

THE CONSTITUTION OF CLAY COUNTY, MISSOURI

“Government is a trust, and the officers of the government are trustees. And both the trust and the trustees are created for the benefit of the people.” – Henry Clay

Preamble

We, the people of Clay County, Missouri, in order to avail ourselves of the benefits and responsibilities of home rule powers, hereby create a county government to serve our present and future needs, increase citizen participation, provide for a responsive and efficient government, and to guarantee the right of our citizens to determine the best form of government for our County.

ARTICLE I. Effective Date, Name, Boundaries, County Seat, and Powers of the County

Section 1.01. Effective Date. The effective date of this Constitution shall be January 1, 2021.

Section 1.02. Name. The name of the County as it operates under this Constitution shall continue to be Clay County, Missouri.

Section 1.03. Nature and Legal Capacity. Clay County is a political subdivision of the state of Missouri and a body corporate and politic, and as such, shall have all powers possible for a county to have under the Constitution and laws of the state of Missouri and under this Constitution. Such powers shall include all rights and powers of local self-government not inconsistent with the Constitution and laws of the state of Missouri.

Section 1.04. Boundaries. The boundaries of Clay County are unchanged by this Constitution and may only be changed pursuant to Missouri law.

Section 1.05. County Seat. The seat of county government shall continue to be located in Liberty, Missouri.

Section 1.06. Exercise of Powers. All powers of the County shall be executed as provided by this Constitution, or if the Constitution makes no provision, as provided by Missouri law, or otherwise as provided by ordinance or resolution of the County Commission.

Section 1.07. Construction. The powers of the County under this Constitution shall be construed liberally in favor of the County, and the specific mention of particular powers shall not be construed as limiting in any way the general powers of the County.

ARTICLE II. County Commission

Section 2.01. Powers and Duties. The governing body of the County shall be called the County Commission. The powers of the County Commission conferred by this Constitution are limited only as provided elsewhere in this Constitution or by Missouri law. The County Commission shall have all legislative, executive and other powers conferred by applicable Missouri law upon counties of the State of Missouri.

Section 2.02. Composition. The County Commission shall be composed of seven members. There shall be two districts created, which shall be named the Eastern District and the Western District. The two districts shall be identical to the two districts in existence prior to the adoption of this Constitution. The two districts may thereafter be altered and amended, as set forth herein. Each district shall elect two in-district Commissioners, who shall be elected by the qualified voters of their respective districts, and one at-large Commissioner, who shall be elected by the qualified voters of the entire County. Additionally, there shall be a Presiding Commissioner who shall be elected by the qualified voters of the entire County. The titles of the Commissioners shall be:

- A. Presiding Commissioner
- B. Eastern District Commissioner – Seat 1
- C. Eastern District Commissioner – Seat 2
- D. Eastern District Commissioner – At Large
- E. Western District Commissioner – Seat 1
- F. Western District Commissioner – Seat 2
- G. Western District Commissioner – At Large

Section 2.03. Qualifications. The qualifications to serve as a member of the County Commission shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office and, if serving as a District Commissioner, a resident of their respective district for at least one (1) year prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County and, if serving as a District Commissioner, remain a resident and registered voter of their respective district throughout their term of office.

Section 2.04. Terms of Office. All Commission terms, other than those set forth below, shall be for a period of four (4) years, commencing on the first business day of January following the Commissioner's election. Elections for specific offices shall occur as follows:

- A. Presiding Commissioner. The current Presiding Commissioner shall remain in office until a successor takes office on the first business day of January 2023. The current Presiding Commissioner's compensation and entitlement to benefits will not be changed during his term of office. Beginning with the 2022 election, the Presiding Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

