

BILL NO. 2023-11-21-1

ORDINANCE NO.

“AN ORDINANCE SETTING AN ELECTION FOR APRIL 2, 2024, FOR THE QUALIFIED VOTERS OF THE VILLAGE OF LOCH LLOYD, MISSOURI, TO DECIDE WHETHER TO FORGO ANY ELECTION FOR TRUSTEES IF THE NUMBER OF CANDIDATES FILING EQUAL THE NUMBER OF AVAILABLE SEATS UP FOR ELECTION IN ACCORDANCE WITH SECTION 115.124 RSMO.”

WHEREAS, Section 115.124(3) of the Revised Statutes of Missouri (“RSMo”) provides that the governing body of any city, town, or village with two thousand or fewer inhabitants may submit to the voters at any available election, a question to adopt the provisions of Section 115.124(1) RSMo to be effective for any election that may occur for a period of six (6) years; and

WHEREAS, Section 115.124(1) RSMo provides in pertinent part as follows:

1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with two thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section...and if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a political subdivision will owe no proportional elections costs if an election is not held, no election shall be held, and the candidates shall assume the responsibilities of their office at the same time and in the same manner as if they had been elected.

and;

WHEREAS, the Village of Loch Lloyd, Missouri currently has a population of 929 inhabitants; and

WHEREAS, in on April 18, 2017, the Board of Trustees for the Village of Loch Lloyd adopted Ordinance 2017-04-18-3 which placed the foregoing question on the ballot, which question passed at the November 7, 2017 election; and

WHEREAS, the six-year statutory sunset has expired as of November 7, 2023; and

WHEREAS, the Board of Trustees for the Village of Loch Lloyd desires to continue receiving the financial benefits associated with Section 115.124(1) and is therefore seeking to resubmit the question to the voters at the April 2, 2024 general municipal election.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOCH LLOYD, MISSOURI, as follows:

Section 1. Call for Election. An election is hereby ordered to be held in the Village of Loch Lloyd, Missouri on Tuesday, April 2, 2024, for the purpose of submitting to the qualified voters of the Village the following proposition:

QUESTION 1

Shall the Village of Loch Lloyd, 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?

YES NO

If you are in favor of the question, darken the oval opposite “YES”. If you are opposed to the question, darken the oval opposite “NO”.

Section 2. Effect if Approved. If the majority of the votes cast by the qualified voters are in favor of the question, then the Village shall conduct its municipal elections for the following six-year period immediately thereafter in accordance with Section 115.124 RSMo. At the end of such six-year period, then the Village 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. Publication of Notice Obligation. If no election is held for such office as provided for in Section 115.124 RSMo, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under Section 115.124 RSMo. 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. Form of Notice. The form of Notice of Election showing said question, a copy of which is attached hereto and made a part hereof, is hereby approved.

Section 5. Instructions to Clerk. The Village Clerk is hereby authorized and directed to notify the County Clerk of Cass County, Missouri, of the passage of this Ordinance no later than 4:00 p.m. on January 23, 2024, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo., as amended.

Section 6. Polls. At the election on the foregoing ballot issue, the qualified registered voters of the Village shall vote at the polling place(s) within the Village, as designated by the Clerk of Cass County.

Section 7. Conduct of Election. The judges and clerks at such election shall be designated by the Clerk of Cass County and said Clerk of Cass County shall conduct the election and cause the results thereof to be certified to the Village Board of Trustees as provided by law.

Section 8. Copies Available. A full and complete copy of this Ordinance, submitting the above question to the electorate, including a full and complete copy of the ballot language, is on file in the office of the Village Clerk of the Village of Loch Lloyd, Missouri, where the same is open for inspection and copying.

Section 9. Severability. 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 thereof.

Section 10. Effective Date. The effective date of approval shall be coincidental with the Chairman's signature and attestation from the Village Clerk.

DULY READ AND PASSED THIS 21ST DAY OF NOVEMBER 2023.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 21ST DAY OF NOVEMBER 2023, BY THE FOLLOWING VOTE:

Trustee Withey	_____
Trustee Little	_____
Trustee Lafata	_____
Trustee Douglas	_____

Chairman Randal L. Schultz

ATTEST:

Tony Lafata, Village Clerk

**NOTICE OF ELECTION
VILLAGE OF LOCH LLOYD, MISSOURI**

Notice is hereby given to the qualified voters of the Village of Loch Lloyd, Missouri that the Board of Trustees of the Village has called an election to be held on April 2, 2024, commencing at 6:00 a.m. and closing at 7:00 p.m., on the question contained in the following sample ballot:

**OFFICIAL BALLOT
ELECTION – APRIL 2, 2024
VILLAGE OF LOCH LLOYD, MISSOURI**

QUESTION 1

Shall the Village of Loch Lloyd, 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?

YES **NO**

If you are in favor of the question, darken the oval opposite “YES”. If you are opposed to the question, darken the oval opposite “NO”.

The election will be held at the following polling places in the Village:

PRECINCT	POLLING PLACE

Dated: _____, 20_____

Cass County Clerk