

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 115 EMPLOYEES AND OFFICERS AND CHAPTER 200 POLICE DEPARTMENT, ARTICLE I IN GENERAL SECTIONS; 115.010 DEFINITIONS, 115.060 SALARIES, 115.120 REMOVAL OF OFFICER, ARTICLE II CITY ADMINISTRATOR SECTION; 115.160 APPOINTMENT, ARTICLE III CITY CLERK SECTION; 115.200 APPOINTMENT, ARTICLE V CITY TREASURER, SECTION; 115.260 APPOINTMENT, ARTICLE VI CITY ATTORNEY, SECTIONS; 115.300 APPOINTMENT, 115.330 DUTIES, SECTION VII CITY PROSECUTOR, SECTION; 115.350 APPOINTMENT, ARTICLE VIII PUBLIC WORKS DIRECTOR, SECTION; 115.390 APPOINTMENT, ARTICLE IX EVALUATION OF CERTAIN APPOINTED OFFICIALS, SECTION 115.410 EVALUATION OF CERTAIN APPOINTED OFFICIALS, ARTICLE II POLICE CHIEF SECTIONS; 200.030 APPOINTMENT, SECTION 200.040 POWERS AND DUTIES OF POLICE CHIEF OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Chapter 115 Employees and Officers

Article I In General

Section 115.010 Definitions.

A. "*Appointed officers*" as used in this Code shall include the following:

1. City Administrator.
2. City Clerk.
3. Police Chief.
4. Building Official.
5. City Planner.
6. ~~Zoning Administrative Officer~~
7. City Treasurer.
8. City Attorney.
9. City Prosecutor.
10. Public Works Director.

B. The term "*officer*", whenever used in this Code or any other ordinances of the City, shall include any ~~person holding any situation under the City Government or any of its departments, with an annual salary, or for a definite term of office.~~
appointed officer and any person holding any elective office.

Section 115.060 **Salaries.**

The Board of Aldermen shall have the power to fix the compensation of all officers or employees of the City by ordinance. The salary of an ~~officer~~ **officer or any person appointed to an elected** office shall not be changed **until the following election term starts.** ~~during the time for which he/she was elected or appointed.~~

Section 115.120 **Removal of Officer.**

B. The Mayor may, with the consent of the majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, **excepting the Police Chief and City Clerk.** ~~and~~ Any such appointive officer, **excepting the Police Chief,** may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

E. *Termination Of Chief of Police.* **Police Chief** Termination of the ~~Chief of Police~~ **Police Chief** shall be subject to the following definitions and procedure:

1. *Definitions.* For the purposes of this Subsection, the following terms shall mean:

CHIEF

The ~~Chief of Police~~ **Police Chief** appointed pursuant to Section **200.030** of this Code.

Article II
City Administrator

Section 115.160 **Appointment — Term Tenure — Removal.**

A. ~~A qualified person shall be appointed City Administrator by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.~~ **The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person as City Administrator who shall hold office at the pleasure of the Mayor and Board of Aldermen. The City Administrator is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the Mayor.**

~~B. The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will.~~

Article III
City Clerk

Section 115.200 **Selection Appointment — Term.**

The **majority of the** Board of Aldermen shall select a **qualified** person for the position of City Clerk who shall hold office at the pleasure of the Board of Aldermen. ~~and until his/her successor is elected and qualified.~~ **The City Clerk is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.**

Article V
City Treasurer

Section 115.260 **Appointment — Term — Removal.**

~~The Mayor shall, subject to confirmation by the Board of Aldermen, appoint a suitable person as the~~ The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person as City Treasurer who shall hold office at the pleasure of the Mayor and Board of Aldermen. The City Treasurer ~~who shall~~ will provide a bond as required in Section 115.040. The City Treasurer is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.

Article VI
City Attorney

Section 115.300 **Appointment — Term.**

The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person or firm as City Attorney who shall hold office at the pleasure of the Mayor and Board of Aldermen. ~~and until a successor is appointed and qualified.~~ The City Attorney is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.

Section 115.330 **Duties.**

A. The duties of the City Attorney shall be as follows:

1. He/she shall perform all duties required of him/her by ordinance or by the Mayor, the Board of Aldermen, or the City Administrator.
2. He/she shall prosecute or defend all civil suits and actions originating or pending in any court of this State to which the City is a party, or in which the City is interested, ~~when so ordered by~~ as directed by the Mayor or Board of Aldermen ~~to do so~~; to make affidavits on behalf of the City in all cases where the same may be necessary ~~in case of appeal or change of venue~~ or any other matter necessary to properly forward the proceeding.

Article VII
City Prosecutor

Section 115.350 **Appointment — Term.**

The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person or firm as City Prosecutor who shall hold office at the pleasure of the Mayor and Board of Aldermen. ~~and until a successor is appointed and qualified.~~ The City Attorney may also be appointed as City Prosecutor. The City Prosecutor is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Attorney.

Article VIII
Public Works Director

Section 115.390 Appointment — Term — Qualifications.

~~The Mayor, with the advice and consent of the Board of Aldermen, shall appoint a suitable person as Public Works Director who shall serve at the pleasure of the Mayor and Board of Aldermen and until his/her successor is appointed and qualified.~~
The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person as Public Works Director who shall hold office at the pleasure of the Mayor and Board of Aldermen. The Public Works Director shall be a qualified professional engineer or, in the judgment of the Mayor and the Board of Aldermen, possess the equivalent skills, training, and experience. The Public Works Director is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.

Article IX
Evaluation of Certain Appointed Officials

Section 115.410 Evaluation of Certain Appointed Officials.

The Mayor will complete the performance evaluation of the City Administrator and shall have equal input with the City Administrator in evaluating the following appointed officials: City Clerk, ~~Chief of Police~~, Police Chief, Building Official, City Planner, ~~Zoning Administrator~~, Public Works Director, City Treasurer, and City Attorney. The Board will have an opportunity to submit their comments prior to the completion of all evaluations.

Chapter 200 Police Department

Article II
~~Chief of Police~~ Police Chief

Section 200.030 Appointment. Term

~~Pursuant to an election in which the voters authorized the City to appoint a person to fill the office of Chief of Police, the Mayor is authorized to appoint some qualified person to serve as Chief of Police subject to approval of such appointment by the Board of Aldermen.~~ The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person as Police Chief who shall hold office at the pleasure of the Mayor and Board of Aldermen. Removal is subject to Section 115.120 Removal of Officer section E Just Cause. The Police Chief is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.

Section 200.040 Powers and Duties of ~~Chief of Police~~ Police Chief

- A. The ~~Chief of Police~~ Police Chief shall perform all duties required by law.
- B. The ~~Chief of Police~~ Police Chief shall be a conservator of the peace and shall be active and vigilant in the preservation of good order within the City. He/she shall have power at all times to make or order an arrest, with proper process, for any offense against the laws of the City or of the State, and to keep the offender in the

City or County Jail or other proper place to prevent his/her escape until a trial can be had before the Municipal Judge or other proper officer, unless such offender shall give a good and sufficient bond for his/her appearance for trial. The ~~Chief of Police~~ **Police Chief** shall also have power to make arrests without process, in all cases in which any offense against the laws of the City or of the State shall be committed in his/her presence.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: April 20, 2023

READ SECOND TIME: May 4, 2023

I hereby certify that Ordinance No.23.31 was duly passed on May 4, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstentions: 0

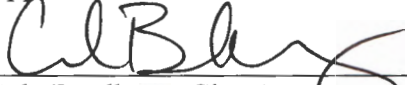
Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

May 4, 2023
Date

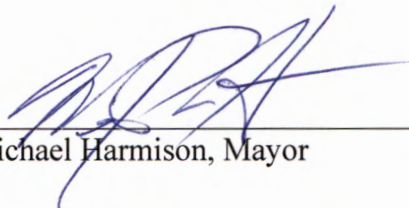
Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

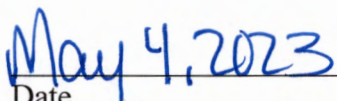


Cole Bradbury, City Attorney

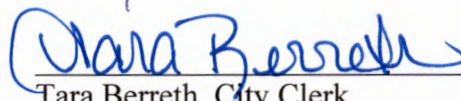
I hereby approve Ordinance No.23.31.



Michael Harmison, Mayor



Date



Tara Berreth, City Clerk