



## AGENDA ITEM ANALYSIS

Project/Issue Name: 24-11 An Ordinance of the City Council Amending Title I, Chapter 130 (“Municipal Court”), Article 130-I (“Municipal Court General Provisions”), Article 130-II (“Court Costs and Fees”), Sections 130.080 (“Report To City Council”), 130.180 (“Jailing Of Defendants”), 130.250 (“Court Costs”), and 130.280 (“Installment Payment Of Fine”), of the Municipal Code of the City of Republic, Missouri

Submitted By: Megan McCullough, City Attorney

Date: March 5, 2024

### Issue Statement

Amending the Municipal Code provisions pertaining to the City’s Municipal Court operations consistent with the suggested corrective action items noted in the report of the Office of State Courts Administrator (OSCA) following OSCA’s review of the Municipal Court.

### Discussion and/or Analysis

The Office of State Courts Administrator (“OSCA”) routinely conducts reviews of courts across the State of Missouri to evaluate the courts’ compliance with Supreme Court Rules, Court Operating Rules, Missouri Statutes and other state and local reporting requirements. In August of 2023, OSCA performed a review of the Republic Municipal Court. The City received a report from OSCA in December 2023, containing OSCA’s findings from that review, along with certain suggested action items for the City to consider or make.

While OSCA’s report notes the Municipal Court is generally in compliance with current laws, rules and regulations, the report includes a small number of non-compliance observations that warrant corrective action by the City. The City Attorney suggests amending the Code consistent with the findings in OSCA’s report to ensure that the Code (and corresponding operations of the Municipal Court) are compliant with all current laws, rules and regulations governing Municipal Court operations.

The following changes are proposed accordingly:

1. Changes to the caseload reporting from the Municipal Court to the City Clerk and City Council to reflect current requirements under state law. As an administrative matter, this report can be included within the Administrator’s Report.
2. Repeal of the term allowing the City to collect tax/costs for jailing of defendants.
3. Changes to the term pertaining to service charges, witness fees, and/or jail costs within the calculation of court costs to remove jail costs or other costs associated with apprehension and confinement of defendants, as those are no longer permitted costs under state law.
4. Repeal of the Sheriff’s Retirement Fund surcharge (not currently collected).



5. Changes to the judicial obligations when adjudicating cases for defendants unable to pay fines and costs upon conviction to reflect current court operating rules.

**Recommended Action**

Staff recommends approval.