

BY-LAWS OF THE O'FALLON PUBLIC WORKS COMMISSION

ARTICLE 1 – ESTABLISHMENT, MEMBERSHIP, TERMS, REMOVAL AND VACANCIES

Section 1.1: Establishment

A Public Works Commission has been established by the O'Fallon City Council via Ordinance Number 5467 on June 11, 2009. The Public Works Commission was established to assist and advise the City Council in matters relating to Public Works, Utility Service, Infrastructure Requirements, Traffic, and related matter.

Section 1.2: Membership

1. The Public Works Commission shall consist of two classes of members: Citizen Members and Ex Officio Members. Ex Officio Members shall be entitled to attend all meetings and participate in all discussion and debate but shall not have the right to vote.
2. There shall be ten (10) Citizen Members appointed by the Mayor with the consent of a majority of the City Council. All Citizen Members shall be residents of the City of O'Fallon. The Citizen Members shall be appointed such that each Ward has one (1) resident representative and that other Citizen Members shall be appointed at large. No Citizen Member shall receive compensation for performing the duties of the Commission.
3. The *Ex Officio* Members shall be:
 - A. One (1) member of the City Council selected by the Council.
 - B. The Managing Director of Community Development, or the Director's designee from time to time.
 - C. The City Engineer or the Engineer's designee from time to time.
 - D. The Managing Director of Water, Sewer, and Stormwater or the Director's designee from time to time.

Section 1.3: Terms

1. Except as otherwise provided below, Citizen Members of the Commission shall hold office for a term of two (2) years. In order to accommodate the redistricting of the City into five (5) Wards in 2010, the terms of the original Citizen Members shall all expire on April 30, 2010. The term of the office for those Citizen Members initially appointed in 2010 shall be staggered such that half of the Citizen Members shall be appointed for an initial term of one (1) year and half of the Citizen Members shall be appointed for an initial term of two (2) years. Thereafter, all Citizen Members shall be appointed for a term of two (2) years. The City Council member shall serve a term of one (1) year. The Managing Director of Community Development, the City Engineer, and the Managing Director of Water, Sewer and Stormwater shall serve terms coinciding with such office. Designees of the Managing Director of Community Development, the City Engineer, and the Managing Director of Water, Sewer, and Stormwater shall serve at the pleasure of the official designating them.

2. The terms of all Citizen Members and the Council member shall expire on April 30 of the appropriate year and when a successor is appointed and qualified

Section 1.4: Removal and Vacancies

1. The Mayor may, with the consent of a majority of the City Council, remove any Citizen Member or City Council Member from membership on the Public Works Commission at will, and any such member may also be so removed by a two-thirds (2/3rd) vote of the City Council independently of the Mayor's approval or recommendation.
2. Vacancies occasioned by removal, resignation, or otherwise, shall be filled in like manner as original appointments and shall be for the balance of the vacant term.

ARTICLE 2 – POWERS, DUTIES, AND LIMITATIONS

Section 2.1: Powers and Duties

1. The Public Works Commission shall have the authority and responsibility to do the following:
 - A. To identify and analyze best practices and innovative approaches in public works, traffic, community development and utility matters and advise the Mayor, City Council, City Administrator and Department of Community Development regarding such issues within the City.
 - B. To study, assess and render advice on plans and programs of the City related to the development, construction and maintenance of:
 - 1) City buildings and physical facilities;
 - 2) Streets and roadways;
 - 3) Snow and ice removal plans, programs and equipment;
 - 4) Storm water planning, systems and facilities; and
 - 5) Water and sanitary sewer systems and facilities owned by or serving the City.
 - C. Identify locations with high accident rates or which pose special dangers or enforcement problems and consider design or regulatory measures which might remedy such problems.
 - D. Serve as a forum to consider citizen suggestions, complaints, concerns or observations relating to city facilities, traffic safety or similar items in the realm of community development.

