

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REVISING THE CHESTERFIELD CITY CODE AS IT RELATES TO FILLING VACANCIES IN ELECTIVE OFFICE.

WHEREAS, The City Council of the City of Chesterfield sought to identify inconsistencies in the Chesterfield Code; and

WHEREAS, Whereas the City of Chesterfield is incorporated as a city of the third class under the authority of the State of Missouri and the Missouri Revised Statutes, RSMo Chapter 77 provides guidance for third class cities; and,

WHEREAS, The Finance and Administration Committee of City Council reviewed identified differences and have made recommendations to reconcile the Code with the language provided in State Statutes; and

WHEREAS, the language provided in City Code Section 2-31 Vacancy in office of Mayor, how filled; President Pro Tem, duties of. differs from that contained in RSMo 77.240 Vacancy in office of Mayor, how filled, exceptions – President Pro Tem duties of; and

WHEREAS, the language provided in City Code Sections 2-46 President Pro Tem. differs from that contained in RSMo 77.070 President Pro Tem.; and

WHEREAS, the language provided in City Code Section 2-53 Appointment of a Councilman to fill a vacancy. differs from that contained in RSMO 77.450 Vacancies, how filled; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1.

Section 2-31 of the Chesterfield City Code, titled Vacancy in office of Mayor; how filled; President Pro Tem. Duties of. is hereby repealed and replaced with the following:

Section 2 - 31 Vacancy in office of Mayor; how filled; President Pro Tem. Duties of.

In the case of a temporary absence of the Mayor or disability to perform the duties of his or her office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed; and during the time the President Pro Tem of the Council shall act as Mayor, the President Pro Tem shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

Section 2.

Section 2-46 of the Chesterfield City Code, titled President Pro Tem. is hereby repealed and replaced with the following:

Section 2 - 46 President Pro Tem.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

Section 3.

Section 2-53 of the Chesterfield City Code, titled Appointment of a Councilman to fill a vacancy is hereby repealed and replaced with the following:

Section 2 - 31 Appointment of a Councilmember to fill a vacancy.

Whenever a vacancy occurs in the elective office of Councilmember, 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 Council. The successor shall serve until the next available regular municipal April election.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this _____ day of _____, 2019.

PRESIDING OFFICER

BOB NATION, MAYOR

ATTEST:

VICKIE HASS, CITY CLERK

FIRST READING HELD _____

MAYORAL VACANCIES

Statutory language

77.240. Vacancy in office of mayor, how filled, exceptions — president pro tem, duties of. — When any vacancy shall happen in the office of mayor, by death, resignation, removal from the city, removal from office, refusal to qualify or otherwise, nominations of a successor may be made by any member of the council and selected with the consent of a majority of the members of the council, except in counties of the first classification with a charter form of government which have a population of at least nine hundred thousand inhabitants. The council may adopt procedures to fill any such vacancy consistent with this section. In the case of a temporary absence of the mayor or disability to perform the duties of his or her office, the president pro tem of the council shall perform the duties of mayor until the mayor shall return or such disability be removed; and during the time the president pro tem of the council shall act as mayor, the president pro tem shall receive the same compensation that the mayor would be entitled to. In counties of the first classification with a charter form of government and which do not contain a city with a population of at least four hundred thousand, in case of vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

MAYORAL VACANCIES

Current City Code language

Sec. 2-31 Vacancy in office of Mayor; how filled; President Pro Tem, duties of.

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, the President Pro Tem of the Council shall, for the time being, perform the duties of Mayor until such vacancy is filled; and in case of the temporary absence of the Mayor or disability to perform duties of his office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed. During the time the President Pro Tem of the Council shall act as Mayor, he shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided when a vacancy occurs within six (6) months of a municipal election, no election shall be called to fill such vacancy.

MAYORAL VACANCIES

PROPOSED language

Section 2 – 31 Vacancy in office of Mayor; how filled; President Pro Tem.

Duties of.

In the case of a temporary absence of the Mayor or disability to perform the duties of his or her office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed; and during the time the President Pro Tem of the Council shall act as Mayor, the President Pro Tem shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

PRESIDENT PRO TEM
Statutory language

77.070. President pro tem. — At the first regular meeting of the city council after the election in each year--which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April--the council shall elect one of its members president pro tem, who shall hold his office for the term of one year, and who, in the absence of the mayor, shall preside at the meetings of the council; provided, that in the absence of the mayor and president pro tem the council may select one of its members present to preside at such meetings, who shall be styled "acting president pro tem".

PRESIDENT PRO TEM
Current City Code language

Sec. 2-46 President Pro Tem, duties of.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the third Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

PRESIDENT PRO TEM
PROPOSED language

Section 2 - 46 President Pro Tem.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

Statutory language

77.450. Vacancies, how filled. — If a vacancy occurs in any elective office other than the office of Mayor, 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 Council. The Council may adopt procedures to fill vacancies consistent with this section. The successor shall serve until the next available regular municipal April election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the council thereafter, at which time the vacancy shall be permanently filled.

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

Current City Code language

Sec. 2-53 Appointment of a Councilman to fill a vacancy

Whenever a vacancy occurs in any elective office, the Mayor, or the person exercising the office of Mayor, shall cause a special election to be held to fill such vacancy; provided, however, when any such vacancy occurs within six (6) months before the next municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the Mayor or the person exercising the office of Mayor by appointment; provided however, that the proposed appointee receives a two-thirds (2/3) majority vote from the Mayor and remaining Council members voting jointly.

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

PROPOSED language

Section 2 - 31 Appointment of a Councilmember to fill a vacancy.

Whenever a vacancy occurs in the elective office of Councilmember, 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 Council. The successor shall serve until the next available regular municipal April election.