

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING SECTION 115.110 VACANCIES – INTERIM APPOINTED OFFICIALS; SECTIONS 115.185 TEMPORARY ABSENCE ACTING CITY ADMINISTRATOR

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

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 Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

ARTICLE I

Section 115.110 Vacancies – Interim Appointed Officials.

- A.** If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election.
- B.** If a vacancy occurs in any **appointed** office ~~not elective~~, the Mayor **(or the President of the Board of Aldermen in the case of the City Clerk)** shall appoint a suitable person **or firm** to discharge the duties of such office ~~until the first (1st) regular meeting of the Board of Aldermen thereafter.~~ **Such appointment shall last until the earliest of:**
- 1. The passage of ninety days;**
 - 2. Revocation of such appointment by the Mayor;**
 - 3. A motion disapproving such appointment passed by a majority of all the members of the Board of Aldermen; or**
 - 4. Such time as said ~~at which time such~~ vacancy shall be permanently filled.**

Such person or firm shall be titled the “Interim [here name the office held].” Interim officials may be employed on the same terms as such regularly appointed official or such terms as may be fixed by contract, provided such contract complies with all applicable laws and ordinances.

The Mayor, with the advice and consent of a majority of the Board of Aldermen, may extend the term of an Interim appointed official for such time periods as may be fixed by ordinance.

ARTICLE II

Section 115.185 ~~Temporary Absence – Designation Of Acting City Administrator.~~

- A.** Whenever the City Administrator may deem it necessary to designate an appropriate officer to act in his/her place when the City Administrator is out of the office or otherwise unavailable the City Administrator shall designate in writing, by name and title, the City official who shall perform the duties and exercise the powers of the City Administrator during the period of absence. Such written designation shall be filed with the City Clerk and promptly communicated to the Mayor,

members of the Board of Aldermen, and all department heads.

- B. Whenever the City Administrator is out of the office or otherwise unavailable and has not designated an officer to act in his/her place pursuant to Subsection (A) above the Assistant City Administrator shall act in the place of the City Administrator. If the Assistant City Administrator is unavailable or unable to act, the Building Official shall then become acting City Administrator until the return of the City Administrator.

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 shall be in full force and effect on signature and approval by the Mayor.

READ FIRST TIME: July 2, 2024

READ SECOND TIME July 18, 2024

I hereby certify that Ordinance No.24.43 was duly passed on July 18, 2024, by the Board of Aldermen of the City of Osage Beach.

The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0

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

July 18, 2024
Date

Tara Berreth
Tara Berreth City Clerk

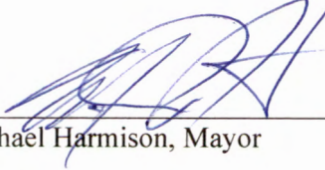
Approved as to form:

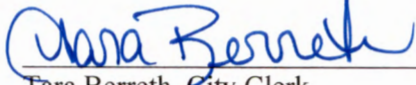
Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No. 24.43.

July 18, 2024
Date

ATTEST:


Michael Harmison, Mayor


Tara Berreth, City Clerk