Section 2.2: Limitations

1. Nothing contained in these By-Laws shall give the Commission any power, either directly or indirectly, to exercise any authority, direction or control over the Community Development Department or any City Department, Agency, Division or any one (1) or more employees.
2. The Public Works Commission does not have the authority to make any changes to any

Ordinances, policies, practices or procedures of the City. The Commission's role shall be limited to offering such advice and/or insight to the City's elected and appointed officials as it believes would be beneficial to the efficient and effective conduct of the City's public works activities.

ARTICLE 3 – OFFICERS AND RECORDING SECRETARY

Section 3.1: Appointment and Election of Officers

1. The Officers of the Public Works Commission shall be a Chairperson and Vice-Chairperson.
2. Chairperson: The Citizen Members of the Commission shall designate one (1) of the Citizen Members of the Commission as its Chairperson. The Chairperson shall be elected for a term of one (1) year to expire on April 30 and when a successor is elected and duly qualified. The Chairperson may be removed at any time without cause by the affirmative vote of two-thirds (2/3rd) of the entire citizen membership of the Public Works Commission. If the office of the Chairperson becomes vacant, the majority of the Commission shall elect a successor from its citizen membership who shall serve for the balance of the vacant term. Nominations for the Chairperson shall be by oral motions. At the close of nominations, the Public Works Commission shall vote by voice vote upon the names nominated for Chairperson.
3. Vice-Chairperson: The Citizen Members of the Commission shall designate one (1) of the Citizen Members of the Commission as its Vice-Chairperson. The Vice-Chairperson shall be elected for a term of one (1) year to expire on April 30 and when a successor is elected and duly qualified. The Vice-Chairperson may be removed at any time without cause by the affirmative vote of two-thirds (2/3rd) of the entire citizen membership of the Public Works Commission. If the office of the Vice Chairperson becomes vacant, the majority of the Commission shall elect a successor from its citizen membership who shall serve for the balance of the vacant term. Nominations for the Vice-Chairperson shall be by oral motions. At the close of nominations, the Public Works Commission shall vote by voice vote upon the names nominated for Vice-Chairperson.

Section 3.2: Chairperson – Duties and Powers

1. Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
 - A. Preside over all deliberations and meetings of the Public Works Commission.
 - B. Vote on all questions before the Public Works Commission.
 - C. Call special meetings of the Public Works Commission in accordance with these By-Laws.
 - D. Sign all documents memorializing Public Works Commission action promptly after approval by the Commission. The power to sign reports and other documents of the Public Works Commission may be delegated to the Recording Secretary.
 - E. Appoint members of the Public Works Commission to Sub-Committees.
2. All decisions of the Chairperson as Presiding Officer shall be subject to review by a majority of

Public Works Commission members present upon motion duly made and seconded, which motion shall have priority over all other matters.

Section 3.3: Vice-Chairperson

During the absence or disability of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the remaining members present shall elect an Acting Chairperson.

Section 3.4: Recording Secretary

The Recording Secretary for the Public Works Commission shall be a Staff Member designated by the City Engineer. The Recording Secretary shall have the following duties:

1. Maintain an accurate, permanent and complete record of all proceedings conducted before the Public Works Commission.
2. Prepare the Minutes for all Public Works Commission meetings.
3. Provide all Public Works Commission meeting notices required by law.
4. Inform the Public Works Commission of correspondence relating to Commission business and conduct correspondences of the Commission as directed by the City Engineer or the Chairperson.
5. Attend all meetings and hearings of the Commission or send a designee.
6. Compile all required records and maintain the necessary files, reports, maps, and plans.
7. Perform such other duties for the Commission as are customary in that role, or as may, from time to time, be required by the Commission.

ARTICLE 4 – MEETINGS

Section 4.1: Regular Meetings

Regular meetings of the Public Works Commission shall be held on the third (3rd) Wednesday of each month at 7:00 P.M. in the Council Chambers of the O’Fallon Municipal Centre located at 100 North Main Street, O’Fallon, Missouri, 63366, or at such alternative place as may be determined from time to time by the Public Works Commission.

Section 4.2: Special Meetings

The Chairperson of the Public Works Commission, may, upon his or her own motion, or upon the request of a majority of the members of the Commission, call a Special Meeting of the Commission. Unless otherwise specified in the call, all Special Meetings shall be held at the regular meeting place of the Commission. Notice of Special Meetings shall be given personally or by letter sent via United States Mail, facsimile, or e-mail to all members of the Public Works

Commission by the Recording Secretary not less than seventy-two (72) hours in advance thereof, exclusive of weekends and holidays. The requirements of notice of Special Meetings may be waived by the members of the Public Works Commission, and the attendance of a member at a Special Meeting shall be deemed a waiver of the notice requirements.

Section 4.3: Public Meetings

All meetings of the Public Works Commission shall be open to the general public and shall be subject to the Missouri Open Meetings Law.

Section 4.4: Notice of Meetings

1. In addition to notice required to be given to Public Works Commission members and the Recording Secretary, public notice of all Public Works Commission meetings shall be given in a manner required by Missouri law. The meeting notice shall consist of the time and place of the meeting and an agenda or summary of the subject matter to be considered.
2. The Recording Secretary shall also post the meeting notice on the bulletin board outside the main entrance to City Hall at least twenty-four (24) hours in advance of the meeting (excluding weekends), and shall provide a copy of the meeting notice to persons and organizations who have requested in writing to be notified of meetings of the Public Works Commission. In the discretion of the Recording Secretary, notice may also be provided to persons and organizations known to have a special interest in matters to be considered by the Public Works Commission.
3. Failure to provide notice of a meeting of the Public Works Commission as required by Missouri law shall invalidate any decision or proceeding of the Public Works Commission made at said meeting.

Section 4.5: Quorum, Rules of Procedures, and Voting

1. Quorum: At any meeting of the Public Works Commission, a quorum shall consist of a majority of the appointed Citizen Members. No formal action shall be taken in the absence of a quorum except to adjourn the meeting. The Chairperson may cancel a meeting of the Public Works Commission if it is known in advance that there will be a lack of quorum or a lack of business. Meetings cancelled due to a lack of quorum or a lack of business may be rescheduled by the Chairperson as necessary.
2. Rules of Procedures: All Rules of Procedures for the Public Works Commission not herein provided shall be in accordance with ROBERT'S RULES OF ORDER NEWLY REVISED (In Brief), Da Capo Press Publishing, 2004. However, the Public Works Commission has an obligation to be as clear and simple in its procedure as possible.
3. Voting: The number of votes necessary to transact business shall be a majority of those Citizen Members in attendance. Each member of the Public Works Commission is entitled to one (1) vote. In the case of a tie vote, the question before the Public Works Commission fails. A record of the votes of the Public Works Commission shall be kept as part of the Minutes.

Section 4.6: Agenda and the Order of Business

1. The Recording Secretary and the Chairperson of the Public Works Commission shall prepare the meeting Agendas and schedule matters before the Public Works Commission. The Public Works Commission may, by majority vote, direct that an issue be placed on a future agenda.
2. Any citizen, local business, organization, or homeowner's association requesting that an item be reviewed by the Public Works Commission shall put that request in writing to the Recording Secretary.
3. The Order of Business at all meetings of the Public Works Commission shall be determined by the Agenda which shall generally include the following items:
 - A. Call to Order by the Chairperson
 - B. Roll Call by the Recording Secretary
 - C. Pledge of Allegiance
 - D. Approval of the Agenda
 - E. Approval of Minutes
 - F. Citizen Comments
 - G. Old Business
 - H. New Business
 - I. Discuss topics to be placed on future commission agendas
 - J. Closing Comments by Public Works Commission Members
 - K. Adjournment by the Chairperson
 - L. Closed Session (if necessary and approved by a majority of the Citizen Members)
4. The Chairperson may, prior to the beginning of Citizen Comments, place an equally designated time limit for individuals wanting to make public testimony. The Chairperson may also rule that any person present to be out of order, and may direct that person to leave the meeting room. The Chairperson, at his or her discretion, may allow citizen comments during any Agenda item or topic.

