointment and promotion to competitive positions on the basis of such tests, subject to a working test period of probation not to exceed one year. One of the highest ten (10) eligibles certified or remaining on the list of eligibles certified to be appointed to each vacancy;

(e) Filling vacancies; promotions. For filling vacancies in higher competitive positions, so far as practicable, by means of promotion on competitive examination except where vacancies are filled, in the interests of the service, by demotion, transfer, reinstatement, or re-employment, in the order of preference here indicated, where applicable. Promotion on competitive examination shall be deemed to be practicable whenever there are qualified employees in positions of lower classes who are willing to compete;

(f) Tenure of employment. For indefinite tenure of employment in positions in the classified service during meritorious service, except in cases for which definite terms are prescribed by law or charter, and except in cases of temporary appointment hereunder, but with due provision for layoff on termination of the need for employment in any position, or of funds available therefor;

(g) Temporary appointments. For temporary appointments, without competitive tests, to competitive positions, for not to exceed six months, except with the approval of the Director of Personnel, but no extension will exceed three (3) months;

(h) Service standards and ratings. For the establishment of standards of service and a system of service ratings. The service ratings provided shall be given consideration in examinations for promotions, and in connection with increases in pay, layoffs, re-employments, transfers, reinstatements, reductions in pay, demotions, and removals, hereunder. Standards of service shall be established which any employee must meet to qualify for an increase in pay, reinstatement, re-employment, or promotion, and other standards shall be established, failure to meet which shall result in action for decrease in pay, demotion, or removal;

(i) Welfare programs. For cooperation by the director with appointing authorities in promoting programs of employee welfare, including such training, health, recreation, economic, and other programs as may be deemed desirable;

(j) Transfers. For transfers between competitive positions of the same grade for which no additional or different tests of fitness are required, in the same or different departments, for the benefit of the service directly, or indirectly for such benefit by promotion of satisfaction of the employees, or by elimination of supernumerary positions;

(k) Reinstatement. For reinstatement to and re-employment in competitive positions after layoff, and after other separation without delinquency or misconduct, where the interests of the service will be served thereby;

(l) Hours of duty, holidays and leaves. For recommendations by the commission to the mayor and aldermen, regarding ordinance provisions to regulate the hours of duty, holidays, and leaves of absence, and for administration of any such ordinances adopted. Such ordinance provisions as are adopted shall be administered and carried into effect by the department of personnel herein

provided for. The minimum daily, weekly, and annual service required under regular full-time employment shall be fixed by ordinance with due relation to the requirements in private employment in the city and with a view to equity as between positions of different classes and those under different appointing authorities. The requirements may vary for different classes or conditions of employment but shall be uniform in their application to employees of the same classes under like conditions of work. The ordinance provisions shall be enforced by effective control of attendance and absence and audit of pay rolls with reference thereto. Each employee in the classified service shall be required to engage in the actual work of the office or employment held to such extent as services may be required for the complete discharge of the duties of such office or employment and a failure so to do shall be ground for removal;

(m) Part-time services. For payment for part-time services on an equitable basis in relation to the hours employed as compared with the requirements for full-time service. Where less than full-time service is required or rendered in any position, compensation for such service shall be paid on the part-time basis established by such rules;

(n) Removals and demotions. For removals, demotions, and decreases in pay in the cases of employees whose service rendered is below satisfactory standards, designed to promote the efficiency of the service. Such action shall be effective only after written notice to, with right of appeal in, the employees affected, and after such investigation as is appropriate to insure that the action taken is on the sole ground of merit and fitness;

(o) Fines and suspensions. For fines, and for suspensions without pay for not to exceed thirty days, and for other disciplinary measures deemed desirable, of less severity than those set forth in the item next preceding;

(p) Resignations. For resignations in good standing, for investigation of reported resignations to determine their good faith, for records of the causes of resignations, and for initiating action to remove causes leading to excessive numbers of resignations of capable employees;

(q) Roster of employees. For maintenance of a complete official roster of employees showing for each employee, a name, address, class title, rate of pay, and changes in any of them, and such other information as may be deemed desirable;

(r) Retirement system. For recommendation if and when permissible under the Constitution and Laws of the state of Missouri, to the mayor and aldermen by the civil service commission of a suitable system for the retirement of employees who, by reason of injury, ill health or age, have become incapacitated for rendering satisfactory service, and for administration by the department of personnel of such retirement system as may be adopted by ordinance;

(s) Reports by appointing officers. For reports by appointing officers of new positions and changes in the positions authorized and in the employments therein, and of attendance and absence, which upon approval by the director shall form bases for audit and approval of pay rolls by the comptroller as to compliance with this article and the rules and ordinance thereunder;

