

COUNCIL 2020-742

ORDINANCE 2020-742

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF GARDEN CITY, MISSOURI CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.

Whereas, The City of Garden City, Missouri (the “City”) a city of the fourth class; and

Whereas, the City owns and operates, among others, two municipal utilities; namely a public water supply system and a public wastewater system (“Utilities”); and

Whereas, the City is empowered under the laws and constitution of the State of Missouri (the “State”) including, without limitation, Section 88.770 of the Revised Statutes of the State of Missouri, to sell, lease, or encumber the Utilities; and

Whereas, The City has entered into an agreement with Missouri American Water company to sell the Utilities, contingent upon the approval of the voters of the City as, as required by said Section 88.770;

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

SECTION 1. A special election is hereby called and ordered to be held on Tuesday, November 3, 2020 (the “Election”) for the purpose of submitting to the qualified voters of the City the question of whether the City shall be authorized to sell the city public water supply system and the city wastewater collection and treatment system, together with certain land and equipment, substantially according to the terms of an agreement between the City and Missouri American Water Company approved by the City by Resolution 2020-741 (collectively, the ‘Proposition”).

SECTION 2. The ballot upon which the Proposition shall be submitted to the qualified voters of the City shall contain the question in substantially the following form:

Proposition S

Shall the City of Garden City be authorized to sell its Water and Wastewater (sewer) Utilities to Missouri American Water for the sum of \$3,000,000.00 (Three Million Dollars)

YES

NO

Instructions to Voters: If you are in favor of the proposition, place an X in the Box opposite “YES”. If you are opposed to the proposition, place an X in the Box opposite “NO”.

SECTION 3. The City Clerk is hereby authorized and directed to notify the proper election authority of the adoption of this Ordinance no later than 5:00 P.M. on the tenth Tuesday prior to the Election or such other date as required by the election authority or by law, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended, and to take such other steps as may be required so that an election may be lawfully conducted. The form of the Notice of Election for said election, a copy of which is attached hereto as Exhibit A and incorporated as if fully set out herein, is hereby approved.

SECTION 4. The Mayor of the City, the City Clerk, and the City Attorney, are hereby authorized to take such actions as are necessary or desirable to cause the Proposition to be submitted to the qualified voters of the City at the Election. The election authority of Cass County shall conduct such election according to the law and certify the results thereof. The election authority shall designate such polling places as shall be required for said Election and shall appoint such election officials as may be necessary for the conduct thereof. The election authority shall be required by law and shall do and perform such other necessary acts as may be required to conduct the Election in accordance with the laws of the State of Missouri.

SECTION 5. The portions of the Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds that the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 6. That a copy of this Ordinance shall be kept on file in the office of the City Clerk.

SECTION 7. This Ordinance shall take effect and be in full force from and after the passage and approval thereof.


Read by title only and approved by the Board of Aldermen of the City of Garden City, Missouri
this 24th day of August, 2020.

Read the second time by title only and passed by the Board of Aldermen and approved by the
Mayor of the City of Garden City, Missouri this 24th day of August, 2020

**BE IT REMEMBERED THE PRECEDING ORIDINANCE WAS ADOPTED ON ITS
SECOND READING THIS 24th DAY OF AUGUST 2020 BY THE FOLLOWING VOTE:**

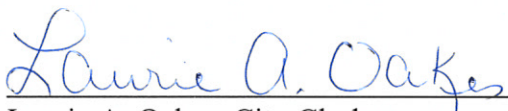
Alderman Wallander	AYE	Alderman Moretine	AYE
Alderman Leslie	AYE	Alderman Smith	AYE

APPROVED BY THE MAYOR of the City of Missouri this 24TH day of August, 2020



Marc Walton, Mayor

ATTEST:



Laurie A. Oakes, City Clerk
Witness my hand and seal this 24th day of August 2020

EXHIBIT A

**NOTICE OF SPECIAL ELECTION
CITY OF GARDEN CITY, MISSOURI**

Notice is hereby given to the qualified voters of the City of Garden City, Missouri that the Board of Aldermen of said City has called an election to be held in said City on Tuesday, November 3, 2020, commencing at 6:00 a.m. and closing at 7:00 p.m. on the question contained in the following sample ballot.

**OFFICIAL BALLOT
SPECIAL ELECTION
CITY OF GARDEN CITY, MISSOURI
NOVEMBER 3, 2020**

Proposition S

Shall the city of Garden City, Missouri be authorized to sell its Water and Wastewater (sewer) utilities to Missouri American Water for the sum of \$3,000,000.00 (Three Million Dollars).

YES

NO

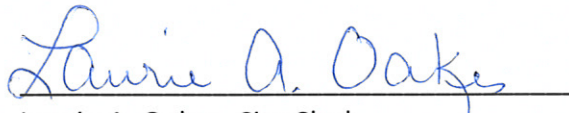
Instructions to Voters: If you are in favor of the proposition, place an X in the box opposite "YES." If you are opposed to the proposition, Place an X in the box opposite "NO."

The election will be held at the following polling place in the City of Garden City:

POLLING PLACE: Garden City Community Building, 201 Willow Ln, Garden City, Missouri.

Given under my hand the official seal of the City of Garden City, Missouri this 24th day of August, 2020

(Seal)



Laurie A. Oakes, City Clerk
City of Garden City