

AN ORDINANCE OF THE CITY COUNCIL PROPOSING AN AMENDMENT TO THE CITY CHARTER TO CLARIFY THE PROCEDURE FOR FILLING VACANCIES IN THE CITY COUNCIL; CALLING AN ELECTION TO BE HELD ON APRIL 2, 2024 ON THE PROPOSED AMENDMENT; AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO THE COUNTY CLERK OF SAID ELECTION, AND PROVIDING FOR ENACTMENT OF THE PROPOSED AMENDMENT 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 III of the City Charter, clarifying that vacancies in the City Council shall be filled for the remainder of their respective unexpired terms, if any, at the next regular municipal election with expiring Council seats on the ballot.

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 3

Shall the Charter of the City of Republic, Section 3.6(c), be amended to clarify that a vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election with expiring Council seats on the ballot?

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 Section 3.6(c) 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.)*

3.6 Vacancies; Forfeiture Of Office; Filling Of Vacancies

- (a) Vacancies. The office of a Councilmember shall become vacant upon the member's death, resignation, recall or removal from office in any manner authorized by law or this Charter, or upon forfeiture of their office.
- (b) Forfeiture Of Office. A Councilmember shall forfeit office if:
- (1) At any time during the Councilmember's term of office the Councilmember lacks any qualification for the office prescribed by this Charter or by law.
 - (2) If the Councilmember violates any prohibition of this Charter or is convicted of a crime involving moral turpitude.
 - (3) If the Councilmember either defaults in taxes to the City or fails to attend three consecutive regular meetings of the Council without being excused by the Council.
 - (4) If the Councilmember willfully violates the requirements of Section **12.1**, Personal Financial Interest.
- (c) Filling Of Vacancies. A vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election **with expiring Council seats on the ballot**, but the Mayor with the advice and consent of the Council by a majority vote of all its remaining members shall fill the vacancy with a qualified person, as defined in Section **3.2(b)**, Qualifications, until the person elected to serve the remainder of the unexpired term takes office.

Section 3. 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 4. 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 5. 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 6. 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 7: The whereas clauses are hereby specifically incorporated herein by reference.

Section 8: 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 9: 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.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: