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**THE CITY OF WESTPHALIA, MISSOURI**

**ORDINANCE NO. 01-15**

**An Ordinance Setting An Election On April 5, 2016, For The Qualified Votes Of The Westphalia City Council of Westphalia, Missouri, To Decide Whether To Forego Annual Municipal Elections For Six Years If The Number of Candidates Filing Equal The Number Of Seats Up For Election In Accordance With Section 115.124 RSMo.**

**WHEREAS**, Section 115.124 RSMo. was repealed and two new sections were enacted in lieu thereof effective August 28, 2014.

**WHEREAS**, Section 115.124 RSMo. applies to any city, town, or village with a population of one thousand or less.

**WHEREAS**, the governing body may pass an ordinance calling an election for the qualified voters to decide whether to forego annual municipal elections for six years if the number of candidates filing equal the number of seats up for election in accordance with Section 115.124 RSMo.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN, OF THE WESTPHALIA CITY COUNCIL, OF WESTPHALIA, MISSOURI, AS FOLLOWS:**

**Section 1.** The Municipal Clerk and all other officers of the municipality are hereby authorized and directed to authorize the appropriate election officer of the State of Missouri to issue the necessary lawful notices and prepare the appropriate ballots in order to submit the provisions of this Ordinance to the voters of the municipality for their approval or rejection at an election to be held in the City of Westphalia on April 5, 2016.

The ballot language shall be:

YES

NO

Shall the Westphalia City Council of Westphalia, Missouri, be authorized to forgo annual elections if the number of candidates who have filed for a particular office is equal to the number of positions in the office to be filled by the election?



**Section 2.** If the majority of the votes cast by the qualified voters are in favor of the question, then the municipality shall conduct its municipal elections for the following six years immediately thereafter in accordance with Section 115.124 RSMo. At the end of such six-year period, it shall be prohibited from conducting elections in such a manner unless another election is held and the issue is again approved by the majority of the qualified voters.

**Section 3.** If no election is held for such office as provided in this section the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in Section 493.050 RSMo. by the first of the month in which the election would have occurred, had it been contested.

**Section 4.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 5.** This ordinance shall take effect and be in force from and after its passage and approval, subject to voter approval as herein above set forth.

DULY PASSED on this 26<sup>th</sup> day of May, 2015.

Tammy Massman

Tammy J. Massman  
Mayor, City of Westphalia  
Westphalia, Missouri

ATTEST:

Kerry Bay  
Kerry Bay  
City Clerk

(SEAL)

STATEMENT OF THE AYES AND NAYS:

APPROVED this 26<sup>th</sup> day of May, 2015.

First Reading: 3-Ayes 0-Nays

Second Reading: 3-Ayes 0-Nays

Third Reading: 3-Ayes 0-Nays

ATTEST:

Kerry Bay  
Kerry Bay  
City Clerk

Tammy Massman

Tammy J. Massman  
Mayor, City of Westphalia  
Westphalia, Missouri

STATE OF MISSOURI            )  
  )  
COUNTY OF Osage        )        SS.

On this 26<sup>th</sup> day of May, 2015, before me appeared Tammy J. Massman to me personally known, who, being by me duly sworn did say that she is the Mayor of the City of Westphalia, Osage County, Missouri, and that the seal affixed to the foregoing instrument is the official seal of the City of Westphalia and that said instrument was signed and sealed in behalf of said City by proper authority of its Board of Aldermen and said Tammy J. Massman acknowledged said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county on the day and year first above written.

My commission expires:

10/21/2015

Kerry L. Bax  
Notary Public

