

**AN ORDINANCE OF THE CITY COUNCIL PROPOSING AMENDMENTS TO THE CITY CHARTER PERTAINING TO THE APPOINTMENT, TERM AND MINIMUM QUALIFICATIONS AND DUTIES OF THE CITY ATTORNEY; CALLING AN ELECTION TO BE HELD ON APRIL 2, 2024 ON THE PROPOSED AMENDMENTS; AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO THE COUNTY CLERK OF SAID ELECTION, AND PROVIDING FOR ENACTMENT OF THE PROPOSED AMENDMENTS IF APPROVED**

**WHEREAS**, the City of Republic, Missouri (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized and existing under the laws of the State of Missouri; and

**WHEREAS**, on or about April 3, 2007, pursuant to Section 19, Article VI of the Missouri Constitution of 1945 and Section 82.010 of the Revised Statutes of Missouri, the citizens of Republic voted to establish a home rule charter (the “Charter”) to serve as the City’s central document and constitution; and

**WHEREAS**, Article XII, Section 12.7, of the Charter allows the City Council to propose amendments to the Charter and sets forth the requirements for proposing such amendments; and

**WHEREAS**, pursuant to Article XII, Section 12.7, of the Charter, the City Council desires to submit the proposed amendment contained herein below to the qualified voters of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:**

**Section 1.** Pursuant to Article XII, Section 12.7 of the City Charter, the City Council hereby proposes an amendment to Article IV of the City Charter to reassign the duty to appoint the City Attorney from the Mayor to the City Administrator, and to Article VI of the City Charter to define the minimum qualifications and duties of the City Attorney and set the term of employment for the City Attorney.

In accord with the above, the question herein below shall be placed on the ballot and submitted to the qualified voters of the City of Republic, Missouri at the General Municipal Election to be held on April 2, 2024. The question presented shall be in substantially and materially the following form:

**QUESTION 1**

**Shall the Charter of the City of Republic, Section 4.4(g), be amended, and new Section 6.3 be added, to reassign the duty to appoint the City Attorney from the Mayor to the City Administrator, set forth minimum qualifications and duties of the City Attorney, and set forth the term of employment for the City Attorney?**

YES [    ]  
NO [    ]

**INSTRUCTIONS TO VOTERS: If you are in favor of the question, select the box opposite "YES". If you are opposed to the question, select the box opposite "NO".**

**Section 2.** The amendment to Article IV of the City Charter, proposed in Section 1 of this Ordinance, shall read as follows:

*(Note: Language shown in **bold, underlined** text is to be added. Language shown in ~~stricken~~ text is to be removed.)*

**4.4 Powers And Duties; Mayor**

The Mayor shall have the following powers and duties:

- (a) Council Meetings. The Mayor shall preside at meetings of the Council, but the Mayor shall have the right to vote only in case of a tie. The Mayor may call special meetings of the Council as provided in Section 3.10(a), Meetings.
- (b) State Of The City. The Mayor shall at least annually, during the first quarter of the City's fiscal year, present to the Council information as to the affairs of the City and any recommendations of the Mayor.
- (c) Veto. An ordinance or resolution adopted by the Council shall be presented to the Mayor for the Mayor's approval. The Mayor shall either sign the same or, within ten days of receipt of the ordinance or resolution, return it with a written statement of the Mayor's reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Council, and the Council may pass the ordinance or resolution over the veto by an affirmative vote of two-thirds of the entire Council. If any ordinance or resolution be neither signed nor returned by the Mayor within ten days of approval by the Council, the same shall be deemed approved by the Mayor as if the Mayor had signed it and shall become law without his signature.
- (d) Execution Of Laws. The Mayor shall see that all laws, provisions of this Charter and acts of the Council are faithfully executed.
- (e) Execution Of Documents. The Mayor shall sign all ordinances, resolutions, proclamations, grants and executive orders. Except as otherwise provided by the Council, the Mayor shall sign on behalf of the City all instruments conveying and/or releasing an interest in real property, all agreements and contracts between the City and other governmental entities and all Council policies. [Ord. No. 18-49, 1-8-2019]
- (f) Appointments. The Mayor, with the advice and consent of a majority of the Council, shall appoint all members of committees, authorities, boards and commissions, except as otherwise provided by law or this Charter. Ad hoc committees established by the Mayor shall not be subject to this Section and shall have no official power of the City for any purpose.
- (g) Appointive Officers. The Mayor, with the advice and consent of majority of the entire Council, shall have power to appoint a City Administrator, ~~City Attorney~~, and Municipal Judge. The Mayor and Council may employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefore.

