



AGENDA ITEM ANALYSIS

Project/Issue Name: 23-64 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.

Submitted By: Laura Burbridge, City Clerk
Megan McCullough, City Attorney

Date: December 12, 2023

Issue Statement

To call an election proposing a charter amendment to the voters of Republic.

Discussion and/or Analysis

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?

This question is intended to recognize the City Attorney as the official director of the City's Legal Department, set forth minimum qualifications and duties of the City Attorney, set forth the term of employment for the City Attorney and specify appointment of the City Attorney by the City Administrator. The Charter currently reads:

4.4 Powers and Duties; Mayor

(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.

Proposed changes to the Charter:

4.4 Powers and Duties; Mayor

[. . .]

(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.



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 an indefinite term pursuant to a contract to be renewed each year at the discretion of the City Administrator.

This amendment would NOT impact the incumbent City Attorney's employment as:

- *Section 13.1 Personnel System* – “An employee holding a City position at the time this Charter, or at the time the Charter is amended, takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Section 6.2, Personnel System.”
- *Section 13.5 Continuance of Contracts...* “All contracts entered into by the City or for its benefit prior to the taking effect of this Charter, or any amendment hereto, shall continue in full force and effect....”

Recommended Action

Staff recommends approval.