

**AN ORDINANCE CREATING A NEW SECTION 115.215 IN CHAPTER 115:
CITY ADMINISTRATION REGARDING THE DUTY OF ATTENDANCE OF
ELECTED OFFICIALS OF THE CITY OF TROY, MISSOURI
AND PROCEDURE FOR REMOVAL OF AN ELECTED OFFICER FOR
NON-ATTENDANCE**

WHEREAS, RSMo Section 79.110 provides the duties of the Mayor and Board of Aldermen of each City, and that such persons “have the care, management and control of the city and its finances, and shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city...”

WHEREAS, RSMo Section 79.260 provides that every officer of the city and every alderman shall take and subscribe to an oath or affirmation to faithfully demean himself while in office;

WHEREAS, by accepting the position as an elected official of the City of Troy, Missouri, certain duties must be carried out, including but not limited to attendance at meetings, voting on City matters and participation in the management and control of the city;

WHEREAS, the Board of Aldermen of the City of Troy, Missouri, believes it is necessary that its citizens are represented and so that the will of the citizens prevails and the right of the minority to be heard and represented is protected, and

WHEREAS, the Board of Aldermen of the City of Troy, Missouri, seeks to preserve appropriate representation of the citizens of the elected officials, and

WHEREAS, the Board of Aldermen of the City of Troy, Missouri, believes it is necessary to establish rules of attendance for all elected officials, and

WHEREAS, the Board of Aldermen of the City of Troy, Missouri, believes it is in the best interests of the City to ensure attendance at its regularly scheduled Board Meetings;

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

SECTION 1. A new Section 115.215: Elected Official Attendance shall be created which shall read as follows:

A. Definitions.

“Regular Board Meeting” or “Regular Meeting” shall mean the meetings occurring pursuant to Section 110.010.

“Special Board Meetings” or “Special Meetings” shall mean the meetings occurring pursuant to Section 110.030.

“Term” shall mean April 1 of a calendar year to March 31 of the following calendar year.

B. Duty of Attendance at Regular Board Meetings. Regular attendance by elected and appointed officials is necessary for the proper care, management and control of the City of Troy, Missouri. Each elected official shall have the duty to attend the Regular Board of Aldermen Meetings (see Section 110.010) to which the elected official has the duty to attend. The Mayor and each member of the Board of Aldermen have the duty to attend each Regular Meeting of the Board of Aldermen of the City of Troy, Missouri in order to appropriately perform their duties. Notice is hereby provided based upon this ordinance that nonattendance at four (4) Regular Board Meetings during a Term shall be cause for removal from office pursuant to the Missouri Revised Statutes. The term “cause” shall be synonymous with “for cause shown” as set forth in RSMo 79.240.

C. Warning Regarding Attendance. If an elected official does not attend two (2) regularly scheduled Board Meetings in a Term, then the City Administrator or City Clerk shall send out a written Notice of Warning regarding the absences from the Board Meeting. Such Notice of Warning shall be sent via US Mail, postage prepaid, via personal service or via posting on the front door of the home of the official who has been absent.

D. Special Board Meetings and Workshops. Special Board Meetings, as provided in Section 110.030 of the City Code of Ordinances, Board Workshops, and Public Hearings may occur upon lawful notice and can be difficult to guarantee complete attendance. It is prudent for elected officials to be present at such meetings to fulfill their duties. These types of meetings are not “Regular Board Meetings” as referred in this Section.

E. Notice of Non-Attendance by Officer. If an elected official is unable to attend a Regular Board Meeting, such elected or appointed official shall give notice of such non-attendance to the City Administrator or City Clerk, not less than twenty-four (24) hours prior to the beginning of the Board Meeting, so that the City personnel can appropriately notify the other Board members of the existence of a quorum and notify the general public if a meeting will not take place due to a lack of a quorum. If such notice cannot be provided because of exigent circumstances, the official shall inform the City Administrator or City Clerk as soon as possible of the non-attendance and the reason for such non-attendance. The Board of Aldermen may excuse any non-attendance by an elected official from any Regular Board Meeting by a majority vote of the then present Board of Aldermen.

F. Removal of Officer. Pursuant to RSMo Section 79.240, an elected official may be removed from office for cause shown based upon nonattendance from four (4) regularly scheduled Board Meetings in a term. Before removal from office, the elected official shall be first given an opportunity, together with his witnesses, to be heard before the Board of Aldermen who are sitting as the Board of Impeachment.

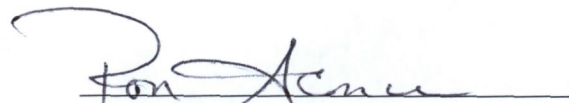
SECTION 2. No Limitation of Board's Right of Removal for Cause. This ordinance shall not restrict or limit the ability of the Mayor or Board of Aldermen to remove a person from office for cause shown. Any notice which is prescribed in this Ordinance is not mandatory or necessary to be provided to an officer which is subject to removal if the provisions of RSMo Section 79.240 are followed.

SECTION 3. Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 4. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 5. Effective Date. This Ordinance shall be in force and take effect from and after the date of its passage and approval.

Read two (2) times, passed and approved this 22nd day of June
2023.



Mayor Ron Sconce

Attest: 

City Clerk