

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING OSAGE BEACH CODE OF ORDINANCE SECTIONS 115.010 DEFINITIONS, 115.410 EVALUATION OF CERTAIN APPOINTED OFFICIALS, 125.020 DEFINITIONS, 135.010 DEFINITIONS, AND ADDING NEW ARTICLE XII CITY ENGINEER WITH SECTIONS 115.500 APPOINTMENT - TERM - QUALIFICATIONS AND 115.510 DUTIES.

BE IT ORDNANIED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH AS FOLLOWS TO WIT:

Section is 1: The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates with amendments as set forth below with new material set out in red and deleted material struck as follows:
Section 115.010

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. City Treasurer.
7. City Attorney.
8. City Prosecutor.
9. Public Works Director.

10. City Engineer

B. The term "officer", whenever used in this Code or any other ordinances of the City, shall include any appointed officer and any person holding any elective office.

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, Police Chief, Building Official, City Planner, Public Works Director, **City Engineer**, City Treasurer and City Attorney. The Board will have an opportunity to submit their comments prior to the completion of all evaluations.

Article XII

CITY ENGINEER

Section 115.500 **Appointment — Term — Qualifications.**

The Mayor, with the advice and consent of a majority of the Board of Aldermen, shall appoint a suitable person as City Engineer who shall hold office at the pleasure of the Mayor and Board of Aldermen. The City Engineer shall be a licensed professional engineer and, in the judgment of the Mayor and the Board of Aldermen, possess the necessary skills, training, and experience required of the position. The City Engineer is responsible to and held accountable by the Mayor and Board of Aldermen. Work is performed under general supervision of the City Administrator.

Section 115.510 **Duties.**

The City Engineer shall perform such duties as are required of him/her by ordinance, by the Mayor, Board of Aldermen, or by the City Administrator.

Chapter 125 Human Resources System (Personnel) Rules and Regulations

Section 125.020 **Definitions.**

The following terms, whenever used in these rules, shall be defined as follows:

APPOINTED OFFICIAL

The following positions shall be deemed appointed officials: City Administrator, City Clerk, Chief of Police, Building Official, City Planner, Public Works Director, **City Engineer**, City Treasurer, and City Attorney.

EMPLOYEE

1. APPOINTED OFFICIAL

The following positions shall be deemed appointed officials: City Administrator, City Clerk, Chief of Police, Building Official, City Planner, Public Works Director, **City Engineer**, City Treasurer, and City Attorney.

Chapter 135 Finance and Purchasing

Article I Budget and Finance in General

Section 135.010 **Definitions.**

The following words, terms and phrases, when used in Chapter 135, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

APPOINTED OFFICIAL

The following positions shall be deemed the Appointed officials: City Administrator, City Clerk, Police Chief, Building Official, City Planner, **Public Works Director**, **City Engineer**, City Treasurer, and City Attorney.

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: September 21, 2023 READ SECOND TIME: October 5, 2023

I hereby certify that Ordinance No.23.73 was duly passed on October 5, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4 Nays: 1 Abstentions: 0 Absent: 1

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

Oct 5, 23
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.73.

Oct 5, 23
Date

Michael Harmison
Michael Harmison, Mayor
Tara Berreth
Tara Berreth, City Clerk