

1st Reading:
2nd Reading:

SPONSOR: CRUTS

ORDINANCE NO. ____

BILL NO. 22-29

AN ORDINANCE AMENDING CHAPTER 135, MUNICIPAL CODE, BY AMENDING SECTION 135.040, JUDGE – TERM OF OFFICE – COMPENSATION – VACATION OF OFFICE.

WHEREAS, when the Fenton Municipal Code was codified in 2009, the sentence related to compensation of the municipal judge was inadvertently omitted from Section 135.040; and

WHEREAS, Section 135.050 provides provisions for vacation of office of the municipal judge and Section 135.040 does not address vacation of office despite its title; and

WHEREAS, at the April 7, 2022 Committee Meeting, the Board of Aldermen discussed the recommendation of staff to reinsert the sentence related to compensation of the municipal judge which was inadvertently omitted and to expand the sentence to also apply to the provisional municipal judge; and

WHEREAS, the Board of Aldermen now desires to amend Section 135.040 as suggested by staff and to amend the title to remove the reference to vacation of office.

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

Section 1. Chapter 135, Municipal Court, is hereby amended to include the underlined terms and repeal the crossed-out terms from Section 135.040 as follows:

Section 135.040 **Judge – Term of Office – Compensation –~~Vacation of Office.~~**

The Municipal Judge shall be appointed by the Mayor with the consent and approval of the majority of the members of the Board of Aldermen for a term of not less than two (2) years. The term of the Municipal Judge so appointed and approved shall commence on the effective date of such appointment and approval and shall expire on the later of the fourth Thursday of May of the year of the general election for Mayor of the City of Fenton or at such time as his/her successor shall be duly appointed and qualified. The Provisional Judge shall hold his/her office for whatever term is designated by the Board of Aldermen. The Municipal Judge and Provisional Judge shall be compensated at such a rate as may be designated by the Board from time to time by ordinance.

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Section 2. The portions of this ordinance shall be severable. In the event that any portion of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds that the valid portions of this ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED this 28th day of April 2022.

JOE MAURATH, ACTING PRESIDENT OF
THE BOARD OF ALDERMEN

APPROVED 28th day of April 2022.

JOE MAURATH, ACTING PRESIDENT OF
THE BOARD OF ALDERMEN

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Nays:

Absent:

ORD. NO. ____