

## Chapter 33

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#### Appendix A. Organizational Chart

### ARTICLE I. GENERAL PROVISIONS

#### Sec. 33.001. Statutory boards enumerated.

The following boards are hereby designated as statutory boards, in accordance with each applicable statutory reference:

\*Cross reference—Board and commission members' guidelines, §§ 34.010—34.021.

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<i>Board</i>	<i>RSMo.</i>
Building Codes Commission	§ 64.190 et seq.
Planning and Zoning Commission	§ 64.510 et seq.
Board of Zoning Adjustment	§ 64.610 et seq.
Park Board	§ 64.330 et seq.
Board of Equalization	§ 138.085 et seq.
Developmental Disabilities Resource Board	§ 305.968 et seq.
Clay-Platte-Ray Mental Health Board	§ 205.975 et seq.
Industrial Development Authority	§ 349.045 et seq.
Tri-County Domestic Violence Board	§ 455.210
Public Building Authority, Inc.	§ 49.520-49.575
Tax Increment Financing Commission	§ 99.820(3)
Board of Election Commissioners	§ 115.015 et seq.
Mid-Continent Library Board	§ 182.015
Kansas City Area Transportation District Authority	§ 238.010 et seq.

**Sec. 33.002. Administration of boards and commissions.**

The county commission appoints a county administrator/chief budget officer, who oversees the administration of the county's statutory commissions, nonstatutory commissions, and appointed officers, as set forth in Appendix A to this chapter.

**ARTICLE II. DOMESTIC VIOLENCE BOARD**

**Sec. 33.010. Established.**

The tri-county domestic violence board has been established pursuant to RSMo. Section 70.220 which allows Ray, Platte, and Clay counties to enter into a cooperative agreement for a common service. The tri-county domestic violence board is governed by RSMo. Sections 455.200—455.230, judicial interpretations of the statutes, the terms

of the cooperative agreement signed by the county commissions of Ray, Platte and Clay and by the by-laws contained in this subchapter. (Ord. GO-86-103, passed 10-6-86)

**Sec. 33.011. Composition.**

The tri-county domestic violence board shall be composed of nine members who serve without compensation or reimbursement and are appointed by the county commissions of Ray, Platte and Clay in the following manner:

Ray County . . . . .	2 members
Platte County . . . . .	3 members
Clay County . . . . .	4 members

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.012. Terms.**

Appointments to the tri-county domestic violence board shall be for a term of three years; however, initial appointments shall be as follows:

- (A) *Ray County.*
  - One member . . . . . 3 years
  - One member . . . . . 2 years
- (B) *Platte County.*
  - One member . . . . . 3 years
  - One member . . . . . 2 years
  - One member . . . . . 1 year
- (C) *Clay County.*
  - Two members . . . . . 3 years
  - One member . . . . . 2 years
  - One member . . . . . 1 year

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.013. Absences.**

*Good cause:* Three absences in one calendar year without good cause shall be grounds for replacement by the appropriate county commission.

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.014. Meetings.**

The tri-county domestic violence board shall meet at such times and places as the board shall

deem appropriate. Official actions of the board shall require a majority vote of those members attending the scheduled meeting; provided, however, a quorum of the members shall be present, such quorum to consist of a minimum of five members in attendance and at least one member from each county.

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.015. Reports.**

The tri-county domestic violence board shall compile the necessary reports and figures and annually file written reports with the county commissions of Ray, Platte and Clay on May 31 of the year following the year in which the board allocated its funds.

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.016. Funding applications.**

The tri-county domestic violence board shall require all shelters seeking funding to file their applications on or before October 1 of the year preceding the calendar year for which the funding is desired. Completed applications shall be on forms approved by the board and shall include all of the following:

- (A) Evidence that the shelter is incorporated in this state as a nonprofit corporation;
- (B) A list of the directors of the corporation and a list of the trustees of the shelter, if different;
- (C) The proposed budget of the shelter for the following calendar year;
- (D) A summary of the services proposed to be offered in the following calendar year;
- (E) An estimate of the number of persons to be served during the following calendar year;
- (F) A description of the process currently being used for collecting and reporting statistical data regarding persons served and indicate if the same process will be used pursuant to the reporting requirements established by RSMo. § 455.230 and the board.