(t) Audit of pay rolls. For audit of pay rolls by the director of finance as a condition precedent to payment by the treasurer or any other disbursing officer of any claim or account for personal services. The director of finance shall not approve any item of a pay roll or account for payment of any employee, or issue a warrant for any payment therefor, except on evidence satisfactory to the director of finance that the person named has been lawfully employed in a position duly authorized and is entitled to payment for actual service in such position or authorized absences therefrom at the rates, for the periods, and in the amounts, covered by such pay roll or account;

(u) List of nonessential positions. For the listing of positions deemed nonessential for effective administration of the city's affairs, and for seeing that, as occasion arises, steps be taken toward transfer of the employees therein to any other vacant positions to which they are eligible to be transferred under the provisions of this article, and for prevention of filling of any vacancy occurring therein;

(v) Administration. For the administration and enforcement of the provisions of this article and all provisions of ordinances and rules adopted in pursuance thereof, by the director, subject to the rules of the commission and subject to appeal to and review on appeal by the commission.

(w) Examination fees. Such rules may provide for the charging and collection of reasonable fees from applicants for examinations, as prerequisites to the acceptance of their applications, and in such amounts as are calculated to pay part or all of the cost of preparing and holding the examinations and rating the results thereof.

Section 11 Offices and facilities to be provided; unauthorized compensation.

It shall be the duty of all employees of the city to allow the reasonable use of public buildings, and to heat and light them as conditions may require, for holding examinations, and in all other proper ways to facilitate the holding of such examinations. All employees of the city shall grant the director of personnel and any agent authorized by the director of personnel free access to the premises, and the records relating to employees, under their control, during the usual business hours, and shall furnish them such facilities, assistance, and information as may be required in carrying into effect the provisions of this article and the rules and ordinances adopted thereunder. After notice to the director of finance by the director of personnel that any person is employed or is proposed to be paid as an employee in the classified service in any amount not provided for under the provisions of this article and any rules and ordinances in effect not inconsistent therewith, the director of finance shall be charged with notice thereof and shall not approve any further payment to such person except in accordance with such provisions.

Section 25 Investigatory powers of director; payment of witnesses.

In the course of any hearing, investigation, or tests of fitness conducted under the provisions of this article, the director of personnel and any other person authorized by the director of personnel as a representative for such purposes, shall have power to administer oaths, to subpoena and require the attendance of witnesses within the city and the production by them of books and papers pertinent to any matter of inquiry and to examine such witnesses under oath, in relation to any matter properly involved in such proceeding. For such purposes, the director or an authorized representative may invoke the power of any court of record in the city, or judge thereof, in term time or vacation, to compel the attendance and testifying of witnesses and the production of books and papers in compliance with such subpoenas. All witnesses so subpoenaed, who are not employees of the city, shall be entitled to the same fees as are allowed in civil cases in courts of record, which shall be paid upon vouchers approved by the director of personnel from the appropriations of the department of personnel on the audit and warrant of the director of finance.

Part H. Section 8 of Article XXI of the Charter of the City of St. Louis is hereby repealed and enacted in lieu thereof is one amended Section within Article XXI which shall be and read as follows:

Section 8 Entry of judgment; payment of damages; collection where city fails to pay.

The court upon approving the commissioners' report shall render final judgment thereon reciting the report and adjudging that the city have and hold the property petitioned for, describing the same, for the purposes specified, upon payment of the damages less the benefits assessed in each instance; that so much of the report as is a judgment for benefits against specific property be a lien on such property for ten years from entry of the judgment, and prior to all other liens thereon; and that the city recover the respective benefits in excess of damages assessed in each instance against private property with interest from date of judgment, or at the termination of such period of grace, not to exceed one year, as may be granted by the board of aldermen in the ordinance authorizing the public work or improvement, and have execution therefor. The clerk shall forthwith make and deliver a certified copy of such judgment to the director of finance who shall record the same in a book kept and conveniently indexed for that purpose.

The director of finance may, forthwith, and if no appeal be taken from such final judgment, he shall, at the expiration of the time for such appeal, forward a copy of the judgment to the board of aldermen; and within sixty days after the receipt of such copy, unless an appeal is pending, and, in no event later than sixty days after disposition of all appeals, the board of aldermen shall make an appropriation for the payment out of the city treasury of the damages assessed in favor of each party entitled thereto less his benefits as determined by such final judgment, and the city treasurer, on warrant of the director of finance, shall cause payment to be made to the several parties entitled or into court for their use, as the case may require. Should the board of aldermen fail to make such an appropriation the judgment for damages shall be collected by the owners concerned as other judgments against the city are collected and if any part of such assessment of benefits be not paid when due, special execution shall issue on request of the director of finance against the property charged with the lien and proceedings thereunder shall conform, as near as may be, to the proceedings under special executions on ordinary judgments foreclosing liens on lands. Should any such final judgment be reversed on appeal and a new assessment be ordered, the city or any defendant shall have judgment for any excess due by reason of payment having been made by such party under a prior final judgment in the cause.

Part I. Section 4 of Article XXII of the Charter of the City of St. Louis is hereby repealed and enacted in lieu thereof is one amended Section within Article XXII which shall be and read as follows:

Section 4 How contracts to be let.

