

Memorandum Regarding Council Bill No. 2025-32: To adopt a prohibition against the false representation of City employees and agents.

Background:

During a recent enforcement action involving individuals allegedly soliciting without a City issued solicitor license, staff became aware that the City Code does not currently contain a prohibition against individuals falsely representing themselves as City employees or agents.

Analysis:

The lack of a code provision declaring it unlawful to falsely represent a City employee is problematic. To fill this enforcement gap, staff has proposed adopting a new code section, Section 16-272, to declare it unlawful for a person or business to falsely hold themselves out as City employees or as working on behalf of the City.

Recommendation:

The adoption of Section 16-272 would allow for enforcement in an area where the City currently has no regulations. Since the false representation of a City employee has the high potential for fraud and undermining the public's trust in the City's operations, staff recommends approval of this Bill.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Council Bill No. 2025-32.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ADDING SECTION 16-272 TO
2 THE NIXA CITY CODE FOR THE PURPOSE OF ADOPTING A PROHIBITION
3 AGAINST FALSELY REPRESENTING A CITY EMPLOYEE OR AGENT.
4

5 **WHEREAS** Nixa residents and visitors have the right to be able to rely on people
6 that represent themselves as Nixa city employees, officials, or agents; and
7

8 **WHEREAS** the Nixa City Code does not currently have a provision to prohibit the
9 false representation of a person as a City official, employee, or agent; and
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11 **WHEREAS** City staff recommends adopting Section 16-272 to authorize an
12 additional tool to protect residents and visitors against those who would misuse the
13 authority of the City; and
14

15 **WHEREAS** the City Council desires to modify the City Code as set forth herein.
16

17 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
18 **NIXA, AS FOLLOWS, THAT:**
19

20 **SECTION 1:** Chapter 16, Article VII, of the Nixa City Code is hereby amended by
21 adding thereto a new Section 16-272, which said section shall read as follows
22 (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language
23 in bold-faced brackets (e.g., [**thus**]) is not enacted and is intended to be omitted or
24 deleted.):
25

26 **Sec. 16-272. False Representation of a City employee or Agent**
27

28 (a) ***Findings and purpose.*** The City Council finds that individuals and business
29 entities who falsely represent themselves as a City employee or, who falsely
30 claim they are acting on behalf of the City, pose a direct threat to the health,
31 safety, and welfare of the residents, visitors, and businesses of the City of Nixa.
32 Such false representations are often used to perpetrate fraud, gain
33 unauthorized access to private property, and commit other crimes or ordinance
34 violations. This conduct also erodes the public's trust in the City government
35 and its legitimate employees. The purpose of this section is to prevent these
36 harms by prohibiting such fraudulent impersonations and holding all
37 responsible parties accountable.
38

39 (b) ***Prohibition.*** No person shall knowingly make a false representation that they
40 are a City employee or are otherwise acting on behalf of the City in an official
41 capacity. A representation is considered made under this section whether it is
42 communicated orally, in writing, or through the unauthorized wearing, display,
43 or use of any uniform, credential, insignia, or vehicle that is deceptively similar
44 to those used by the City of Nixa.
45

(c) ***Liability of Employers and Principals.*** A person or business entity that employs, contracts with, or otherwise directs an individual who violates subsection (b) is also in violation of this section if the person or business entity knew, directed, authorized, or recklessly tolerated the conduct.

(d) ***Separate Offenses.*** Each act of false representation made to a different person or at a separate location shall constitute a separate and distinct offense.

(e) ***Penalty.*** Any person or business entity who violates any provision of this section shall be punished in accordance with Section 1-9 of this Code.

(f) ***Definition of City Employee.*** For the purpose of this section *City Employee* shall mean any full-time, part-time, or temporary employee of the City of Nixa, as well as any elected or appointed official.

SECTION 2: The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

SECTION 3: Savings Clause. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired, or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 4: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

[Remainder of page intentionally left blank. Signatures page follows.]

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY