

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, SETTING THE TERMS FOR MEMBERS OF THE BOARD OF ALDERMEN AND MAYOR AND CITY COLLECTOR ELECTED IN THE DELAYED MUNICIPAL ELECTION OF 2020 AND CREATING SET TERMS FOR FUTURE YEARS

**WHEREAS**, due to the Coronavirus Covid-19 Pandemic Emergency the Governor of Missouri by Executive Order 20-03, delayed the April 2, 2020 Municipal Election until June 9 2020, and

**WHEREAS**, Article VII Section 12 of the Constitution of the State of Missouri states that officers in office shall hold office until their successors are duly elected and qualified and

**WHEREAS**, the Board of Aldermen desires to make certain the terms of office for those city officials elected in the delayed 2020 Municipal General Election are fully understood and set out within the City Code; and

**WHEREAS**, the Code of Ordinances of the City of Osage Beach, Missouri provides for two-year terms, but makes no provision for shortened or lengthened terms of office in emergency situations such as the 2020 Coronavirus COVID-19 emergency; and,

**WHEREAS**, the Board of Aldermen conclude that an amended and restated section of the Code or Ordinances is appropriate to address the altered timelines and terms necessitated by the Governor's Executive Order 20-03:

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

Section 1. That a new Section 105.015 Term and dates of Office of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Section 105.015 Terms and Dates of Office.

A. Definitions:

1. Alderman of Class 1, the members of the Board of Aldermen elected from each ward on an even numbered year or the members of the Board of Aldermen appointed to fill any vacant position in a term elected on an even numbered year.

2. Alderman of Class 2, the members of the Board of Aldermen elected from each ward on an odd numbered year or the members of the Board of Aldermen appointed to fill any vacant position in a term elected on an odd numbered year.

B. Terms and Dates of Office

1. For the Mayor, City Collector, and members of the Board of Alderman of Class 1, elected in 2020 in the Municipal General Election held June 2, 2020, the term shall run from the certification of the election results for that election, until their successors are elected and qualified after the Municipal General Election of April 2022. Thereafter the Mayor, City Collector and members of the Board of Alderman of Class 1 shall serve terms of two years until their successors are elected and qualified.
2. The members of the Board of Alderman of Class 2 shall serve terms of two years until their successors are elected and qualified.

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 decree 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: May 21, 2020

READ SECOND TIME: May 21, 2020

I hereby certify that Ordinance No.20.28 was duly passed on May 21, 2020, 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 21, 2020  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.20.28.

John Olivarri  
John Olivarri, Mayor

May 21, 2020  
Date

Tara Berreth  
Tara Berreth, City Clerk