- B. Eastern District Commissioner – Seat 1. The winner of the November of 2020 election for Eastern Commissioner shall occupy Seat 1 of the Eastern District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- C. Eastern District Commissioner – Seat 2. The office of Eastern District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- D. Eastern District Commissioner – At Large. The office of Eastern District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- E. Western District Commissioner – Seat 1. The winner of the November of 2020 election for Western Commissioner shall occupy Seat 1 of the Western District and shall remain in office for a full four (4) year term. The Commissioner will receive the compensation and benefits in place for this office prior to the adoption of this Constitution until the first business day of January 2023. For the remainder of this term, the Commissioner will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this Commissioner will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.
- F. Western District Commissioner – Seat 2. The office of Western District Commissioner – Seat 2 will be elected for a full four (4) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein.
- G. Western District Commissioner – At Large. The office of Western District Commissioner – At Large will be elected for a special two (2) year term in the 2022 election and will take office on the first day of January 2023 and will receive the compensation and benefits set forth herein. Beginning with the 2024 election, this office will be elected to four (4) year terms and will receive the compensation and benefits set forth herein.

Section 2.05. Term Limits. Commissioners shall be limited to serving two consecutive four (4) year terms in the same office and a total of four (4) terms of four (4) years each, not including special two (2) year terms set forth in this Constitution. It shall not be a violation of this provision for a Commissioner to run, at any time, for an office other than the office for which the Commissioner is term limited. A Commissioner who has been term limited in an office may run for that office again, provided there has been at least one intervening election for the office for which the Commissioner was not a candidate.

Section 2.06. Commission Districts. There shall be two County Commission districts. The districts will be as compact and equal in population as possible. The districts shall be subject to alteration every ten (10) years, following the Decennial United States Census, as set forth herein.

Section 2.07. Compensation. All Commission members shall be paid a salary equal to the base salary paid to elected members of the Missouri House of Representatives. The six (6) District Commissioners shall not be entitled to any benefits, including health insurance and retirement benefits. The Presiding Commissioner shall be entitled to additional compensation of \$12,000 per year and will be eligible to participate in the health insurance plan available to all other County employees. The Presiding Commissioner shall not be entitled to any other benefits, including retirement benefits.

Section 2.08. Duties of the Presiding Commissioner. The Presiding Commissioner shall:

- A. Be considered a member of the Commission and vote only in the case of tie, unless specifically provided by this Constitution or by Missouri law.
- B. Provide leadership in the communication of policy to the public.
- C. Lead the Commission in developing its long-range plans and policies, establishing annual priorities, and planning for the economic growth and stability of Clay County government.
- D. Officiate and preside at all meetings and events.
- E. Call special meetings of the Commission as deemed necessary and, in such manner, as required by law.
- F. Attend, or designate a representative of the Commission to attend, all meetings, conferences, and negotiations relating to policy matters involving other units of government and legislative bodies.
- G. Prepare, at least annually, a written or verbal message to the Commission and the citizens detailing such information concerning the economic, physical, and social conditions and needs of Clay County.
- H. Sign, if authorized by law or the Commission, all contracts, and other documents of Clay County government.
- I. Appoint, after consultation with the County Administrator, all members of County Boards and Commissions and any other body or group established by law. All such appointments shall be subject to approval by the County Commission.
- J. Appoint a suitable Commission member to serve as the Presiding Commissioner *pro tem*. Such person shall, in the absence of, unavailability of, or by designation of the Presiding Commissioner, assume and exercise the duties and responsibilities of the Presiding Commissioner.

The Presiding Commissioner shall have all other powers granted by this Constitution, the Commission, and applicable state law.

Section 2.09. Prohibitions. No Commission member shall direct the conduct of any agency or any department, or any part thereof, including the appointment or removal of employees, except at the express direction of the Commission or as otherwise provided by this Constitution. The County shall not hire any person related to a Commissioner within the fourth degree, by affinity or consanguinity. No former Commission member shall hold any compensated appointive office or County employment until two (2) years after leaving office.

Section 2.10. Limitation on Debt. The County shall be strictly limited by all provisions of Missouri law regarding the issuance and obligation of debt, including any provisions requiring a vote of the citizens of Clay County prior to such issuance or obligation of debt. Any vote of the County Commission necessary for the issuance or obligation of debt in an amount which exceeds fifteen (15%) percent of the County's prior year's revenues shall require a supermajority of the County Commission.

Section 2.11. Meetings of the Commission. The County Commission shall hold regular meetings, which shall be conducted as provided by law. The Commission shall hold its meetings at such times and places as will allow the general public the opportunity to attend and participate in such meetings. Any vote of the Commission shall require a quorum to be present and, unless otherwise specified herein, a majority vote of the Commission shall be required to approve the item being considered by the Commission. Once a seven-member Commission is seated in 2023, any matter requiring a supermajority of the Commission shall require approval by five (5) members of the County Commission, regardless of the number of Commissioners voting. Prior to the first business day of January 2023, any matter requiring a supermajority of the Commission shall require approval by three (3) members of the County Commission, regardless of the number of Commissioners voting. The Presiding Commissioner may cast a vote on any matter requiring a supermajority of the Commission.

Section 2.12. Open Meetings. Clay County, Missouri, the Clay County Commission, the elected and appointed officeholders, the department heads, the County's boards and commissions, and the employees of Clay County are, and will continue to be, committed to openness and transparency in government. Clay County shall strictly follow the requirements of Missouri's Open Meetings law, as set forth in Chapter 610 of the Revised Statutes of the State of Missouri. The County Commission shall video record all regular, open, business meetings of the County Commission in which a vote is taken. Such video shall be transmitted live and be immediately available on a publicly available platform. The County Commission shall also retain such videos as open records, pursuant to Missouri law.

Section 2.13. Vacancies. Should a vacancy occur on the Commission, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term.

ARTICLE III. County Administrator

Section 3.01. County Administrator Selection. The Commission shall hire, based on education and experience in public administration, a professional County Administrator who shall be the chief administrative officer of the County. The County Administrator shall become a resident of Clay County within six (6) months of employment and agree to maintain residency throughout the employment tenure. The County Administrator shall not engage in any other business or occupation while serving as County Administrator. The County Administrator shall be a member of the International City/County Manager's Association (ICMA) and shall adhere to the tenets of ICMA's Code of Ethics. The County Administrator is responsible for submitting policy proposals, assisting the Commission in the establishment of goals, and shall refrain from activities that undermine public confidence in professional administrators. The Commission shall establish the salary of the County Administrator and approve an employment agreement. The County Administrator shall be hired by a majority vote of the entire membership of the Commission, including the Presiding Commissioner.

Section 3.02. Absence of the County Administrator. The Commission may designate a qualified administrative officer of the County to assume the duties and authority of the County Administrator during periods of prolonged absence.

Section 3.03. Powers and Duties. The County Administrator shall be the chief administrative officer of Clay County government and shall be responsible to the Commission for administration of all Clay County government affairs subject to this Constitution. The County Administrator shall:

- A. Appoint, suspend, or remove all county employees and appointive administrative officers provided for by or under this Constitution, except as otherwise provided by law, this Constitution or personnel rules adopted pursuant to this Constitution. The County Administrator may authorize any administrative officer subject to the County Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- B. Direct and supervise the administration of all departments, offices, and agencies of the County, except as otherwise provided by this Constitution or by law.
- C. Attend and participate in Commission meetings.
- D. Faithfully execute all laws, provisions of this Constitution, and acts of the Commission.
- E. Serve as the County's Budget Officer and oversee the County's budget team.
- F. Prepare and submit the annual budget and capital improvement program to the Commission, and implement the final budget approved by the Commission to achieve the goals of the County. Update the Commission throughout the year including submission of a mid-year budget review, as necessary.
- G. Submit to the Commission and make available to the public a complete report on the finances and administrative activities of the County as of the end of each fiscal year, and as requested by the Commission.

