

AN ORDINANCE OF THE CITY COUNCIL AMENDING TITLE I (“GOVERNMENT CODE”), CHAPTER 130 (“MUNICIPAL COURT”), ARTICLE 130-I (“MUNICIPAL COURT GENERAL PROVISIONS”) AND 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

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, 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; and

WHEREAS, OSCA recently provided the City with a report containing the findings from its most recent review of the Republic Municipal Division (“Municipal Court”); and

WHEREAS, 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; and

WHEREAS, the City now seeks to amend certain existing provisions of the Republic Municipal Code, consistent with the findings and corresponding corrective actions suggested in OSCA’s report, to ensure it is compliant with the current laws, rules and regulations governing Municipal Court operations; and

WHEREAS, the Council finds it in the best interest of the City, and its citizens, to ensure complete compliance with current laws, rules and regulations, and therefore finds it appropriate to approve and adopt the amendments to the Republic Municipal Code identified herein below.

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

Section 1: Title I (“Government Code”), Chapter 130 (“Municipal Court”), Article 130-I (“Municipal Court General Provisions”), Section 130.080 (“Report to City Council”) of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

130.080 Report To City Council

~~The Municipal Judge shall cause to be prepared within the first (1st) ten (10) days of every month a report indicating the following:~~

~~A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with~~

~~the City Clerk, who shall thereafter forward the same to the City Council of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.~~

On or before the fifteenth (15th) day of each month, the Municipal Court shall submit a copy of the monthly case load summary report required by Supreme Court Operating Rule 4.28 for the preceding month to the City Clerk, who shall then provide a copy of the same to the City Council for examination at its first regular meeting thereafter.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title[s]) is added language. Matter shown above in ~~striketrough font~~ is deleted language.

Section 2: Title I (“Government Code”), Chapter 130 (“Municipal Court”), Article 130-I (“Municipal Court General Provisions”), Section 130.180 (“Jailing of Defendants”) of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

130.180 Jailing Of Defendants

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his/her custody. ~~The same shall be taxed as cost.~~

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title[s]) is added language. Matter shown above in ~~striketrough font~~ is deleted language.

Section 3: Title I (“Government Code”), Chapter 130 (“Municipal Court”), Article 130-II (“Court Costs and Fees”), Section 130.250 (“Court Costs”) of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

130.250 Court Costs

- A. In addition to any fine or other punishment imposed by the Court, costs, fees, charges and surcharges shall be assessed as follows:
1. Twelve dollars (\$12.00) as per the provisions of Section 479.260 and Section 488.012, RSMo.
 2. A surcharge of two dollars (\$2.00) for violations of all municipal ordinances, such surcharge to be collected, administered and used as a law

enforcement training fee in accordance with the provisions of Section 488.5336, RSMo.

3. A surcharge of one dollar (\$1.00) for violations of all municipal ordinances, such surcharge to be collected and disbursed as provided in Section 590.178 and Section 488.5336, RSMo., for the Peace Officer Standards and Training Commission Fund.
4. A surcharge of seven dollars fifty cents (\$7.50) for the Crime Victims' Compensation Fund to be collected, administered and distributed in accordance with the provisions of Section 595.045 and 488.5339, RSMo.
- ~~5. Service charges, witness fees and/or jail costs incurred as a result of the apprehension, confinement and/or prosecution of any defendant.~~
- ~~6.~~ 5. A surcharge of two dollars (\$2.00) for violations of all municipal ordinances, such surcharge to be collected and disbursed as provided in Section 488.5026, RSMo., for installation and maintenance of a biometric verification system and expenses related to custody and housing and other expenses for prisoners.
- ~~7.~~ 6. Supreme Court Operating Rule 21.01 (a) (21) establishes a four-dollar fee for payments made by other than cash or negotiable instrument and further authorizes a Court, by local Court rule, to opt out of charging a four-dollar fee for payments made by other than cash or negotiable instrument. The Presiding Judge of the Republic Municipal Court is authorized to issue a local court rule to opt out of charging a four-dollar fee for payments made by other than cash or negotiable instrument. Unless an order is entered opting out of the fee, the fee shall be collected as other court cost.
- ~~8.~~ 7. In addition to all court fees and costs prescribed by law, a surcharge of ten dollars (\$10.00) as authorized by Section 488.2206 and Section 488.2275, RSMo. shall be assessed as a cost in each court proceeding filed in Municipal Court.
- ~~9.~~ 8. A surcharge of seven dollars (\$7.00) for the State Court Automation Fund to be collected and distributed monthly to the Missouri Department of Revenue for the credit of the Missouri Statewide Automation Fund, as provided in Section 476.055, RSMo., Section 488.012, RSMo., and Section 488.027, RSMo.
- ~~10.~~ 9. Service charges, witness fees, and other costs not expressly provided for herein incurred in connection with the prosecution of any defendant, as authorized by law.
- ~~11. A surcharge of three dollars (\$3.00) for the Sheriffs' Retirement Fund to be collected and distributed under Sections 488.010 to 488.020, RSMo., as provided under Section 57.955 and 488.024, RSMo.~~

- B. All other costs, fees, charges and surcharges shall be collected by the Municipal Court Clerk in accordance with Chapter 488, RSMo.
- C. Costs, fees, charges and surcharges shall only be assessed against, and collected from, defendants who have pled guilty or been found guilty, or who have agreed to pay the same under the terms of a valid and enforceable plea agreement, approved by the Municipal Judge. ~~in exchange for dismissal of a charge.~~

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title[s]) is added language. Matter shown above in ~~striketrough font~~ is deleted language.

Section 4: Title I (“Government Code”), Chapter 130 (“Municipal Court”), Article 130-II (“Court Costs and Fees”), Section 130.280 (“Installment Payment Of Fine”) of the Municipal Code of the City of Republic, Missouri, is hereby **amended** to read as follows:

130.280 Installment Payment Of Fine

~~When a fine is assessed for violating an ordinance, it should be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate.~~

When a fine, fee, or cost is assessed against a defendant convicted of violating this Code, and the defendant indicates an inability to pay such fine, fee, or cost, the Municipal Judge shall determine the defendant’s ability to pay and, if defendant is found to be unable to pay such fine, fee, or cost when due, shall order a stay of execution and either (1) provide for the payment owed by a date certain, or (2) provide for the payment owed on an installment basis under such terms and conditions as the Municipal Judge may deem appropriate, consistent with the provisions of Supreme Court Rule 37.65 and Sections 543.270, 558.004.4, and 558.006, RSMo.

EXPLANATION: Matter shown above in **bold-face/underlined font** (except for Chapter title[s]) is added language. Matter shown above in ~~striketrough font~~ is deleted language.

- Section 5:** All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance, shall remain unmodified and in full force and effect.
- Section 6:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 7:** The WHEREAS clauses are hereby specifically incorporated herein by reference.
- Section 8:** The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 9:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2024.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read 'Megan McCullough', is written over a horizontal line.

Megan McCullough, City Attorney

Final Passage and Vote: