

First reading: 10/09/23
Second reading: 10/23/23

Introduced by the Board as a Whole

BILL NO. 23-47

ORDINANCE NO. 4593

AN ORDINANCE AMENDING TITLE I, CHAPTER 110: MAYOR AND BOARD OF ALDERMEN OF THE MUNICIPAL CODE BY THE ADDITION OF SECTION 110.105 RELATING TO PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF SUBPOENAS IN FURTHERANCE OF BOARD OF ALDERMEN PROCEEDINGS

WHEREAS, Section 79.180 of the Revised Statutes of Missouri authorizes the Board of Aldermen to “compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the city is involved, and shall have power to call on the proper officers of the city, or of the county in which such city is located, to execute such process”; and

WHEREAS, the Town and Country Board of Aldermen now wishes to establish reasonable procedures to exercise the authority delegated to the Board by the referenced statute.

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

Section 1. Article II of Chapter 110 of the Municipal Code of the City of Town and Country is hereby amended, by the addition of a new Section 110.105, which shall read as follows:

TITLE I:	GOVERNMENT CODE
ARTICLE II:	BOARD OF ALDERMEN – IN GENERAL
SECTION 110.105:	INVESTIGATIONS

The Board of Aldermen may make investigations into the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Subpoenas issued in accordance with this Section may be issued pursuant to authority delegated by the Board of Aldermen or by a motion approved by a majority of the Members of the Board of Aldermen voting thereon and shall be signed by the Mayor, or in case of his or her absence or inability to act, by the Acting President of the Board of Aldermen or the official acting in such capacity if there is a vacancy in the office of Acting President of the Board of Aldermen, and shall be attested by the City Clerk. Every such subpoena shall be served and return thereof made to the City Clerk in the same manner as provided by law for the service and return of subpoenas in civil actions in the Circuit Courts of this State. Such subpoenas may be enforced by applying to a judge of the St. Louis County Circuit Court for an order upon any witness who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which said order and a copy of the application therefor shall be served upon the witness in the same manner as a summons in a civil action, and if said court shall, after a hearing, determine that the subpoena should be sustained and enforced, said court shall proceed to enforce said subpoena in the same manner as though said subpoena had been issued in a civil case in the Circuit Court. Any person who shall, without

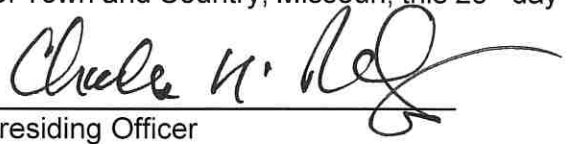
reasonable cause, fail or refuse to comply with a subpoena or other lawful order issued pursuant to this Section, by or on behalf of and under the authority of the Board of Aldermen, shall be guilty of an ordinance violation, and, upon conviction thereof, shall be subject to the penalties as provided in Section 100.150 of the City Code.

Section 2. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Town and Country upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

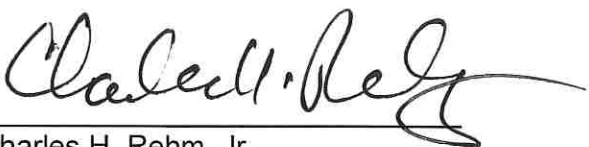
Passed by the Board of Aldermen for the City of Town and Country, Missouri, this 23rd day of October, 2023.


Presiding Officer

Attest:


Ashley McNamara, City Clerk

Signed this 23rd day of October, 2023.


Charles H. Rehm, Jr.
Mayor, City of Town and Country

Attest:


Ashley McNamara, City Clerk