

CITY OF JOPLIN
COUNCIL ELECTION GUIDELINES
GENERAL MUNICIPAL ELECTION

April 5, 2016

**Excerpts from the Missouri State
Statutes, the Home Rule Charter and the
Joplin City Code Governing the Nomination and
Election of Members of the City Council**

**From the Office of the City Clerk
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COUNCIL MEMBERS/TERMS OF OFFICE

GENERAL COUNCIL MEMBERS

Bill Searce*
Morris Glaze*
Ryan Stanley**
Miranda Lewis**
**

ZONE COUNCIL MEMBERS

Gary Shaw, Zone I**
Melodee Colbert-Kean, Zone II*
Benjamin Rosenberg, Zone III*
Mike Seibert, Zone IV**

* Council positions expiring in April, 2016

** Council positions expiring in April, 2018

IMPORTANT DATES TO REMEMBER

November 17, 2015
Council Petitions Available

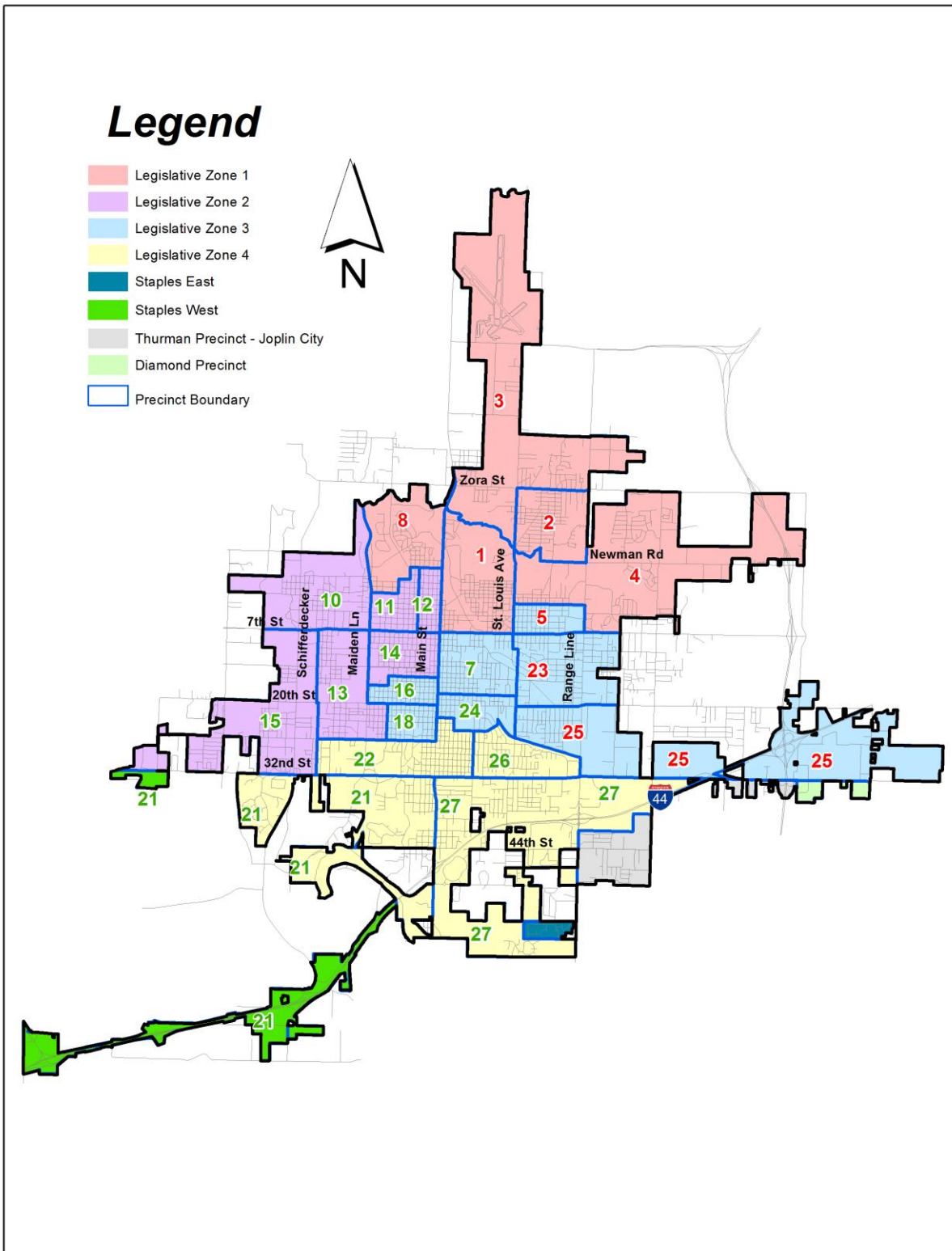
January 12, 2016
Final Day to accept petitions
for Council positions