All public work, except emergency work or repairs requiring prompt attention, shall be let by the board of public service

in pursuance of the ordinance authorizing the same. It shall advertise for bids in the paper or papers doing the city publishing three time, the last publication to be at least ten days before the day appointed for opening the bids (unless a different time and medium of advertising are prescribed in the ordinance), stating the general nature of the work and the time and place of receiving bids therefor. Bids submitted shall be sealed and accompanied by a cashier's or treasurer's check of a bank or trust company in the city payable to the city treasurer, or a surety bond approved by the director of finance, in the amount of the deposit required. Said board shall let the work by contract to the lowest responsible bidder on the plans and specifications finally adopted except as herein otherwise provided, first requiring a bond to be approved by it and the director of finance. Said board may reject any or all bids submitted and readvertise the work. Provided, that any ordinance for any public work or improvement to be paid for by special assessment or otherwise may authorize the board of public service to do the same in a manner prescribed in such ordinance without letting a contract therefor.

Part J. Sections 1, 9 and 10 of Article XXV of the Charter of the City of St. Louis is hereby repealed and enacted in lieu thereof are three amended Sections within Article XXV which shall be and read as follows:

Section 1 Changes in administrative provisions.

The board of aldermen may by ordinance adopted by vote of two-thirds of all the members, on the recommendation of the mayor, with approval of the director of finance, discontinue any division established by this charter, create new or additional divisions, and determine, combine and distribute the functions and duties of divisions, officers and employees.

Section 9 Execution of city's contracts.

All contracts relating to city affairs shall be in writing, signed and executed in the name of the city. In cases not otherwise provided by law or ordinance, they shall be made by the mayor, and in no case by the board of aldermen or any committee thereof. Contracts not made by the director of finance shall be countersigned by the director of finance, and all contracts shall be filed and registered by number, date and contents with the register.

Section 10 City records to be open to mayor, director of finance and board of aldermen.

All books, records and papers in any department, office or division shall be open to the mayor, the director of finance or any committee of the board of aldermen.

Part K. Severability.

All sections of this amendment are hereby declared to be independent sections and parts of sections. It is hereby declared to be the controlling legislative intent that if any section or part of a section, or the application thereof to any person or circumstance is held invalid for any reason, then the remaining sections and parts of sections shall not be affected thereby, and it is hereby declared that this amendment would have been passed independently of such section or parts of a section so held to be invalid.

Part L. Effective date of amendment.

This amendment shall take effect upon the later of ten (10) days after the date of approval of the voters of the City of St. Louis, or the date of expiration of the current term of office of the Comptroller of the City of St. Louis.

SECTION TWO. The foregoing proposed amendment to the Charter of the City of St. Louis shall be submitted to the qualified voters of the City at the next State or City election at which this proposal can be lawfully submitted, and if said proposed amendment shall receive in its favor the number of votes required by law, such amendment shall be adopted and become a part of the Charter of the City of St. Louis from the date of said election or such other date as prescribed in said amendment. Qualified voters of the City of St. Louis may at the election aforesaid vote a ballot in substantially the following form:

OFFICIAL BALLOT
CHARTER AMENDMENT
(City Finance Amendment)

Shall the Charter of the City of St. Louis be amended to restructure the finance offices and functions of the City of St. Louis in accordance with the City Finance Amendment Ordinance?

This amendment restructures the finance offices and functions of the City of St. Louis by providing for financial and

performance audits and budget review by an elected independent office of Comptroller, providing for professional budget staff for the Board of Aldermen and authorizing the Board of Aldermen to adjust budget line items, establishing the Director of Finance as head of the Finance Department and of the Budget Division and outlining the powers and duties of the Director of Finance, and other related matters, all as set forth in the "City Finance Amendment Ordinance," a copy of which is available at all polling places.

YES []
NO []

Instructions to Voters: If you are in favor of the question, place an X in the box opposite 'YES'. If you are opposed to the question, place an X in the box opposite 'NO'.

The Board of Election Commissioners shall provide the ballots or voting machines or both and conduct the election and shall ascertain and certify the result thereof according to the law. If voting machines are used, the aforesaid "OFFICIAL BALLOT" shall be placed or posted on the said voting machines wherever said machines are used under the direction of the Board of Election Commissioners for the City of St. Louis and according to law.

SECTION THREE. Upon the approval of this ordinance, it shall be published in the City Journal, the official publication of the City of St. Louis, Missouri. Proof of the publication of this ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed in the office of the City Register and a copy of such publication shall be attached thereto.

SECTION FOUR. Upon the approval of this amendment to the Charter of the City of St. Louis, it shall be certified, deposited and recorded as required by Article VI, Section 33 of the Constitution of Missouri.

SECTION FIVE. This being a bill calling for an election for submission to the people of an amendment to the Charter of the City of St. Louis, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: July 23, 2004