(Ord. GO-86-103, passed 10-6-86)

State law reference—RSMo. § 455.215.

**Sec. 33.017. Requirements before receiving funding.**

To qualify for funds allocated and distributed by the tri-county domestic violence board, a shelter shall meet all of the following requirements:

- (A) Be incorporated in the state as a nonprofit corporation;
- (B) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
- (C) Receive at least 25 percent of its funds from sources other than funds distributed pursuant to RSMo. § 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (D) Provide residential service or facilities in Ray, Platte or Clay County for:
  - (1) A spouse;
  - (2) A former spouse;
  - (3) A person living with another person whether or not as spouses; or
  - (4) A parent, when such persons are residing or have resided with the person and for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
- (E) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter;
- (F) A shelter does not qualify for funds if it discriminates in its admissions or provi-

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sion of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

(Ord. GO-86-103, passed 10-6-86)

State law reference—RSMo. § 455.220.

**Sec. 33.018. Notification of eligibility for funding.**

On or before November 15 of the year in which the application is filed, the tri-county domestic violence board shall notify the shelter, in writing, whether it meets the criteria set forth in these by-laws and, if the shelter is eligible, specify the amount available for that shelter from the fees collected pursuant to RSMo. § 455.205.

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.019. Warrants.**

The tri-county domestic violence board shall request warrants payable to the eligible shelters from Ray, Platte and Clay County in sufficient time to allow the tri-county domestic violence board to present the warrants to the eligible shelters twice annually, on January 1 and July 1 of the years following the year in which the application is filed.

(Ord. GO-86-103, passed 10-6-86)

**Sec. 33.020. Annual reports.**

The tri-county domestic violence board shall require all shelters that receive funds to file an annual report with the board on or before March 31 of the year following the year in which the funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person.

(Ord. GO-86-103, passed 10-6-86)

State law reference—RSMo. § 445.225.

**Sec. 33.021. Allocation of funds.**

If the tri-county domestic violence board receives applications from more than one qualified shelter for victims of domestic violence and the requests for the funds exceed the amount of funds available, funds shall be allocated on the basis of the following priorities:

- (A) To shelters in Ray, Platte and Clay County in existence on August 13, 1982;
- (B) To shelters offering or proposing to offer the broadest range of services and referrals to Ray, Platte and Clay County, including medical, psychological, financial, educational, vocational, child care services and legal services;
- (C) To other facilities offering or proposing to offer services specifically to Ray, Platte and Clay County victims of physical domestic violence;
- (D) To other qualified shelters.

(Ord. GO-86-103, passed 10-6-86)

**Secs. 33.022—33.029. Reserved.**

**ARTICLE III. MENTAL HEALTH BOARD OF TRUSTEES**

**Sec. 33.030. Name, membership and area of service.**

(A) The Clay, Platte, Ray mental health board of trustees has been established pursuant to RSMo. § 205.982 and is governed by RSMo. sections 205.975 through 205.986, the terms of the cooperative agreement signed by the county commissions of Clay, Platte and Ray Counties on July 21, 1981, and by the by-laws adopted by the board of trustees.

(B) The respective county commissions shall appoint their members to the board of trustees for three year terms. Three absences in one year without good cause (sickness, and the like) shall be grounds for replacement by the appropriate county commission. Prior to such replacement the member shall receive warning by certified mail.  
(Ord. SO-81-552, passed 11-6-81)

**Sec. 33.031. Adoption and amendment of the agreement and by-laws.**

(A) *Intercounty agreement.* The agreement between the county commissions of Clay, Platte and Ray Counties, entered into July 21, 1981, is the basic law governing this board of trustees. Amendments to the agreement may be proposed by two-thirds of those present and voting, including affirmative votes by at least one member from at least two counties. Copies of the proposed amendment shall be circulated to the board members at least one week in advance. Amendments to the agreement come into effect only on the acceptance of all three county commissions.

