

Memorandum Regarding Council Bill No. 2025-33.

Background:

During the 2025 City Council Workshop, discussion was held on submitting a Charter Amendment to the qualified voters of the City to approve an amendment to City Charter section 3.6. The amendment would be designed to alleviate two concerns with the current drafting of Charter Section 3.6.

Charter Section 3.6 contains the provisions which allow Council to appoint a replacement Councilmember when a vacancy occurs. The current drafting can result in situations where Council is required to suffer a vacancy for extended periods of time, and it can require the calling of a special election to fill the vacancy. Because the City is required to pay for the elections that it calls, special elections can result in unexpected costs on the City.

To address these two concerns, City staff, at the September 23, 2025, regular City Council meeting, presented two potential amendments to the Council for consideration. After discussion, the Council opted to proceed with the Charter amendment that is embraced within the text of Council Bill 2025-33.

Analysis:

The proposed amendment would modify section 3.6 of the City Charter to allow the Council to appoint a replacement Councilmember regardless of how soon the appointment is to the regular municipal election. The amendment would also require that the appointed Councilmember serve until the next available municipal election. This modification would eliminate the need to call special elections, thereby removing the cost requirement on the City. The amendment also allows the Council to appoint a replacement at any time. The current language of Charter section 3.6 prohibits the Council from appointing a replacement if the next regular municipal election is over a year away. Under the proposed language, a replacement could be appointed at any time, but only serve until the next regular municipal election.

Recommendation:

Since this amendment is directed by the City Council, staff recommends approval.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Council Bill No. 2025-33.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA CALLING AN ELECTION
2 TO BE HELD ON APRIL 7, 2026, TO SUBMIT TO THE QUALIFIED VOTERS OF THE
3 CITY A PROPOSED AMENDMENT TO SECTION 3.6 OF THE CITY CHARTER;
4 AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY AND
5 CONVENIENT TO SUBMIT THE PROPOSED AMENDMENT TO THE QUALIFIED
6 VOTERS OF THE CITY; AND PROVIDING FOR THE ENACTMENT OF SAID
7 AMENDMENT IF APPROVED.
8

9 **WHEREAS** Section 13.7 of the City Charter authorizes the City Council to frame
10 and submit to the qualified voters of the City proposed amendments to the City Charter;
11 and
12

13 **WHEREAS** the City Council desires to seek approval from the qualified voters of
14 a modification to Section 3.6 of the City Charter; and
15

16 **WHEREAS** pursuant to Article VI, Section 20 of the Missouri Constitution and
17 Section 13.7 of the City Charter, the City Council desires to submit to the qualified voters
18 of the City the proposed amendment contained herein.
19

20 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
21 **NIXA, AS FOLLOWS, THAT:**
22

23 **SECTION 1:** The following proposition shall be placed on the ballot and submitted
24 to the qualified voters of the City at the General Municipal Election to be held on April 7,
25 2026:

26 PROPOSITION 1
27

28 Shall Section 3.6 of the Nixa City Charter be amended as set forth in
29 Ordinance No. _____ to provide that Council vacancies shall be filled by
30 Council appointment until the next available regular municipal election
31 regardless of the length of the vacancy?
32

33 Yes []

34 No []
35

36 **Instructions to Voters:** If you are in favor of the proposition, place an X in
37 the box opposite "YES." If you are opposed to the proposition, place an X
38 in the box opposite "NO."
39

40 **Summary:** This proposal would change the way a vacant City Council seat
41 is filled by removing the requirement to hold a special election if more than
42 one year remains in the term. Under the new process, any vacancy would
43 be filled by a Council appointee who serves until the next regular city
44 election. At that election, voters would then choose a person to serve the
45 rest of the unexpired term.
46

SECTION 2: The amendment to Section 3.6 of the Nixa City Charter, proposed in Section 1 of this Ordinance, shall read as follows (Explanation: Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

Section 3.6 Vacancies; Forfeiture of Office, Filling of Vacancies

(a) *Vacancies.* The office of a Council Member shall become vacant upon the member's death, resignation, recall or removal from office in any manner authorized by law or this Charter or upon forfeiture of the office.

(b) *Forfeiture of Office.* A Council Member shall forfeit office if:

- i. At any time during the member's term of office the member lacks any qualification for the office prescribed by this Charter or by law; or
- ii. If the member violates any prohibition of this Charter or is convicted of a crime involving moral turpitude; or
- iii. If the member defaults in taxes to the City or fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.

(c) *Filling of Vacancies.* A vacancy in the Council shall be filled by the Council by a majority vote of all its remaining members for a period running to the next regular municipal election. **At such election, a successor shall be elected to serve for the unexpired term.** ~~[unless such period exceeds one year. In the latter case, the Council shall make arrangements for a special election to fill such vacancy for the unexpired term.]~~

SECTION 3: The City Clerk is authorized and directed to notify the Clerk of Christian County, Missouri of the adoption of this Ordinance as soon as practicable, but no later than 5:00 p.m. on the tenth Tuesday prior to April 7, 2026, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo., or any other provision of law. The City Clerk is further authorized and directed to do all things necessary or convenient to ensure that the proposition contained in this Ordinance is properly submitted to the voters on April 7, 2026, including, without limitation, submitting a different ballot, so long as the proposition submitted to the voters is substantially the same as the proposition authorized by this Ordinance.

SECTION 4: The Clerk of Christian County, Missouri is hereby authorized to conduct an election, on behalf of the City, in a manner consistent with the provisions of Chapter 115, RSMo.

SECTION 5: The City Administrator, and other officers of the City, are hereby authorized and directed to take such actions as may be necessary or convenient to carry out the purpose and intent of this Ordinance.

SECTION 6: Upon approval, by the qualified voters of the City, of the proposition submitted to the qualified voters by this Ordinance, and upon the canvassing and declaration of the election results by the Council, the City's Charter shall be amended provided that the required majority was obtained for the proposition. The City Clerk shall thereafter codify the amendments to the City Charter so approved and provide certified copies of this Ordinance and the Council's action canvassing and declaring the results of said election to the Secretary of State and shall additionally keep such certified documents as part of the permanent records of the City.

SECTION 7: Once this Ordinance is in full force and effect, the Ordinance number assigned to this Ordinance by the City Clerk shall be placed in the blank spaces referencing said number located in Sections 1.

SECTION 8: 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.

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