- H. Make such other reports as the Commission may require concerning operations.
- I. Keep the Commission fully advised as to the financial condition and future needs of the County.
- J. Make recommendations to the Commission concerning the affairs of the County and facilitate the work of the Commission in developing policy and goals. Submit strategies to implement these goals.
- K. Provide staff support services to the entire Commission.
- L. Encourage and provide staff support for regional and intergovernmental cooperation.
- M. Promote partnerships among Commission, staff, and citizens in developing public policy and building a sense of community.
- N. Perform such other duties as are specified in this constitution, by law, or as directed by the Commission.

Section 3.04. Removal. The County Administrator may be removed, with or without cause, by a vote of a supermajority of the County Commission.

ARTICLE IV. Elected Offices

Section 4.01. Elected Offices Designated. The offices of Prosecuting Attorney, Sheriff, Auditor and Assessor shall continue to be elected.

Section 4.02. Powers and Duties. The elected offices shall continue to possess all of the powers and duties established by Missouri law unless specifically addressed by this Constitution.

Section 4.03. Qualifications. The qualifications to serve as Prosecuting Attorney, Sheriff, Auditor or Assessor shall be:

- A. A resident and registered voter of Clay County for at least two (2) years prior to the date of taking office.
- B. Remain a resident and registered voter of Clay County throughout their term of office.
- C. Meet all other qualifications for the office, as set forth in Missouri law.

Section 4.04. Terms of Office. The terms of office shall continue to be four (4) years. The Assessor elected in the 2016 general election shall continue to serve his or her full term. The Prosecuting Attorney and Auditor elected in the 2018 general election shall continue to serve their full terms and the Sheriff and Assessor elected in the 2020 general election shall take office and serve their full terms. All terms of office, other than for Assessor, shall commence on the first business day of January following their election. The term of office for the Assessor shall commence on the first business day of September following his or her election.

Section 4.05. Vacancies. Should a vacancy occur in an elected office under this Article, the County Commissioners shall, within sixty (60) days of the occurrence of such vacancy, appoint a replacement to serve until the end of the term to which he or she is appointed or until the next regular county election, whichever is sooner. If a regular county election is held prior to the end of the unexpired term, then an election shall be held for an individual to fill the remaining portion of said unexpired term. The Chief Deputy of the officeholder shall assume the duties of the officeholder until the vacancy has been filled.

Section 4.06. Compensation. The compensation for offices elected under this Article shall be:

- A. The Prosecuting Attorney shall be paid a salary equal to the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- B. The Sheriff shall be paid a salary equal to Seventy-Five percent (75%) of the salary paid to Associate Circuit Judges for the State of Missouri and shall be adjusted at the same time as the salaries for Associate Circuit Judges for the State of Missouri are adjusted.
- C. The Auditor and Assessor shall be paid a salary set by the County Commission as part of the annual budget process. However, the Auditor and Assessor shall be paid a salary that is not less than the salary paid to the offices on December 31, 2020. The Auditor and Assessor may receive in-term salary increases authorized by the County Commission, provided that such increases do not exceed the average cost of living adjustments (COLAs) paid to the County's employees.
- D. The officeholders under this Article shall be considered full-time and eligible for all benefits available to other full-time employees of the County. The officeholders under this Article shall be expected to devote their full-time energy and efforts to their respective offices.

Section 4.07. Budget. The officeholders under this Article shall be entitled to an appropriate budget allocation for the operation of their respective offices. Such budget shall be organized by funds, organizational units, character and objects of expenditure and the organizational units may be further subclassified by functions and activities, if so directed by the Budget Officer. Each office shall be entitled to a hearing with the Budget Officer and, if requested, the County Commission prior to the adoption of the budget. No officeholder may transfer funds from one organizational unit to another organizational unit without the approval of the Budget Officer.