(B) *By-laws.* Amendments to the by-laws may be proposed by a majority of those present and voting, with advance notice to the members of the board of trustees. Amendments to the by-laws take effect unless rejected by one or more of the three county commissions within 30 days following the next regularly scheduled meeting of the respective county commissions.  
(Ord. SO-81-552, passed 11-6-81)

**Sec. 33.032. Officers.**

The Clay, Platte, Ray [Counties] mental health board of trustees shall elect by majority of those present and voting from among its members the following officers:

- (A) *Chairperson.* The chairperson shall preside over all board meetings, appoint all committees and committee chairpersons, serve as ex officio nonvoting member of all committees, serve as liaison between the board of trustees and the three county commissions, serve as liaison between the board of trustees and other governmental bodies involved in mental health, and sign all contracts approved by the board of trustees.
- (B) *Vice-chairperson.* The vice-chairperson shall perform the duties of the chairperson in his absence or upon his instruction.
- (C) *Treasurer.* The treasurer shall be the chief financial officer of the board of trustees and chairperson of the finance and budget committee. Before funds are received from

each participating county, he shall enter into a bond to each participating county with two or more sureties, to be approved by the board of trustees. He will render a faithful and just account of all monies that may be deposited into the community mental health fund, and otherwise perform his duties according to law.

- (D) *Terms of office.* Terms of office shall be for one year, and shall expire on June 30 or when their successors are elected and qualify. Incumbent officers may serve up to three consecutive terms.
- (E) *Removal.* An elected officer may be removed by a two-thirds majority of those present and voting with advance notice to the members of the board.
- (F) *Vacancies.* Vacancies shall be filled for the unexpired term in the same manner as the original election.

(Ord. SO-81-552, passed 11-6-81)

**Sec. 33.033. Committees.**

(A) *Selection and term.* The board chairperson shall maintain the chair and members for each committee, subject to approval by authority of those present and voting. Committees shall serve for a term equivalent to that of the chairperson of the board, unless the board directs otherwise in the case of an ad hoc committee.

(B) *Vacancies.* Vacancies on each committee shall be filled in the same manner as the original appointments.

(C) *Committee meetings.* Committee meetings may be called by the chairperson of the board or the committee chairperson. Any member of the board may attend any committee meeting without voting privileges except where he is a member of the committee.

(D) *Powers.* Each committee may conduct hearings, perform studies, and make reports as deemed necessary by the committee or required by the board. All committee reports and recommendations are subject to approval by a majority of those present and voting.

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(E) *Ad hoc committees.* Ad hoc committees may be created by a majority of those present and voting at any board meeting.

(F) *Standing committees.* Standing committees shall include the finance and budget committee; committee on applications, presentation, review and contracts; and the committee on by-laws and personnel.

(1) *Duties of the finance and budget committee.* The duties of said committee shall include:

- (a) Preparation of the annual budget;
- (b) Supervision of the investment of idle funds to maximize revenue;
- (c) Auditing the financial operations of the staff on an ongoing basis;
- (d) Identifying other sources of federal, state, local and private funding of mental health services in order to prevent the use of levy money to duplicate or supplant other funds, and to expand mental health services in the three county area;
- (e) Holding administrative costs to a minimum, such costs to be attributed to each county in the same ratio as that county's proportionate share of the total three county mental health revenues under this levy.

(2) *Duties of the committee on applications, presentation, review and contracts.* The duties of said committee shall include:

- (a) Establishing a procedure and schedule for presentation of needs by institutions and individual citizens of the three counties, including provision for public notices, public hearings, application forms, presentations, and recommendations;
- (b) Carrying out periodical clinical and financial audits, which shall be patient specific but shall insure patient confidentiality, and which shall also include review of financial and clinical records;

(c) Submitting summary reports, including only data on Clay, Platte and Ray County residents, to the county commissions of Clay, Platte and Ray Counties on a monthly basis, noting characteristics of admissions, referral sources, units of service, and costs thereof;

(d) Drafting contracts, subject to approval by a majority of those present and voting at any board meeting, with each participating agency, specifying the amount of allocation and any special conditions which may pertain;

(e) Making recommendations to the board on a program of service priorities to identify those services which meet the greatest need of all residents of Clay, Platte and Ray Counties.

(f) Agencies funded by the board of trustees shall be given an annual allocation based on availability of funds and projection of needs. Funds may be drawn by the receiving agency on a monthly basis and shall be credited against a quarterly allocation of funds. The quarterly allocation shall not be exceeded without special justification.

(g) Delivery of services shall be substantiated by mental health agencies. This substantiation shall include charges based upon a sliding scale for services delivered, made against the quarterly allocation. Each agency shall keep a running account of such charges and shall submit a monthly report to the board of trustees showing units of service delivered and charges made.

(3) *Duties of the committee on by-laws and personnel.* The duties of said committee shall include:

- (a) Bringing recommendations to the board on each proposed amendment to the agreement or the by-laws;

- (b) Designing and supervising an administrative structure for the board of trustees and writing job descriptions to meet the board's staff needs;
  - (c) Establishing a procedure and schedule for filling the boards staff positions, including recommended salaries, fringe benefits, staff evaluation procedures, office space, and services;
  - (d) Supervising the establishment and maintenance of personnel records.
- (Ord. SO-81-552, passed 11-6-81)

**Sec. 33.034. Governing rules; principles of procedure.**

(A) *Statutes.* The application of mental health mill levy funds of Clay, Platte and Ray Counties shall be guided by the relevant sections of the Missouri Statutes, which require that funds be used to:

- (1) Fund comprehensive mental health services;
- (2) Supplement existing funds to operate comprehensive mental health services;
- (3) Purchase services from agencies designated by the Missouri department of mental health.

(B) *Eligibility.*

- (1) Eligibility of agencies to receive mental health levy funds shall be determined by statute and shall include those agencies which:
  - (a) Meet Missouri department of mental health standards;
  - (b) Are reviewed annually by the Missouri department of mental health;
  - (c) Participate in developing the state plan;
  - (d) Report patient data to the Missouri department of mental health.
- (2) In addition, all eligible agencies shall be defined as providing comprehensive mental health services.

(C) *Applications.* Applications for funding may be considered from all existing community mental health centers, mental health clinics, or other public facilities or not for profit corporations based in Clay, Platte or Ray Counties, or any other county which serves residents of Clay, Platte or Ray Counties. Specific criteria for determining eligibility to receive mental health levy funds shall include:

- (1) Services provided directly by a psychiatrist, by a recognized mental health professional under indirect supervision of a psychiatrist, or as defined by standards promulgated by the Missouri department of mental health;
- (2) Assurance that a network of services will be provided to residents of the three-county area who are unable to pay for those services;
- (3) Eligibility to receive mental health levy funds as designated by the Missouri state plan as meeting appropriate standards and eligibility to receive Missouri department of mental health funds.

(D) All residents of Clay, Platte and Ray Counties shall be eligible to receive services on a sliding scale based upon ability to pay. Any resident who has a special need for mental health services which cannot be met by any agency or institution located in one of the three counties may apply for funding of his services by an agency or institution located outside of the three-county area.

(Ord. SO-81-552, passed 11-6-81)

**Secs. 33.035—33.059. Reserved.**

**ARTICLE IV. PUBLIC BUILDING AUTHORITY**

**Sec. 33.060. Title.**

The name of this corporation is the "Clay County Public Building Authority, Inc." hereinafter called the "authority." The Clay County Building Authority, Inc., is a not-for-profit corporation. (Ord. GO-84-57, passed 6-18-84)

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**Sec. 33.061. Period of duration.**

The period of duration of the corporation is perpetual.  
(Ord. GO-84-57, passed 6-18-84)

**Sec. 33.062. Composition.**

(A) The board of directors shall be at least three in number, all of whom shall be citizens of the United States of America and residents of the State of Missouri, who shall be selected and appointed as provided in these articles of incorporation.

