

# CITY BOARDS

## DESCRIPTION OF DUTIES



### **AIRPORT BOARD**

The Airport Board consists of seven (7) persons, appointed for a three (3) year term, by the City Council of the City of Maryville. Qualifications for serving on the Airport Board include being at least eighteen (18) years old, a citizen of the United States, a registered voter in Nodaway County. No more than three (3) Board members shall reside outside the City limits, but shall reside within Nodaway County, as their primary residence.

The Board consists of no less than the four (4) of the seven (7) members living/residing, with their primary residency located inside the City limits of Maryville. The Airport Board elects officers annually, one (1) of its members as President, Vice President, and Secretary.

The Board serves in an advisory capacity to the City Council and has the power to adopt rules of procedure and by-laws, subject to the City Council approval, as it shall deem necessary to administer to the operation and maintenance of the Maryville Municipal Airport, not inconsistent with the laws of the State or Ordinances of the City.

The ordinances of the City pertaining to the public health, safety and welfare, and in any manner pertaining to the general peace and quiet of the public, shall be effective within the limits of the Municipal Airport as though the Airport were included within the limits of the City, and to this end the Department of Public Safety of the City and all other departments of similar character shall be and are directed and empowered to exercise full and complete jurisdiction over the Municipal Airport area as they are empowered to exercise within the City Limits.

### **PUBLIC ART ADVISORY COMMITTEE**

It is the purpose and intent of the City to promote and expand the opportunities for its citizens to experience public art and other projects resulting from the creative expression of visual arts in public places within the city. A policy is hereby established to direct the inclusion of works of art in public spaces within the City of Maryville, Missouri.

The Public Art Advisory Committee consists of seven (7) members, citizens and residents of Maryville, Missouri, who are appointed by the Mayor with the consent of the City Council and serve a three (3) year term. Members shall have the same qualifications for office as the City Council.

### **PLANNING AND ZONING COMMISSION**

The City of Maryville has one (1) opening on the Planning and Zoning Commission. Any persons interested in being considered for this position shall submit an application to the City Clerk requesting to be considered for the position. The position will initially be until May 1, 2016, but is usually a four (4) year term. Planning and Zoning Commission member are appointed by the Mayor and Council, whose purpose it is to develop plans and recommendations for development of the City of Maryville, Missouri and to recommend resolutions for zoning issues to the City Council.

### **PARK AND RECREATION**

The Park and Recreation Board of the City of Maryville is be composed of nine (9) members, subject to the approval of the City Council for a three (3) year term. The members are chosen from the citizens at large and have been a resident of the City for at least two (2) years immediately prior to being a member. Members of the Park and Recreation Board shall not be an employee of the City of Maryville.

The Park and Recreation Board has exclusive control of the expenditure of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of the Parks and Recreation facilities of

the City. All monies received are deposited to the credit of the Park Fund and are kept separate and apart from the other monies of the City and drawn upon by the properly authenticated vouchers of the Park and Recreation Board. The Board has the power to purchase or otherwise secure grounds to be used for such parks and has the power to appoint a suitable person, to be known as the Director of Parks and Recreation, to take care of said parks and necessary assistants for the Director and fixes their compensation and/or removes such appointees. The Park and Recreation Board has all powers necessary to carry out the spirit and intent of Sections 90.500 to and including 90.570, of the Missouri State Statutes (City Park and Recreation).

### **BOARD OF CODE APPEALS**

The members of such Board of Code Appeals are appointed by the Mayor, subject to confirmation of the City Council, to serve a three (3) year term. The board consists of five (5) members and two (2) alternates. Annually the Board elects a member as President and another as Vice President.

The Board of Code Appeals holds a full and adequate hearing and hear such relevant testimony as the Code Enforcement Officer, any appellant, the record owner and any other person entitled to service of notice shall offer relative to the substandard building.

Upon conclusion of the hearing, the Board of Code Appeals shall make written findings of fact based upon competent and substantial evidence offered at the hearing as to whether or not the building in question is a substandard building. If the evidence supports a finding that the building or structure is a substandard building detrimental to the health, life or safety of any person or to any adjacent property, the Board of Code Appeals shall issue an order based upon the findings of fact commanding the appellant and/or record owner, as well as any other person entitled to notice of the hearing, to vacate and ordering the demolition of the building or structure.

The appellant and/or the record owner, as well as any other person entitled to notice of the hearing, shall have the privilege of either repairing or vacating and repairing said building, if such repair will bring such building into compliance with the ordinances and codes of the City of Maryville, provided that such repair is completed within sixty (60) days of the order being entered by the Board of Code Appeals.

The appellant and/or the record owner, as well as any other person entitled to notice of the hearing, have the privilege of vacating and demolishing said substandard building at their own risk to prevent the City of Maryville from acquiring a lien against said land on which the substandard building is located, provided that such demolition is completed within sixty (60) days of the order being entered by the Board of Code Appeals.

If the evidence does not support a finding that the building or structure is a substandard building, then no order shall be issued. The findings of fact shall be in writing and shall contain findings, a determination of the issues presented and an order as to any requirements to be satisfied. A copy of the decision shall be personally delivered to the appellant and/or the record owner, as well as any other person entitled to notice of the hearing, or shall be sent by certified mail, postage prepaid, return receipt requested to each such person. The effective date of the decision shall be as stated therein.

### **BOARD OF ZONING ADJUSTMENT**

The Board of Zoning Adjustment consists of five (5) members who reside in the City of Maryville, appointed by the City Council, for a term of five (5) years.

Meetings of the Board are held at the call of the Chairperson and at such times as the Board may determine. Business of the Board is conducted in accordance with the regulations set with the provisions of Missouri Statutes and the Council may adopt its own rules of procedure in harmony with said provisions.

The Board of Zoning Adjustment has jurisdiction to make decision and rulings in accordance with the following:

1. The Board may hear appeals where it is alleged there is an error in any order, requirement, decision or interpretation made by an Administrative Official in the enforcement of this Title.
2. Upon receipt of the appeal, if it is determined that the request by appellant is only for a change or exception to the generally understood wording or application of an ordinance of the City of Maryville, then this Board shall be without jurisdiction to further proceed. The appellant shall be informed, with or without a

hearing, that the request is in terms of a request for a general exception, and that this Board is without jurisdiction to proceed. The Board may recommend that appellant make his/her request known to the City Council of the City of Maryville and/or the Board may make a recommendation for change to any Building Official for consideration and presentation to the City Council.

3. If the Board determines that the request is in the nature of requesting a variance from the terms of this Title as would not be contrary to the public interests, that said variance is based upon special conditions unique to Appellant and that a literal enforcement of the provisions of this Title would result in unnecessary hardship; or if the Board finds that there has been an error by the Administrative Official in the interpretation or application of an ordinance in this Title, then the Board may proceed to a decision, all subject to the provisions of Findings of Variance in Section 415.060. The Board of Adjustment shall not have any authority to waive the requirement of this Title absent showing of "undue hardship" which is specific and unique to Appellant ("undue hardship" shall mean a situation where an existing ordinance or zoning law unreasonably limits the normally accepted use of the property. The sole fact that the property could be used more profitably for variances granted is not sufficient to meet the tests of undue hardship).

Before making a ruling on such a request for a variance, the Board shall make the following determinations and shall record such determinations in its proceedings:

1. The appeal falls within the jurisdiction of the Board;
2. Notice of the proceedings has been given as required;
3. Application of the provisions of the ordinance or zoning law unreasonably limits the normally accepted use of such property;
4. The undue hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
5. The undue hardship relates directly to the applicant's property;
6. The undue hardship is unique to the applicant, or nearly so, rather than one shared by the many surrounding properties;
7. The undue hardship is not the result of applicant's own actions; and
8. The variance will neither result in the extension of a non-conforming use nor authorize the initiation of a non-conforming use.

Before granting a variance, the Board shall take a separate vote with at least two-thirds (2/3) of those present and voting, voting in favor of each of the required findings stated in Section 415.060. Insofar as practicable, the motion to make an affirmative finding on each of the requirements shall include a statement of specific reasons or findings of fact supporting such motion.

In exercising the above-mentioned powers such Board may, in conformity with the provisions of Sections 89.010 to 89.140, RSMo., reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

### **PUBLIC LIBRARY**

The Library Board consists of nine (9) members, chosen from the citizens at large of the City. No member of the board shall serve for more than three successive full terms and shall not be eligible for further appointment to the board until two years after the expiration of the third term.

The Trustees have the exclusive control of the expenditure of all money collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose.