Section 4.08. Employees. Each officeholder under this article shall be authorized to hire, manage, supervise, control, and terminate employees within their office. Each officeholder shall appoint a Chief Deputy for their office. All employees of these offices shall be entitled to the same benefits as other similarly situated County employees and shall be entitled to the same cost of living adjustments (COLAs) as other County employees. All employees of these offices shall be subject to any personnel policies adopted by the County Commission. The officeholders may not adopt personnel policies which conflict with those adopted by the County Commission but may adopt such additional policies as are deemed necessary for the efficient operation of their respective offices. The County shall not hire any person related to an officeholder within the fourth degree, by affinity or consanguinity.

ARTICLE V. Non-Elected Offices

Section 5.01. Non-Elected Offices Designated. The offices of County Clerk, Treasurer, Collector, Recorder of Deeds and Public Administrator shall no longer be elected.

Section 5.02. Transition of Offices. The current officeholders for each office under this Article and the winners of the 2020 general election for each office shall be entitled to remain in office until the first business day of January 2023. The current officeholders will receive the compensation and benefits in place for their office prior to the adoption of this Constitution until the first business day of January 2023.

Section 5.03. Appointment of Offices – County Clerk, Treasurer, Collector and Recorder of Deeds. Following the transition of the office or a vacancy of the office, the offices of County Clerk, Treasurer, Collector and Recorder of Deeds shall become administrative departments of the County and shall be subject to Article VI of this Constitution. The elected officeholders of these offices shall not be prohibited from being appointed as department heads or otherwise prohibited from remaining employed by the County.

Section 5.04. Appointment of Office – Public Administrator. Following the transition of the office or a vacancy of the office, the office of Public Administrator shall be appointed by the County Commission. The Circuit Court Judges, meeting *en banc*, are authorized to recommend a qualified person for the position and, if made, the County Commission shall hire the person recommended by the Circuit Court Judges. The County Commission shall set the salary for the office of Public Administrator. The Public Administrator shall report to the County Administrator. In supervising the Public Administrator, the County Administrator shall consult with the Circuit Court Judges. Removal of the Public Administrator shall be by a vote of the County Commission. The elected officeholder of this office shall not be prohibited from being appointed by the County Commission or otherwise prohibited from remaining employed by the County.

ARTICLE VI. Administrative Departments and Organizations

Section 6.01. General Provisions. The activities of the County shall be distributed among such departments and divisions as are established or as may be established by reorganization of the County administration or as provided in this Article. Each department and division shall have those duties and responsibilities provided by the Commission or the County Administrator.

Section 6.02. Department Directors. The director of each department shall be the principal officer of the department and shall be responsible for its operations. The County Administrator shall, following consultation with the County Commission, have the authority to appoint, suspend, or dismiss all non-elected department directors and division heads, except as provided by law or this Constitution. The County Administrator may authorize any appointive County administrative officer to appoint, suspend or remove subordinates in that officer's department or division. All appointment and dismissal authority of the County Administrator and his or her subordinates shall be subject to provisions of law and personnel rules adopted by the Commission.

Section 6.03. County Counselor. The office of County Counselor shall continue to exist, pursuant to Chapter 56 of the Revised Statutes of the State of Missouri. The County Counselor shall be a

licensed Missouri attorney and shall be a resident of Clay County. The County Counselor shall be appointed by and report to the County Commission. Any written legal opinion prepared by the County Counselor shall be made available to all members of the County Commission. The County Counselor shall represent the County, including all elected offices, appointed offices and departments in all civil legal matters. Subject to approval by the County Commission, the County Counselor may appoint such assistants and lawyers as are needed to adequately represent Clay County. In the event a dispute arises between two (2) or more elected offices and/or elected bodies, the County Counselor shall make provisions for the appropriate representation of each party. Removal of the County Counselor shall require a supermajority vote of the County Commission.

Section 6.04. Reorganization of County Government Administration. The Commission may by ordinance or resolution alter the administrative organization of County government including the creation, abolishment, or merger of departments and the transfer of responsibilities among departments. The County Administrator may recommend to the Commission, in writing, changes in the administrative organization of the County, and the Commission shall act upon such recommendations within (90) days following its presentation. Such action shall be in the form of an ordinance or resolution approving, disapproving, or approving in amended form the recommended administrative changes. Prior to action on an ordinance or resolution that creates, abolishes, or merges departments, or causes the transfer of responsibilities among departments, the Commission shall provide public notice and a public hearing.