(B) The management of the authority and all of its affairs shall be vested in the board of directors. The members of the board of directors shall be selected and appointed by the county commission and shall serve as provided herein and in the authority's by-laws. The term of office and removal of any member of the board of directors shall be in accordance with the provisions of the authority's by-laws.  
(Ord. GO-84-57, passed 6-18-84)

**Sec. 33.063. Purpose of authority.**

The purposes for which the authority is organized are:

- (A) For exclusively charitable purposes;
- (B) Promotion of the common good and general welfare of the county and its inhabitants by taking all necessary or appropriate action any time, or from time to time, to acquire by purchase, lease or otherwise, to construct, improve, expand, extend, maintain, repair, remodel, renovate or finance land, sites, buildings, facilities, furnishings and equipment for the use of the county to provide municipal and/or county services and facilities of every type, class or description, including, but not limited to, water production, supply or distribution, sewage collection, treatment or disposal, streets, parks, police, fire, courts, jails, county hall, county centers, civil defense or public works.
- (C) To receive and collect all income, revenues, receipts, and profits from the authority's operation of facilities which it

is herein authorized to acquire, and to hold and dispose of such monies for the purpose of paying the cost of operation of such facilities and other proper corporate expenses, and for the purpose of paying principal of and interest on evidences of indebtedness issued by the authority attributable to such facilities, and the board of directors is authorized to approve the execution of agreements for the benefit of holders of such evidences of indebtedness pledging and irrevocably appropriating such income, revenues, receipts and profits for the aforesaid purposes in such manner as the board of directors shall determine;

- (D) To permit no part of the net earnings of the authority to inure to the benefit of, or be distributable to, its directors, officers or other private persons, except that the authority shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in divisions (A) and (B) hereof. No substantial part of the activities of the authority shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the authority shall not participate in, or intervene in, including the publishing or distribution of statements, any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the authority shall not carry on any other activities not permitted to be carried on:
    - (1) By a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law; or
    - (2) By a corporation, contributions to which are deductible under section 170(c)(1) or (2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.
- (Ord. GO-84-57, passed 6-18-84)

**Sec. 33.064. Powers.**

The authority shall have the following powers:

- (A) To do each and every thing necessary, suitable, or proper for the attainment of any one or more of the purposes and objects herein enumerated or which may be conducive or expedient to the interests of or benefits to the authority, and to contract accordingly, and, in addition, to exercise and possess any and all of the powers, rights, and privileges necessary or incidental to the purposes for which the authority is organized or to the activities in which it is engaged, insofar as such acts are permitted under the General Not For Profit Corporation Law of the State of Missouri, RSMo. Chapter 355, and in general to carry on any other business in connection therewith not being forbidden by the State of Missouri;
- (B) To buy or otherwise acquire, own, hold, sell, lease or otherwise dispose of and to mortgage or otherwise encumber real property, including interests therein, and personal property of all kinds in the State of Missouri;
- (C) To make contracts and incur liabilities which are appropriate to enable the authority to accomplish any or all of its purposes, to borrow money at such rates of interest as the authority may determine, to issue its notes, bonds and other obligations, and to secure the same by mortgage, pledge, or deed of trust, on all or any of its property, franchises and gross revenues.

(Ord. GO-84-57, passed 6-18-84)

**Sec. 33.065. Duties.**

The board of directors of the authority shall, notwithstanding any powers herein granted, conduct the affairs of the corporation for the purpose of ultimately vesting in the county the ownership and operation of all land, sites, buildings, facilities, furnishings and equipment, the acquisition, construction, improvement, expansion, extension, maintenance, repair, remodeling, renovation and financing of which is authorized pursuant to