January 26, 2016
Final certification date

March 9, 2016
Final day to register to vote

Election Day
April 5, 2016

CITY OF JOPLIN PRECINCT/ZONE MAP



SECTION 2.01 Numbers and Term

The council shall consist of nine members to be known as council members, each of whom shall be elected for a term of four years (except as herein otherwise provided) and shall serve until his successor shall be elected and qualified. The nine council members shall be elected by the qualified voters of the city at large. Four of the council members thus elected shall reside respectively in Zones 1, 2, 3, and 4 as provided and established by Section 1.05, Article I, of the Joplin City Charter, and are to be known as zone council members. Of the first council elected hereunder, two of the zone council members and two of the general council members shall serve only until the next regular municipal election, they being determined by lot at the first meeting of the council.

SECTION 2.02 Qualifications

A council member shall be a qualified voter of the city and shall have been a resident thereof for at least four years immediately prior to his election. The four zone council members shall be residents and qualified and registered voters of the respective zones provided for in Section 1.05 of the JOPLIN CITY CODE. Council members shall hold no other lucrative position in the city government during their terms as council members, except that the following persons shall not be disqualified: A member of the National Guard or Naval or Military Reserve or a notary public. If a Council member shall cease to possess the above qualifications, or if a council member shall be absent for three successive regular or for more than five regular council meetings within any four month period without cause acceptable to a majority of the other members of council, or shall be convicted of crime involving moral turpitude, that office shall immediately become vacant.

SECTION 2.03 Salaries: Expenses

Each council member shall receive a salary of five dollars for each meeting he attends but not exceeding one hundred twenty dollars a year, payable quarterly. In addition, each council member, including the Mayor, shall be reimbursed for any necessary actual expenses incurred in connection with his duties as provided by ordinance or resolution of the council prior to incurring such expense. The mayor shall receive no salary in addition to his salary as council member but the council may provide a fund for incidental expenses incurred in the performance of his duties not to exceed one hundred dollars per month.

SECTION 2.11 Meetings

The Council shall meet regularly and not less frequently than twice each month and specifically at such other times as prescribed by the Statutes of the State of Missouri.

The first meeting of each newly elected council for induction to office shall be held at the time at which the election returns officially confirmed in accordance with Section 13.08 of this Charter.

SECTION 13.04 Nominations by Petitions

Nominations of candidates for all elective offices shall be by petition. Petitions for zone council members shall be signed by not less than 150 registered voters of whom not less than 75 shall be registered voters in the zone in which the candidate for zone council member resides. Petitions for general council members shall be signed by not less than 150 registered voters of the city. No voter shall sign more than one nominating petition for the same zone council position, and should a voter do so, his signature shall be void except as to the first petition filed. No voter shall sign more nominating petitions for general council member than the number of general council members to be elected at the forthcoming election and should a voter do so, his signature shall be void except as to the aforesaid proper number of petitions which he has signed and which are first filed. Each signer of a petition shall designate his residence by street and number, or by other description sufficient to identify his place of residence, and precinct number. Nominating petitions shall contain the name, occupation, residence, and precinct number of the person nominated, and the specific office (zone or general council member) for which he is a candidate.