According to Section 182.200, RSMo, the Maryville Public Library Trustees make and adopt bylaws, rules and regulations for their own guidance, and for the government of the library, as may be expedient, and not inconsistent with sections 182.140 to 182.301. They appoint the properly qualified librarian who shall be the chief executive and administrative officer for the library.

## **TREE PLANTING COMMITTEE**

The City Tree Board for the City of Maryville, Missouri consists of five (5) members and two (2) alternates, citizens and residents of Maryville, appointed by the Mayor with the consent of the City Council for a three year term.

The Board elects one (1) of its members as President and another as Vice President. The board elects one (1) of its members as Secretary to the Board and this person shall keep the minutes of all proceedings of the Board and all minutes and records shall be kept and filed in the office of the City Clerk and shall be open to the public.

The Board shall have the power to adopt such rules of procedure and bylaws, subject to City Council approval, as it shall deem proper and necessary to carry out the provisions of this Chapter. The rules fix the time and place for regular meetings of the Board. All meetings of the Board shall be held in compliance with the Missouri Open Meetings, Open Record law. Three (3) members shall constitute a quorum of the Board.

The Maryville Tree Board has the powers and duties to act in an advisory capacity to the Council and staff of the City of Maryville with regard to forestry matters, to recommend to the City Council for its approval a five (5) year urban forestry plan and update plans on an as-needed basis for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Board is authorized to purchase and pay for expenditures of the Board, and shall comply with all City rules and regulations pertaining to purchasing, bids, grants, etc. The Tree Board has its own fund, through donations from individuals, businesses, grants, to operate from which will be managed through the Finance Department of the City, to recommend to the City Council, for its approval, such documents as are necessary to develop, maintain, publicize and amended as necessary a list of trees and shrubs which may be planted in or on City-owned property including parks, streets and right-of-way. The Maryville Tree Board is to follow rules and regulations set within the Maryville Municipal Code.

## **HOUSING AUTHORITY**

In each city (as herein defined) and in each county of the state there is hereby created a municipal corporation to be known as the "Housing Authority" of the city or county; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by resolution or other declaration shall determine at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function may be made by the governing body upon the filing of a petition signed by fifty taxpayers of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare.

2. The governing body shall determine that there is need for a housing authority in the city or county, as the case may be, if it shall find that insanitary or unsafe inhabited dwelling accommodations exist in such city or county or that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

3. In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution or other declaration by the governing body declaring the need for the authority. Such resolutions or other declaration shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution or other declaration duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

**Authority to constitute municipal corporation--powers--profits--profits to be applied, how--agents of authority, restrictions.**

99.080. 1. An authority shall constitute a municipal corporation, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections 99.010 to 99.230, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with sections 99.010 to 99.230, to carry into effect the powers and purposes of the authority;

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; except that, when the authority shall lie within an unincorporated area of a first class county having a charter form of government and that unincorporated area is bordered by a city or cities of the third class which may provide services to that authority, the city or cities shall give its approval before said construction, reconstruction, improvement, alteration or repair takes place;

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in sections 99.010 to 99.230 or any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project;

(4) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in sections 99.010 to 99.230) to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property in fee simple or other estate; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance; to allocate federal or state tax credits or other economic benefits or inducements allocated to an authority;

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

(6) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where blighted areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of very low, lower and moderate income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of blighted areas, and the problem of providing dwelling accommodations for persons of very low, lower and moderate income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing;

(7) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of

witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare;

(8) To contract with private owners to manage, lease and operate any rental, cooperative or condominium housing project within its area of operation and to act as management agent for any such project for a management fee;

(a) The persons and families who occupy the housing project shall be very low, lower or moderate income persons as defined in sections 99.010 to 99.230;

(b) Any profit derived by housing authorities from such management fees should be applied to the development, improvement or maintenance of housing projects in the following manner: no less than fifty percent of said profits shall be applied toward improving, developing or maintaining housing units that are occupied by or will be occupied by persons of very low income; the remaining profits shall be applied toward improving, developing or maintaining housing units that are occupied by, or will be occupied by persons of low income;

(9) To loan the proceeds of its bonds and notes to provide for the purchase, construction, extension and improvement of any housing project;

(10) To exercise all powers or parts or combination of powers necessary, convenient or appropriate to undertake and carry out housing projects and all the powers herein granted.