- (h) Removal Of Appointive Officers. The Mayor, with the consent of a majority of the entire Council, may remove from office any appointive officer authorized under paragraph (g) at will, and any such appointive officer may be so removed by a two-thirds vote of the entire Council, independently of the Mayor's approval or recommendation. The Council may pass ordinances regulating the manner of removals.
- (i) Administrative Policy Matters. The Mayor shall have the responsibility of discussing with the City Administrator any and all policy matters; however, the Mayor shall not interfere with day-to-day administration of City affairs.
- (j) Remit Fines And Forfeitures And Grant Reprieves And Pardons. The Mayor shall have the power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City. Notice of such action shall be made public at the next regular Council meeting.
- (k) Review City Administrator. The Mayor shall preside as Chair of the Council's annual performance review of the City Administrator.
- (l) Other Duties. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by this Charter, by ordinance or by law.

**Section 3.** The amendment to Article VI of the City Charter, proposed in Section 1 of this Ordinance, shall read as follows:

*(Note: Language shown in **bold, underlined** text is to be added. Language shown in ~~stricken~~ text is to be removed.)*

**Article VI Administrative Organization, ~~And Personnel System And City Attorney~~**

**6.1 Administrative Organization**

- (a) *Departments, Authorities And Offices.* Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter, or any amendment hereto, until thereafter changed pursuant to this Charter or by ordinance.
- (b) *Committees, Boards And Commissions.* Existing committees, boards and commissions shall be continued as constituted on the effective date of this Charter, or any amendment hereto, until thereafter changed pursuant to this Charter or by ordinance.

**6.2 Personnel System**

The Council shall adopt by ordinance a personnel code providing a comprehensive personnel system for City officers and employees. The personnel code shall provide that all appointments and promotion of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code shall authorize the City Administrator to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

**6.3 City Attorney**

- (a) **Appointment, Duties.** There shall be a City Attorney, appointed by the City Administrator, to serve as the chief legal advisor to the Mayor, Council, City Administrator, and all City departments, to represent the City in legal proceedings in which it is a party or otherwise interested, and to serve as director of the City's Legal Department, which shall be continued as constituted on the effective date of this Charter, or any amendment hereto, until thereafter changed pursuant to this Charter or by ordinance.
- (b) **Qualifications.** The City Attorney shall have been licensed to practice law in the State of Missouri and in good standing with the Missouri Bar for at least three (3) years prior to appointment and shall have been actively engaged in the general practice of law during the three (3) year period immediately prior to appointment.
- (c) **Term.** The City Attorney shall serve for an indefinite term pursuant to a contract to be renewed each year at the discretion of the City Administrator.

**Section 4.** The City Clerk is hereby authorized and directed to notify the County Clerk of Greene County, Missouri, and the County Clerk of Christian County, Missouri, of the adoption of this Ordinance by sending a certified copy hereof as soon as practicable, but in no event later than 5:00 p.m. on the tenth Tuesday prior to April 2, 2024, and to include in said notification all terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, and other applicable law.

**Section 5.** The Greene County Clerk and Christian County Clerk are hereby authorized and directed to conduct said election in a manner consistent with the provisions of Chapter 115 of the Revised Statutes of Missouri, including but not limited to the designation of polling places for the qualified voters of the City.

**Section 6.** If, upon certification by the Greene County Clerk and Christian County Clerk, the proposed amendment is approved by the affirmative vote of qualified electors voting thereon in accord with Section 12.7 of the City Charter, the City Charter shall be amended as approved, and such amendment shall become part of the Charter at the time of such approval.

**Section 7.** The City Clerk is hereby authorized to take all necessary and appropriate action to effect the intent and purpose of this Ordinance including but not limited to the codification of the amendment if approved by the electors.

**Section 8:** The whereas clauses are hereby specifically incorporated herein by reference.

**Section 9:** The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**Section 10:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Republic, Missouri,

this \_\_\_\_ day of January 2024.

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Matt Russell, Mayor

**Attest:**

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Laura Burbridge, City Clerk

**Approved as to Form:**



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Megan McCullough, City Attorney

**Final Passage and Vote:**