The signature on the nominating petition need not be all appended to one sheet of paper, but each separate paper shall have a statement setting forth the election date; the office to be filled; and the name, occupation, residence and precinct number of the candidate on whose behalf of the petition is being filed. In addition, there shall be attached to each such paper a signed statement of the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in his presence, and is the genuine signature of the person whose name it purports to be, and that he believes each such signer to be a legal voter.

Nominating petitions for regularly scheduled Council elections shall be made available by the City Clerk's office no sooner than ten (10) weeks before the date of final certification of the election as required by state law. Completed nominating petitions shall then be filed with the City Clerk prior to two (2) weeks before final certification date of the election to allow two (2) weeks for finalizing the ballot before the election as required by state law to allow two (2) weeks for finalizing the ballot before the election as prescribed.

SAMPLE PETITION

We, the undersigned registered voters of the City of Joplin, Missouri, respectfully petition and request the name of _____, residing at _____, Occupation, _____, Precinct No. _____, be placed upon the ballot as a candidate for the Office of _____ Council Member for a four-year term ending in April of 2020, and to be voted upon at the General Municipal Election to be held on the 5th day of April, 2016 and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate.

Signature	Street Address	Pct.	Date	PRINTED NAME

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I am a registered voter qualified to vote for this candidate.

Signature of Circulator

Date

Address

SAMPLE PETITION -TWO YEAR UNEXPIRED TERM

We, the undersigned registered voters of the City of Joplin, Missouri, respectfully petition and request the name of _____, residing at _____, Occupation, _____, Precinct No. _____, be placed upon the ballot as a candidate for the Office of **General** Council Member for an unexpired two-year term ending in April of 2018, and to be voted upon at the General Municipal Election to be held on the 5th day of April, 2016 and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate.

Signature	Street Address	Pct.	Date	PRINTED NAME

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I am a registered voter qualified to vote for this candidate. *(If you desire to change your filing status from a two year candidate to a four year candidate you must relinquish all signatures gathered).*

Signature of Circulator

Date

Address

DECLARATION OF CANDIDACY FOR NOMINATION

STATE OF MISSOURI)

) ss

COUNTY OF _____)

I, _____ a resident and registered voter of the City of Joplin, _____ County and the state of Missouri, residing at _____, do accept the nomination for _____ Council Member and declare myself a candidate therefore to be voted for at the General Municipal election to be held on the 5th day of April, 2016, and I further declare that if elected to such office I will qualify and meet all requirements of the Home Rule Charter and the Code of Ordinances of the City of Joplin, Missouri, and the Statutes of the State of Missouri.

Subscribed and sworn to before me this _____ day of _____, 2016.

Signature of candidate

PRINTED NAME AS IT WILL APPEAR ON BALLOT

Residence address

Mailing address (if different)

Barbara L. Hogelin, City Clerk MMC/MPCC

Received by the _____ County Clerk on this ___ day of _____, 2016.

SECTION 13.05 Withdraw

Any candidate for elective office or person for whom a nomination petition has been or may be filed with the City Clerk, may withdraw as a candidate provided said candidate or person files with the City Clerk at least thirty (30) days before the election, or if the City Clerk is required by law to deliver to the county clerk a sample ballot, then, on or before that date, a statement of withdrawal duly signed by said candidate or person so withdrawing and acknowledged by him before the City Clerk or the Assistant City Clerk, and the name of such person complying therewith shall not appear on the ballot.

SECTION 13.06 Preparation of Ballots

The names of candidates for elective offices shall be printed on the ballot in the order of their certification without party designation.

SECTION 13.09 Tie Vote

If at any municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the Council shall proceed to determine the election by lot in a meeting open to the public and to which all candidates have been invited.

SECTION 15.09 Officers and Employees; Qualifications; Not to be interested in contracts; Not required to hold property.

Personal Financial Interest. Any city officer or employee who has any financial interest, direct or indirect or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies, or services to the city or to a contractor supplying the city/ shall make known that interest and shall refrain from voting or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contact. Candidates must contact:

Marilyn Baugh, Jasper County Clerk or
Kay Baum, Newton County Clerk

for information on the Financial Report Filings. The Jasper County Elections office can be reached at 417-625-4390. The Newton County Elections office can be reached at 417-659-2910. Those offices will provide the necessary forms and information for financial reporting.

SECTION 2-50 Code of Ethics

The public judges its government by the way city council members conduct themselves in the post to which they are elected. The public has a right to expect that every city council member will conduct himself in a manner that will tend to preserve public confidence in and respect for the government he represents. Such confidence and respect can best be promoted if every city council member will uniformly:

Treat all citizens with courtesy, impartiality, fairness and equality under the law; and

Avoid both actual and potential conflicts between their private self-interest and the public interest.

To help city council members achieve these goals is one of the objectives of this section. The other objective is based on the proposition that no man can serve two (2) masters, nor should he attempt to do so. Therefore, this Code proposes to relieve him of the impossible task of judging himself. Instead, under the provisions of the Charter, this Code places judgment in the hands of the council who will review the facts and measure them by the yardstick of public morality established by this Code.

Definitions

Public body: Any agency, board, body, commission, committee, department or office of the City of Joplin, Missouri.

Financial interest: Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the municipality) to an official or employee.

Personal interest: Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

Person: Any person, firm, association, group, partnership or corporation, or any combination thereof.

City council member: The mayor and other members of the City Council of Joplin, Missouri.

Fair and equal treatment

Impartiality - No city council member shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

Use of public property - No city council member shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This rule shall not be deemed to prohibit a city council member from requesting, using or permitting the use of such publicly owned or publicly supplied property,

vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Conflict of interest

A city council member shall not have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as an officer or employee. Any violation of this provision renders the contract or sale void, and any council member violating this section thereby forfeits his office or employment. Provided, however, that nothing contained herein shall be construed to apply to any contract, sale or lease not initiated, proposed, instituted, introduced or commenced by an officer or employee of the city who may be involved or interested in such undertaking.

A city council member shall not hold any other lucrative public office or hold a lucrative position in the city government during his term as council member except positions as a member of the National Guard, naval or military reserve, or notary public.

City council members are prohibited from either directly or indirectly bidding on or purchasing property owned by the city or under the direction and control of the city unless the property is being sold at a public sale or auction or by sealed bids. City property or property under the direction and control of the city shall not be sold to city council member unless at a public sale or auction or by sealed bids.

Disclosure of interest in legislation

A city council member who has a financial or other personal interest in any legislation shall disclose on the records of the city council or other appropriate authority the nature and extent of such interest and may vote on such legislation provided that the city council member is not prohibited from voting by some other provision of law. This provision shall not apply if the council member disqualified himself from voting.

Representing personal interest before city agencies or courts

No city council member shall appear on behalf of personal interest before any agency of the city. Provided, however, that nothing herein contained shall be construed to prohibit a city council member from being present for the purpose of consulting with his representative when such representative appears on behalf of such council member's personal interest before an agency of the city. A city council member shall not represent personal interest in any action or proceeding against the interest of the city in any litigation in which the city is a party.

A city council member may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of

public or civic obligations. However, no council member or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

No city council member shall, for a period of one (1) year after the termination of service with the city, appear before any board, commission, committee or agency of the city in relation to any case, proceeding or application in which he personally participated during the period of his service or which was under his active consideration. A city council member shall not be employed by the City of Joplin, Missouri, or any of its departments, boards or agencies for a period of one (1) year after leaving the position of council member.

Gifts and favors

No city council member shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official (1) accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service, or thing of value. Purchase of a meal for a city council member shall not be a valuable gift. The prohibition against gifts or favors shall not apply to an occasional no pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service, or any gift which would have been offered or given if he were not a city council member.

Confidential information

No city council member shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality. No city council member shall use or permit the use of any confidential information to advance the financial or personal interest of himself or any other person.

