

Recorded in Osage County, Missouri



Recording Date/Time: 06/09/2022 at 02:20:07 PM

Instr #: 20221117

Book: 580 Page: 121

Type: ORDNC

Pages: 5

Fee: \$33.00 E



Cindy Hoffman  
Recorder of Deeds

**RECORDER OF DEEDS CERTIFICATE  
OSAGE COUNTY, MISSOURI**

**EXEMPT DOCUMENT**

This document has been recorded under exempt status pursuant to RSMo 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.

**Cindy Hoffman  
Osage County Recorder of Deeds  
P.O. Box 110  
Linn, Missouri 65051**

This page has been added as the first page of your document.  
Do not remove this page.

**AN ORDINANCE OF  
THE CITY OF WESTPHALIA, MISSOURI**

**ORDINANCE NO. 22-01**

**An Ordinance setting an election April 4, 2023, 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 amended and a new section was enacted in lieu thereof effective August 28, 2018.

**WHEREAS**, Section 115.124 RSMo. applies to any city, town, or village with a population of two thousand (2000) or fewer inhabitants.

**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 ALDERMAN, 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 4, 2023. The ballot language shall be:

- |     |                          |  |
|-----|--------------------------|--|
| YES | <input type="checkbox"/> | Shall the Westphalia City Council of Westphalia, Missouri, be authorized to forego 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? |
| NO  | <input type="checkbox"/> |  |

**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 (6) years immediately thereafter in accordance with Section 115.124 RSMo. At the end of such six (6) 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 the 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 portion 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 31<sup>st</sup> day of May, 2022.

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

ATTEST:

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

Aaron Lachowicz  
Aaron Lachowicz  
Witness



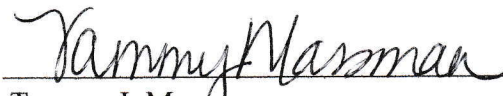
STATEMENT OF THE AYES AND NAYS:

APPROVED on this 31<sup>st</sup> day of May, 2022.

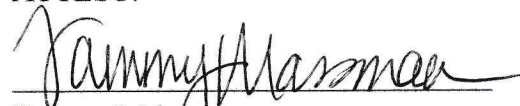
First Reading: 3 Ayes 0 Nays


Second Reading: 3 Ayes 0 Nays

Third Reading: 3 Ayes 0 Nays

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

ATTEST:

  
\_\_\_\_\_  
Tammy J. Massman  
City Clerk, City of Westphalia  
Westphalia, Missouri

  
\_\_\_\_\_  
Aaron Lachowicz  
Witness

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF OSAGE                )

On this this 31<sup>st</sup> day of May, 2022, 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 Alderman and said Tammy J. Massman acknowledged said instrument to be the free act and 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.

*M. Kym Brunnert*

\_\_\_\_\_  
Notary Public

My Commission Expires: 3/30/2023

M. KYM BRUNNERT  
Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Osage  
My Commission Expires 3/30/2023  
Commission # 15028126