Section 6.05. Boards and Commissions. The Boards and Commissions existing prior to the effective date of this Constitution shall remain in effect. Such Boards and Commissions shall continue to operate, as appropriate, under Missouri law and County ordinance. The County Commission may alter, amend, add, or delete any Board or Commission created by County ordinance.

ARTICLE VII. Elections

Section 7.01. Non-partisan Elections. Elections for all offices shall be non-partisan.

Section 7.02. Campaign Contributions Limits. The provisions of the Missouri Constitution, Article VIII, Section 23, regarding campaign contributions limits and requirements shall apply to any candidate for an elective office.

Section 7.03. Elections

- A. All elections for office shall be in even-numbered years, with the primary election occurring in August and the general election occurring in November.
- B. If there are more than two (2) qualified candidates for one (1) office, there shall be held a primary election for such office. The names of the two (2) candidates receiving the greatest number of votes for the office at the primary election shall appear on the ballot in the general election. If any candidate receives a majority of the votes cast (greater than fifty (50%) percent of the votes), then that candidate will be deemed elected and no general election will be held for that office.

- C. If there are two (2) qualified candidates for one (1) office, there shall not be a primary election for the office and the two (2) candidates shall appear on the ballot in the general election.
- D. If there is one (1) candidate for one (1) office, there shall not be an election for the office and the candidate will be declared the winner of the election.
- E. All elections authorized by this Constitution shall be paid for by Clay County.

ARTICLE VIII. Initiative, Referendum and Recall

Section 8.01. Authority. The citizens of Clay County reserve the power to propose, by their own initiative and enact ordinances independent of the County Commission, to approve or reject any ordinance of the County Commission by referendum, and to recall any elected County officer.

Section 8.02. Initiative and Referendum. Initiative and Referendum petitions may propose ordinances or the repeal of ordinances on any subject except:

- A. Ordinances concerning appropriations for the budgetary support of County government.
- B. Ordinances concerning the payment of principal and interest on debts of Clay County.
- C. Ordinances concerning the borrowing of funds in anticipation of the collection of taxes and revenues previously authorized at an election.
- D. Ordinances directing the issuance of bonds by Clay County previously authorized at an election.
- E. Ordinances establishing tax rates.
- F. Ordinances establishing zoning districts or designating real property to be in one zoning district or another or ordinances amending other ordinances to do so.

In order for a proposition by initiative or referendum petition to be submitted to the voters, the following requirements must be met:

- A. The petitioners must file a notice of intent to circulate an initiative or referendum petition with the County Election Board and the County Commission.
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the initiative petitioners must file with the County Election Board initiative petitions bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to fifteen (15) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each petition that is signed and filed must contain a full text statement of the proposed

ordinance with an accompanying title that reflects the content of the ordinance and an enacting clause that reads as follows: “Be it enacted by the citizens of Clay County”. The County Election Board is to examine the notice of intent and the petition that are filed to determine if they meet the foregoing requirements. If they meet the foregoing requirements, the County Election Board must so certify, and the proposed ordinance must be submitted to the voters at the next general election. If the proposition is approved by a majority of those voting on the proposition, the proposed Ordinance is to be deemed adopted and to have the same force and effect as an ordinance adopted by the County Commission.