Prohibition of interference

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any way interfere with the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, unless specifically otherwise provided in the Charter, the council and its members shall deal with the administrative officers and services solely through the city manager, and neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately.

Political activity

A city council member shall not use the prestige of his position on behalf of any political party or candidate for elected office and to this end shall refrain from using the official title of council member in support of or in opposition to candidates for political office or a political party, nor shall a city council member use his official title in support of or opposition to legislation or other matters pending before governmental bodies, other than the City of Joplin, Missouri, or when city council has officially taken a position with respect to the same.

No candidate for city council of the City of Joplin, Missouri, shall ask or direct any employee or salaried officer of the city to perform any act or service for the candidate which relates to the candidate's election campaign other than as part of the employee's or salaried officer's official duties.

Immoral conduct

If a city council member is convicted of a crime involving moral turpitude, the council member's office shall immediately become vacant. City council members should refrain from engaging in conduct which is improper and from using the position of council member to obtain a favor or advantage not available to the public at large.

Other laws

City council member shall comply with the laws of the city pertaining to the conduct of city elections, use of city property for posting of campaign literature, campaigning in city offices and buildings, and any other law that applies to the conduct of city council members in their official duties.

Sanctions

Violation of any provision of this code of ethics should raise conscientious questions for the council member concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the city. Violation may constitute a cause for censure, suspension, removal from office, or other disciplinary action pursuant to the Charter. Provided, however, the council shall not impose sanctions upon a member unless such sanctions receive an affirmative vote of three-fourths (3/4) of the members of the entire council.

SECTION 2-107 Financial Interest Disclosure

Conflicts of interest

All elected and appointed officials as well as employees of the city shall comply with RSMo 105.454 on conflicts of interest as well as any other state law, or ordinance of the city governing official conduct.

Any member of the City Council who has a ‘substantial or private interest’ in any measure, bill, order or ordinance proposed or pending before the City Council, must disclose that interest to the City Clerk, and such disclosure shall be recorded in the appropriate journal of the City Council. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children whether singularly or collectively, directly or indirectly of:

Ten (10) percent or more of any business entity; or

An interest having a value of ten thousand dollars (\$10,000.00) or more; or

The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more, per year, from any individual, partnership, organization, or association within any calendar year.

Disclosure reports

Each city council member, the city manager, the city purchasing agent, or the director of finance if no such purchasing agent is appointed, and the full time city attorney, shall disclose the following information by May 1, if any such transaction occurred during the previous calendar year:

For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00.), if any, that such person had with the city, other than compensation received as an employee or payment of any tax, fee, or penalty due to the city and other than transfers for no consideration to the city;

The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the city, other than payment of any tax, fee or penalty due to the city of transactions involving payment for providing utility service to the city, and other than transfers for no consideration to the city.

The city manager, and the city purchasing agent, or the director of finance if no such purchasing agent is appointed, and the full time city attorney also shall disclose by May 1, for the previous calendar year, the following information:

The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

The name and address of each sole proprietorship that he owned; the name and address and general nature of the business conducted of each general partnership and joint venture in which he was a partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten (10) percent or more of any class of the outstanding stock or limited partnership units; and the name of any public traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests;

The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Filing of reports

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

Every person required to file a financial interest statement shall file the statement annually not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the city council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement;

Each person appointed to office shall file the statement within thirty (30) days of such appointment of employment.

Financial disclosure reports giving the financial information required in subsection (b) shall be filed with the City Clerk's office and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

SECTION 2-51 Guidelines for Incurring Expenses by the Mayor and Council Members

The following guidelines shall govern the incursion of expenses by the Mayor and Council Members:

As allowed by the city Charter 2.03, the mayor and city council members shall be reimbursed for necessary expenses in connection with their duties.

That council shall at the beginning of each council year develop a plan of attendance for meetings/conferences specifying how many council members shall attend each and approving expenses to carry out the plan. The goal of the plan shall be

to afford the council members the opportunity to attend the functions which they believe will benefit the city the most while minimizing expenses.