Section 4.7: Meeting Minutes

1. The Recording Secretary shall prepare written Minutes for each meeting of the Public Works Commission. A full transcript is not required, but the Minutes shall reflect on the matters discussed at the Public Works Commission meeting. Minutes shall include, but not be limited to, the following:
 - A. A listing of Public Works Commission Members present, excused, and absent without notice of prior excusal.
 - B. A listing of present *Ex-Officio* members.
 - C. An approximate calculation of the number of citizens in attendance in the audience.
 - D. An approximate meeting start time and time of adjournment.
 - E. A listing of the names and addresses given by individuals who address the Public Works Commission during Citizen Comments.

- F. A listing of the names and addresses given by individuals who address the Public Works Commission during the discussion of Agenda items.
 - G. The results of voting, including the individual votes of members of the Public Works Commission on questions before the Public Works Commission that were NOT unanimously approved or disapproved.
 - H. The relative substance of matters discussed at the Public Works Commission meeting.
2. Meeting minutes shall be provided to the members of the Public Works Commission at least three (3) days in advance of the meeting at which they are to be reviewed and voted upon.
 3. Members of the Public Works Commission are expected to vote for approval of the Minutes at a subsequent meeting based on the accuracy of representation of events of that meeting. A vote in favor of adopting the Minutes does not signify agreement or disagreement with the Public Works Commission's actions memorialized in the Minutes.
 4. The Minutes shall be available to the public. The Recording Secretary may charge the fee designated by the City for the photocopying of the Minutes.

Section 4.8: Attendance of the Citizen Members of the Public Works Commission

If a Citizen Member of the Public Works Commission is unable to attend a meeting, he or she is expected to notify the Chairperson or the Recording Secretary prior to the start of the meeting. The Public Works Commission may, by majority vote, declare a Citizen Member's position to be vacant if the Citizen Member has unexcused absences at two (2) or more consecutive meetings, or if the Citizen Member has unexcused absences at three (3) or more meetings within any twelve (12) month period.

ARTICLE 5 – SUB-COMMITTEES

Section 5.1: Public Works Commission Sub-Committees

The Chairperson, with the consent of the majority of the Citizen Members of the Public Works Commission, may establish standing and ad hoc Sub-Committees comprised of members of the Public Works Commission to work on special assignments related to the powers and duties of the Public Works Commission as a whole. The Chairperson shall make the appointments to the Sub-Committees. All Sub-Committees shall provide reports and recommendations at formal meetings of the Public Works Commission for consideration or approval.

ARTICLE 6 – PUBLICATION AND AMENDMENT OF BY-LAWS

Section 6.1: Publication and Distribution

A copy of these By-Laws shall be:

1. Placed on record with the City Clerk.
2. Available at each Public Works Commission meeting.

3. Distributed to each member of the Public Works Commission.
4. Available to the public for the cost of duplication as designated by the City.

Section 6.2: Amendments

1. These By-Laws may be amended by approval of a majority of the Citizen Members of the entire Public Works Commission at a Regular Meeting or Special Meeting, provided notice of the proposed amendment is given at the preceding Regular Meeting or at least five (5) days' written notice is delivered to, e-mailed, or mailed via the United States Postal Service to the home address of each Public Works Commissioner. The notice shall identify the section or sections proposed to be amended. No amendment of the By-Laws that is in conflict with Ordinance Number 5467 shall be permitted unless and until the City Council amends the Ordinance accordingly.
2. Notwithstanding Section 6.2(1) above, any rule of procedure not required by law may be suspended temporarily at any meeting by a majority vote of the Citizen Members of the Public Works Commission present.