Section 8.03 Recall. Petitions may propose the recall of any elected County Officer. In order for a recall proposition to be submitted to the voters, the following requirements must be met:

- A. The recall petitioners must file a notice of intent to circulate a recall petition with the County Election Board;
- B. Within twelve (12) months after filing the notice of intent, but not less than six (6) months before the next general election, the recall petitioners must file with the County Election Board a recall petition bearing the signatures of Registered Voters who reside in each of the Commission Districts equal in number to twenty (20) percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election; and
- C. Each recall petition that is signed and filed must contain the following statement “[insert the name of County Officer]” is recalled from the office of [Insert the name of the office held by the County Officer]”. If the elected County Officer to be recalled is a Commission Member, the recall petition must bear the signatures of Registered Voters who reside in the Commission District or Districts which vote for that Commissioner equal in number to twenty percent of the total votes cast for Governor of Missouri in that Commission District in the last gubernatorial election. The County Election Board is to examine the notice of intent and the recall petition that are filed to determine if they meet the foregoing requirements. If so, the County Election Board must so certify, and the recall proposition must be submitted to the voters. If the subject of the recall petition is a Commission Member, the recall proposition must be submitted to the voters of the Commission District or Districts which vote for that Commissioner. If the subject of the recall proposition is not a Commission Member, the recall proposition must be submitted to the voters of Clay County. The vote on a recall proposition must be held at the next election available for use by Clay County. If the recall proposition is approved by a majority of those voting on the proposition, the County Officer who is the subject of the recall shall immediately forfeit his or her office and that office is to be deemed vacant.

ARTICLE IX. General Provisions

Section 9.01. Effect of the Constitution. This Constitution shall be liberally construed in aid of its declared purpose. If any article, section, subsection, sentence, clause or provision of this Constitution or the application thereof shall be held invalid for any reason, the remainder of the Constitution and of any ordinances, resolutions or regulations made thereunder shall remain in full force and effect.

Section 9.02. Constitution Review. The County Commission may, by supermajority vote, place before the voters of Clay County an amendment or amendments to this Constitution to be voted on at the next November general election authorized under Section 7.03.A of this Constitution. No County Commission vote under this section may occur until after the first seven-member commission has taken office on the first business day of January 2023.

Section 9.03. Clay County Re-Districting and Constitution Review Commission. The County Commission shall appoint a seven-member Re-Districting and Constitution Review Commission (the "Review Commission"). A minimum of three (3) members of the review commission shall be appointed from each County Commission district.

Section 9.04. Qualifications. Members of the Review Commission shall meet the following qualifications:

- A. Be a resident and registered voter of Clay County for at least two (2) years and a resident of their respective district for at least one (1) year.
- B. Not be an employee, vendor, or have a contractual relationship with Clay County.
- C. Not be related to an elected officer of Clay County or the County Administrator within the fourth degree, by affinity or consanguinity.
- D. Not have served on the immediately preceding Review Commission.

Section 9.05 Meetings of the Review Commission. The Review Commission shall meet as follows:

- A. The County Commission shall appoint the Review Commission within sixty (60) days of the release of the 2020 Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.
- B. The County Commission shall appoint a Review Commission in the year 2026 by February 15, 2026.
- C. Beginning with the 2030 Decennial Census and every ten (10) years thereafter, the County Commission shall appoint a Review Commission within sixty (60) days of the release of the Decennial Census by the United States Census Bureau. The Review Commission shall hold its first meeting within thirty (30) days of being appointed.

Section 9.06. Duties of the Review Commission. The Review Commission shall have the following duties:

- A. The Review Commission appointed following the 2020 Decennial Census shall only consider the issue of re-districting and shall make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible. Within ninety (90) days of their first meeting, the

Review Commission shall submit any proposed changes to the Commissioner districts to the County Commission for approval and submission to the Clay County Election Board for application at the next election authorized under Section 7.03.A of this Constitution.

- B. The Review Commission appointed in 2026 shall meet to consider any necessary and appropriate amendments to this Constitution. Within ninety (90) days of their first meeting, the Review Commission shall submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.
- C. Each Review Commission appointed following the 2030 Decennial Census shall meet to make any changes, amendments or alterations to the County Commission districts necessary to keep the districts as compact and equal in population as possible and to consider any necessary and appropriate amendments to this Constitution. Within one hundred and twenty (120) days of their first meeting, the Review Commission shall submit any proposed changes to the Commissioner districts and submit any proposed amendment or amendments to this Constitution to the Clay County Election Board to be voted on at the next election authorized under Section 7.03.A of this Constitution.