Travel arrangements for motel, air fare, etc. shall be made through the purchasing department and billed directly to the city. The purchasing department through its normal procedures will be responsible for comparing prices of competitive services. Where applicable, the city's administrative policy for travel expenses adopted June 1, 1992, on file with the director of finance, as the same may be amended from time to time, shall govern reimbursement of transportation, subsistence, registration fees, and special expenses as set forth in said policy.

Council members will strive to keep expenses to a minimum by using car pools, sharing motel rooms, and minimizing phone calls.

Council members shall closely check their calendars before being registered for meetings/ conferences to minimize "no-show" charges.

Expenses for council member's spouses will not be paid by the city. If a spouse attends a meeting/conference, the council member shall appropriately maintain expense records to insure that spouse's meals, entertainment, etc., are separately identifiable and not reported on the request for reimbursement. The council member shall be billed and will reimburse the city for any expenses applicable to the spouse which were billed directly to the city with other meeting/ conference expenses (such as registration, additional motel room charge, etc.)

City functions such as receptions, dinners, etc. should be held at appropriate community meeting facilities insofar as practicable.

As provided by city Charter Section 2.03, the mayor shall be allowed reimbursement up to one hundred dollars (\$100.00) per month for incidental expenses incurred in the performance of his duties. Expenditures in excess of the one hundred dollars (\$100.00) per month incurred by the mayor and all expenses incurred by council members shall be approved by the council in the form of the annual budget prior to incursion or the expenses will not be considered eligible for reimbursement.

The city manager shall report and account quarterly to the council the expenses incurred by the mayor and council members.

SECTION 2.08 Prohibition of Interference

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any way interfere with the appointment or removal or officers and employees in the administrative service of the city, except for positions in the administrative service filled by the Council. Except for the purpose of inquiry, unless specifically otherwise provided in this charter, the Council and its members shall deal with the administrative officers and services solely through the city manager, and neither

the Council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. Any Council Member violating the provisions of this section shall forfeit his office. Whether such violations have occurred shall be determined by members of the Council and their decisions shall be final.

SECTION 6.31 Signs

The purpose of these regulations is to establish standards for the erection and use of signs, symbols, markings and advertising devices within the City of Joplin. These standards are designed to protect and promote public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating a detriment to the general public.

Political sign means any sign which displays the name of a candidate for a political office or elected position or which encourages the vote for any public issue or question that may be found on the ballot of the next regular or special election.

SECTION 6.32 Applicability of article.

(a) Generally. The provisions of this article shall apply to the construction, erection, alteration, use, location and maintenance of all signs located out-of-doors; to those signs painted on any part of a building; and to those signs placed within a building for the express purpose of being visible from the exterior of the building.

(c) Exemptions from permit requirement. All provisions of this article shall apply to the following signs, except that permits or permit fees shall not be required for:

(2) **Political signs** not exceeding **8 square feet** in area provided such signs shall not be more than five feet in height and shall not be located closer than **15 feet to the back of curb** or edge of street.

SECTION 13.08 Return: Canvass

The Council shall canvass the election returns and declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate or candidates receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

SECTION 15.10 Oath of Office: Employment

Before entering upon the duties of his office, every officer of the city shall take and subscribe, and file with the City Clerk, his oath (or affirmation) as follows: "I do

solemnly swear, or affirm, that I support the Constitution and laws of the United States and the State of Missouri, and the Charter and Ordinances of the City of Joplin, and that I will faithfully perform the duties of my office and that I possess all of the qualifications for the office to which I have been chosen, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance of any act or duty pertaining to my office, other than the compensation allowed by law.

The oath shall be administered by a Judge of the Circuit Court, the Judge of the Municipal Court or the City Clerk

RSMo 71.005 Candidates for municipal office, no arrearage for municipal taxes or user fees permitted.

No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346, RSMo, regarding payment of municipal taxes or user fees.

RSMo 115.346 Persons in arrears for municipal taxes or fees shall not be candidates for municipal office.

Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.

NOTES