section 33.063 herein. The authority shall enter into one or more leases with the county, all of which shall be for not more than one year but with not more than 35 successive options by the county to renew such leases under the same conditions, and shall convey or sell the land, sites, buildings or facilities including any improvements, expansions, extensions, maintenance, repairs, remodeling, renovations, furnishings or equipment to the county upon its request with clear title at or prior to the end of the period of successive one year options for an amount which, together with other available funds of the authority, will be sufficient to effect the retirement, defeasance and discharge of all indebtedness of the authority, or shall convey such land, sites, buildings or facilities, including any improvements, expansions, extensions, maintenance, repairs, remodeling, renovations, furnishings or equipment to the county, without any payment by the county, at any time, bonds, notes or other obligations issued by the authority to acquire or finance the land, sites, buildings or facilities, including any improvements, expansions, extensions, maintenance, repairs, remodeling, renovations, furnishings or equipment, have been paid and discharged. When and as the authority shall have retired all of its obligations other than current indebtedness in an amount not exceeding the value of its current assets, the authority shall make provision for the payment of its current indebtedness and shall, prior to the completion of such transfer, operate such properties substantially without profit and any small profit which may accrue through such operations shall be paid to the county.

(Ord. GO-84-57, passed 6-18-84)

**Sec. 33.066. Issuance of capital stock.**

The authority shall not have the authority to issue capital stock.

(Ord. GO-84-57, passed 6-18-84)

**Sec. 33.067. Dissolution of authority.**

Upon the dissolution of the authority, the board of directors shall, after paying or making provision for the payment of all of the liabilities of the authority, dispose of all of the assets of the authority under the provisions of section 33.065. If

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the authority is unable to convey said property to the county, then the board of directors shall, after paying or making provision for the payment of all of the liabilities of the authority, dispose of all of the assets of the authority exclusively for the purposes of the authority in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954, the corresponding provision of any future United States Internal Revenue Law, or any provision of the Internal Revenue Code, Income Tax Regulation, or Revenue Ruling as the board of directors shall determine. Any such assets not so disposed of shall be disposed of by the court of the county in which the principal office of the authority is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

(Ord. GO-84-57, passed 6-18-84)

**Secs. 33.068—33.079. Reserved.**

#### ARTICLE V. PLANNING AND ZONING COMMISSION BY-LAWS

##### **Sec. 33.080. Meetings.**

(A) The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regular scheduled meeting. The regular meeting is established each month to be on the second Tuesday at 6:30 p.m. at the Clay County Administration Building, 1 Courthouse Sq., Liberty, Missouri, or such other public place as the commission may designate.

(B) Additional meetings may be held at any time upon the call of the chairman or by a majority of the voting members of the commission or upon request of the county commission following at least 24 hours' notice to each member of the planning and zoning commission.

(C) All meetings and work sessions shall be open to the public.

(Ord. passed 10-5-94)

##### **Sec. 33.081. Elected officers.**

The commission at its first regular meeting in June of each year shall elect a chairman and vice-chairman and shall also elect a secretary who need not be an appointed member.

(Ord. passed 10-5-94)

##### **Sec. 33.082. Duties of elected officers.**

(A) The duties and powers of the officers of the commission shall be set forth in division (B) of this section.

(B) (1) *Chairman.* The chairman shall:

- (a) Preside at all meetings of the commission;
- (b) Call special meetings of the commission in accordance with the bylaws;
- (c) Sign documents of the commission;
- (e) See that all actions of the commission are properly taken; and
- (f) Act as an ex officio member of all committees, with voice but no vote.

(2) *Vice-chairman.* The vice-chairman shall:

- (a) During the absence, disability, or disqualification of the chairman, exercise and perform all the duties and have all the responsibilities of the chairman; and
- (b) Succeed the chairman to serve the unexpired term of the vacated office. If the chairman vacates the chairmanship before his or her term is completed, a new vice-chairman shall be elected at the next regular meeting.

- (3) *Secretary.* The secretary shall:
- (a) Keep the minutes of all meetings of the commission in an appropriate minute book;
  - (b) Give or serve all notices required by law or by the bylaws;
  - (c) Prepare the agenda for all meetings of the commission;
  - (d) Be custodian of commission records;
  - (e) Inform the commission of correspondence relating to business of the commission and attend to such correspondence;
  - (f) Handle funds allocated to the commission in accordance with its directives, the law, and county regulations; and
  - (g) File all maps, plats, and other matters required by law to be filed in the office of the county clerk or recorder of deeds as appropriate.

(Ord. passed 10-5-94)

**Sec. 33.083. Quorum required; alternatives.**

(A) A majority of the members of the commission entitled to vote shall constitute a quorum for the transaction of business.

(B) If no quorum is present at the beginning of a meeting, the chairman shall convene the meeting and reschedule an alternate date for the meeting to be held. Action on all items shall be deferred until this rescheduled meeting.

(C) If during the course of a meeting a quorum ceases to exist, the chairman shall discontinue the meeting, set and announce an alternative date for the continuation of the meeting, and adjourn the meeting. Action on all items pending at this adjourned meeting shall be deferred until the newly rescheduled meeting.

(Ord. passed 10-5-94)

**Sec. 33.084. Absence from meetings; notification required.**

Each member of the commission who has knowledge of the fact that he or she will not be able to

attend a scheduled meeting of the commission shall notify the secretary at the earliest possible opportunity and, in any event, prior to 4:00 p.m. on the day prior to the meeting. The secretary shall notify the chairman of the commission in the event that the projected absences will produce a lack of quorum.

(Ord. passed 10-5-94)

**Sec. 33.085. Agenda of meetings.**

(A) The procedure as set forth in subsection (B) below will normally be observed; however, it may be rearranged by the chairman for individual items if necessary for the expeditious conduct of business.

(B) *Order of meetings.*

- (1) Staff presents report.
- (2) The commission may ask questions regarding the staff presentation and report.
- (3) Proponent(s) of the agenda item makes presentation.
- (4) Opponent(s) makes presentations.
- (5) Proponent(s) of agenda item makes rebuttal of any points not previously addressed.
- (6) Opponent(s) makes reply to any points addressed in the rebuttal.
- (7) The commission asks any questions it may have of the proponent(s), opponent(s), or staff.
- (8) The chairman shall then ask for a motion and the matter shall be placed to a vote of the commission.

(Ord. passed 10-5-94)

**Sec. 33.086. Matters referred by county.**

Matters referred to the commission by the county commission shall be placed on the calendar for consideration and action at the first meeting of the commission after such reference.

(Ord. passed 10-5-94)

**Sec. 33.087. Voting.**

Voting shall be done by polling the individual members of the commission who shall register their votes by voice. The secretary shall record the

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name of the commission member who makes the motion, the one who seconds it, and the way each member votes on each item.

(Ord. passed 10-5-94)

**Sec. 33.088. Conflict of interests.**

Any member of the commission who shall feel that he or she has a direct economic conflict of interest on any matter that is on the commission agenda shall voluntarily excuse himself or herself and refrain from discussing and voting on said items as a commissioner. The commission may, by a vote of a majority of a quorum, exclude a commissioner from voting on an item if it deems that the commissioner has a direct economic conflict of interest on that item.

(Ord. passed 10-5-94)

**Sec. 33.089. Confidentiality.**

No commissioner shall discuss a pending agenda item at other than a public meeting scheduled by the commission.

(Ord. passed 10-5-94)

**Sec. 33.090. Public hearings; proceedings.**

In cases where the commission holds public hearings, the commission may enter orders governing the procedures to be followed in connection with such hearings. These orders may include such items as the scheduling of hearing dates, filing of exhibits, identification of witnesses, shortening the testimony of witnesses, and directing parties to file proposed recommendations, findings of fact, or conclusions of law.

(Ord. passed 10-5-94)

**Sec. 33.091. Amendment of rules.**

The rules set forth in this subchapter may be amended at any meeting by a vote of the majority of the entire membership of the commission provided five days' written notice has been given to each member of the commission.

(PZC Bylaw 10-5-94)

**Sec. 33.092. Continuance; dismissal.**

(A) *Continuance by applicant prior to meeting.* An applicant may continue his own proposal to the next regularly scheduled agenda, not to exceed a two month time period, by contacting the planning and zoning department not less than ten days prior to the date of the original hearing date. Where notification by mail of adjacent property owners has taken place, the applicant shall bear the costs of any additional sent notices. (Such notices shall be mailed not less than ten days prior to the date of the originally scheduled hearing.)

(B) *Continuance granted at meeting without prior approval.* Any proposal not withdrawn prior to preparation of the agenda (ten days prior to the meeting) may be continued at the applicants request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow a continuance, the commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the commission may refuse to continue the proposal, and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a regularly scheduled agenda, and only one continuance shall be permitted. The applicant shall bear all costs of any additional notices sent to the interested parties.

(C) *Dismissal of application.* Should an applicant be unable to go forward with his proposal after the time for continuing such proposal has expired, the planning and zoning commission may, by affirmative vote of three-fourths of the members present at the meeting, dismiss an application with or without prejudice with the reasons for such dismissal stated on the record. If an application is dismissed without prejudice, the applicant may reapply immediately for further consideration of the same request paying all necessary application fees.

(D) *Applicant not in attendance at regularly scheduled agenda.* In case an applicant, or his agent, is not in attendance when his item is

called, the planning and zoning commission may either take action on the item, dismiss the item with or without prejudice, or continue the item. (PZC Bylaws 9-3-96)

**Secs. 33.093—33.109. Reserved.**

#### **ARTICLE VI. DEVELOPMENT DISABILITIES RESOURCES BOARD**

**Sec. 33.110. Members and organization.**

The board shall consist of nine members, who shall serve three-year terms. The staff contact person shall be the county administrator. (Ord. passed - -)

**Sec. 33.111. Duties.**

The board controls and manages the county's sheltered facilities, including hiring personnel and determining their compensation; and provides suitable quarters and equipment for the operation of the facilities from funds made available for this purpose. (Ord. passed - -)  
State law reference—RSMo. 205.970.

**Secs. 33.112—33.119. Reserved.**

#### **ARTICLE VII. BOARD OF EQUALIZATION**

**Sec. 33.120. Members and organization.**

The board shall consist of three members, who shall serve three-year terms. The staff contact person shall be the county clerk. (Ord. passed - -)

**Sec. 33.121. Duties.**

The board is responsible for reviewing the valuation of all tracts and parcels of land, and all tangible personal property within the county. The board has the authority to lower the valuation if, in its opinion, the property has been returned above its true value compared to the average valuation of all other property in the county. In

addition, the board has the authority to raise the valuation if, in its opinion, the property has been returned below its true value.

(Ord. passed - -)

State law reference—RSMo. 138.085.

**Secs. 33.122—33.129. Reserved.**

#### **ARTICLE VIII. PARK BOARD**

**Sec. 33.130. Members and organization.**

The board shall consist of seven members, who shall serve four year terms. The staff contact person shall be the park director. (Ord. passed - -)

**Sec. 33.131. Duties.**

The board is a citizens advisory board and advises the park director and county commission. Emphasis is placed in areas of policy and programming. (Ord. passed - -)  
State law reference—RSMo. 64.330.

**Secs. 33.132—33.139. Reserved.**

#### **ARTICLE IX. TAX INCREMENT FINANCING COMMISSION**

**Sec. 33.140. Members and organization.**

The commission shall consist of nine members, who shall serve four year terms. Six of the nine members shall be appointed by the county commission. The staff contact person shall be the county administrator. (Ord. passed - -)

**Sec. 33.141. Duties.**

The commission exercises all the powers delegable under the Real Property Tax Increment Allocation Redevelopment Act and in particular those enumerated in RSMo. 99.820. (Ord. passed - -)

**Secs. 33.142—33.149. Reserved.**

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**ARTICLE X. BOARD OF ZONING  
ADJUSTMENTS**

**Sec. 33.150. Members and organization.**

The board shall consist of five members, who shall serve four year terms. No more than two members shall be residents from incorporated areas, and no more than one member shall be a member of the planning and zoning commission. The staff contact person shall be the planning and zoning director.

(Ord. passed - -)

**Sec. 33.151. Duties.**

The board is responsible for hearing and deciding appeals regarding county zoning regulations, as well as other matters referred to the board.

**State law reference**—RSMo. 64.660