ARTICLE X. Transition Provisions

Section 10.01. Constitution Election. In accordance with law, an election on the adoption of this Constitution shall be held at the November 2020 general election. If the Constitution is approved by a majority of those voting on the Question, this Constitution shall be adopted and shall take effect on the date set forth herein.

Section 10.02 Question to be Submitted to the Voters of Clay County. The ballot question to be submitted to the qualified voters of Clay County, Missouri shall be:

Shall Clay County adopt the proposed county constitution?

This Constitution prohibits officeholders from voting on their own pay increases, requires non-partisan elections, requires term limits for Commissioners, allows recall of officeholders, allows for citizen petitions, requires campaign contribution limits, prohibits officeholders from hiring family members, prohibits former Commissioners from being hired by the County within two years of leaving office, adds restrictions on public debt, and creates a citizen review commission to propose constitutional amendments for voter approval.

- YES
- NO

INSTRUCTIONS

To vote, completely darken the oval next to your choice.

If you are in favor of the question submitted upon this ballot, darken the oval to the left of the word "YES"

If you are opposed to the question submitted upon this ballot, darken the oval to the left of the word "NO"

Section 10.03. Initial County Administrator. The County Commission shall initiate the necessary procedures to employ a County Administrator, as provided in Article III of this Constitution. Pending the selection of the County Administrator, the Commission may appoint an acting or interim County Administrator.

Section 10.04. Offices and Officers Prior to this Constitution. Unless otherwise provided by this Constitution, all offices, officials, governing boards, commissions, agencies, and advisory boards of Clay County government shall continue to exist on the effective date of this Constitution and all powers, duties, and functions thereof shall continue pursuant to their current status and operations.


Section 10.05. Legal Authority and Duties Prior to the Adoption of this Constitution. Unless otherwise provided by this Constitution, the legal authority and duties in effect prior to this Constitution shall continue to exist.

Section 10.06. Continuation for Existing Regulations, Contracts, Levies, Resolutions, Ordinances, Obligations, and Other Official Conduct. All proceedings, actions, regulations, resolutions, contracts, levies, obligations, and other official conduct of the County government in process preceding adoption of this Constitution shall be and remain effective unless or until repealed or modified by official action of the Clay County Commission or unless such items are contrary to the provisions of this Constitution, with the following exceptions:


- A. All contracts for employment with County employees in place prior to the effective date of this Constitution shall be void. Nothing contained herein shall serve to terminate a County employee or prevent any County Commission acting under the Constitution from entering into employment contracts.
- B. All contracts executed prior to the effective date of this Constitution which were not publicly voted on by the entire County Commission and which may have been entered into under a delegation of authority to a single Commissioner are voidable and may be considered by the County Commission taking office on the first business day of January 2023.

Section 10.07. Employees' Continuation. On the effective date of this Constitution all employees of Clay County government prior to this Constitution shall continue without change in benefits or compensation from that in effect prior to the Constitution's effective date.

Submitted on the 20th day of August, 2020 by the Clay County Constitution Commission.


Greg Canuteson

Jerry Brant

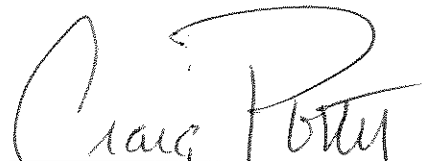

Sherry C. Duffett


Kenneth M. Honeck

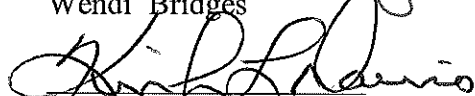

Kevin A. Graham



D. Scott Connor


Gary Markenson


Craig Porter



Wendi Bridges


Kirk L. Davis


Chris Gahagan


Jennifer Langston-Justus


Kenneth L. Jamison


Angela Williams