2. No provision of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the law shall specifically so state.

3. An authority may exercise any and all of the powers conferred upon it by this section, either generally or with respect to any specific activity or activities, through or by any agent which it may designate including any corporation or corporations formed under the laws of this state and for such purposes, an authority may cause one or more corporations to be formed under the laws of this state, provided, however, that no employee of any housing authority or publicly elected official shall receive, directly or indirectly, any compensation therefrom other than their salary as such an employee or publicly elected official and that all profits from such corporations and agents shall be distributed in the following manner: not less than seventy percent of said profits shall be applied, in such manner as the housing authority shall determine, toward improving, developing or maintaining housing units that are occupied by, or will be occupied by persons of very low or lower income; not more than thirty percent of said profits shall be applied in such manner as the housing authority shall determine; and if such corporation or agent is involved in managing, developing or purchasing a housing project, at least twenty percent of the units of said project shall be reserved for very low or low income. The distribution of project units reserved for persons of very low and lower income by size shall be proportional to the distribution of units by size for the entire housing project.

The Maryville Housing Board consists of a five (5) member board for a four (4) year term. According to Section 110:270 the Housing Advisory Board shall have the following powers and duties:

1. To administer, manage and exercise control over housing rehabilitation grant and/or loan programs, including, but not limited to, the formulation and adoption, subject to City Council approval, of rules, regulations, requirements and standards relating to the establishment of grant or loan recipient eligibility requirements, grant or loan eligible items, grant or loan amount limits, grant or loan terms, and conditions, and other grant or loan program policies, procedures, specifications, forms, records and accounts.
2. To manage and exercise control over the administration and enforcement of the Fair Housing Ordinance of the City.
3. To issue opinions and recommendations and advise the City Council on such matters as pertain to the administration and enforcement of City codes, ordinances, programs and policies relating to housing in the City, but excluding those powers expressly granted to the Board of Code Appeals.

4. To make rulings and determinations for the advice of the Code Enforcement Officer or his/her authorized representative on any matters relative to City codes, ordinances, programs and policies relating to the housing in the City, but excluding those powers expressly granted to the Board of Code Appeals.
5. To inspect any building, land or premises that may be necessary for the proper exercise of the above-mentioned powers.
6. To receive and investigate complaints, initiate surveys, assemble data, confer with individuals and groups, hold hearings, and conduct investigations relative to the need for production, maintenance and rehabilitation of housing in the City.
7. To adopt rules and regulations for the transaction of business.
8. To make an annual report of its activities, together with significant findings and recommendations, to the Mayor and City Council.

#### **MOZINGO LAKE RECREATION PARK ADVISORY BOARD**

The Mazingo Lake Recreation Park Advisory Board consists of nine (9) members, all of whom shall be residents of Nodaway County, to be appointed by the Mayor with the consent of the Council. The Members serve for a term of three (3) years.

Annually the advisory board shall select a Chairman and Vice-Chairman of their members. The board also selects a Secretary who need not be a member of the advisory board.

The advisory board serves in an advisory capacity and has no authority to contractually bind the City of Maryville, Missouri. The advisory board is charged with the responsibility of making reports and recommendations to the City Council on development, operation and maintenance associated with the Mazingo Lake recreational facility.

#### **NORTHWEST MISSOURI REGIONAL SOLID WASTE MANAGEMENT DISTRICT, REGION A**

The Northwest Missouri Regional Solid Waste Management District (NWMRSWMD) consists of political subdivisions in the region, of a population of five hundred (500) or more, to contract and cooperate in solid waste management planning for its members. The District promotes intergovernmental cooperation in solving solid waste management problems and promotes waste reduction, resource recovery and recycling.

NWMRSWMD shall exercise the powers granted to it in Sections 260.200 to 260.345 RSMo.

Each Council member shall serve a term of two (2) years and may be reappointed thereafter, however members whose elected term of office in a city or county has expired shall be expeditiously replaced by the governing bodies from whence they were selected. Council members do not have to be elected officials.

The Council shall select a Council Chair, Vice-Chair and such other officers as it deems appropriate during the meeting in the summer of odd years. Terms of officers will be two (2) years to coincide with the District's Fiscal Year and audit cycle.

A majority of the Council shall constitute a quorum. The Council shall take no action nor select any Council officer nor conduct any meeting unless a quorum is present.

The Council shall meet twice annually. Special meetings may be called by the Chair of the Council or the Chair of the Executive Board. Meetings shall be at Maryville, Missouri except that the Council may by resolution designate any place within or not more than 100 miles from Maryville, Missouri, as the place of meeting for any regular or special meeting.

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