

**AN ORDINANCE 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 Frontenac 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 FRONTENAC, MISSOURI, AS FOLLOWS:

Section One.

Article I of Chapter 110 of the Code of Ordinances of the City of Frontenac, Missouri, is hereby amended by the addition of one new section, initially to be designated as Section 110.095, to read, as follows:

Chapter 110. Board of Aldermen

Article I. In General

Section 110.095. 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 100.140 of the City Code.

Section Two.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances 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 Three.

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Four.

This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF FRONTENAC, MISSOURI, THIS 28TH DAY OF FEBRUARY 2023.

Presiding Officer

Attest:

Leesa Ross, City Clerk

APPROVED THIS 28TH DAY OF FEBRUARY 2023.

Kate Hatfield, Mayor

Attest:

Leesa Ross, City Clerk