

BILL NO. 25-53

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AMENDING THE CHARTER OF THE CITY; CALLING AN ELECTION IN THE CITY ON THE QUESTION OF AMENDING THE CHARTER; DESIGNATING THE TIME FOR HOLDING SAID ELECTION; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO THE COUNTY CLERK OF SAID ELECTION

WHEREAS, the City of Cape Girardeau, Missouri (the "City") is a municipal corporation and Charter City located in Cape Girardeau County, Missouri, being duly created, organized and existing under the laws of the State of Missouri; and

WHEREAS, Article VI, Section 6.13 of the City Charter provides that the City "shall not increase water, sewer or solid waste collection fees by more than five (5) percent, in any given fiscal year" with exceptions including for issuance of bonds or in the event of emergencies; and

WHEREAS, past increases of the City's water, sewer and solid waste collection fees have failed to keep pace with increasing costs, such that the City Council has determined continuing with a fee increase limitation of five percent per year will necessitate unacceptable reductions in the levels of water, sewer, and solid waste collection services the City provides to its residents; and

WHEREAS, Article XI, Section 11.06 of the Charter authorizes the City Council to propose amendments to the Charter and sets forth the process required for consideration of such amendments; and

WHEREAS, before any Charter amendment shall become effective, it must be approved by a majority of the qualified electors voting at an election to be held not less than sixty days after the passage of this Ordinance; and

WHEREAS, the City Council has determined it is necessary for ensuring continuation of adequate levels of water, sewer, and solid waste collection services to seek voter approval to change the five percent per year limitation in Article VI, Section 6.13 of the City Charter to fifteen percent per year; and

WHEREAS, the City Council calls for this item to be placed on the ballot at the August 5, 2025 Election for a vote of the qualified voters of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Pursuant to Article XI, Section 11.06 of the Charter, the City Council hereby proposes an amendment to the Charter to delete the phrase "five (5) percent," in Article VI, Section 6.13 of the Charter and replace it with the phrase "fifteen (15) percent," and further hereby orders an election to be held in the City of Cape Girardeau, Missouri, for the purpose of submitting such amendment to the qualified electors of the City.

ARTICLE 2. The following question is hereby submitted to the qualified voters of the City, to be voted on at the Election hereby called and to be held in the City on Tuesday, August 5, 2025. The ballot question shall contain substantially the following language:

Article VI, Section 6.13 of the Charter of the City of Cape Girardeau generally prohibits the City from increasing water, sewer or solid waste collection fees by more than five (5) percent per fiscal year. Shall this general limitation be amended from five (5) percent to fifteen (15) percent, for the purpose of funding improvements and maintenance needed to deliver these services?

☐ Yes ☐ No

If the above question in this article shall be approved by a majority of the qualified voters thereon, the amendment shall become a part of the Charter effective upon certification of such election result.

ARTICLE 3. The City Clerk is hereby authorized and directed to notify the Cape Girardeau County Clerk (the "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 the terms and provisions required by Chapter 115 RSMo., 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. The Election Authority shall conduct such election according to law and certify the results thereof.

ARTICLE 4. Said election shall be held at such places in such wards and precincts as the Election Authority may direct, and shall follow the procedures prescribed by said Election Authority. The election shall be held in conformity with the Missouri Constitution and the laws of the State of Missouri, and in accordance with all applicable ordinances adopted by the City Council of the City.

ARTICLE 5. 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 hereof.

ARTICLE 6. This ordinance will be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

Stacy Kinder, Mayor

ATTEST:

Traci Weissmueller, Deputy City Clerk



Exhibit A

**NOTICE OF GENERAL ELECTION
CITY OF CAPE GIRARDEAU, MISSOURI**

Notice is hereby given to the qualified voters of the City of Cape Girardeau, Missouri that the City Council has called an election to be held in said City on Tuesday, August 5, 2025, commencing at 6:00 A.M. and closing at 7:00 P.M. on the question contained in the following sample ballot.

**OFFICIAL BALLOT
GENERAL ELECTION
CITY OF CAPE GIRARDEAU, MISSOURI
AUGUST 5, 2025**

Article VI, Section 6.13 of the Charter of the City of Cape Girardeau generally prohibits the City from increasing water, sewer or solid waste collection fees by more than five (5) percent per fiscal year. Shall this general limitation be amended from five (5) percent to fifteen (15) percent, for the purpose of funding improvements and maintenance needed to deliver these services?

☐ **Yes**

☐ **No**

If you are in favor of the question, place an "X" in the box opposite "Yes".

If you are opposed to the question, place an "X" in the box opposite "No".