

1st Reading:
2nd Reading:

SPONSOR: CLAUSS

ORDINANCE NO. ____

BILL NO. 22-80

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE CONTRACT FOR PROSECUTING ATTORNEY SERVICES WITH TIM ENGELMEYER AND ENGELMEYER & PEZZANI, LLC.

WHEREAS, Tim Engelmeyer served as Special Prosecuting Attorney since 2016 and, in June 2019, pursuant to Ordinance 3950, the City appointed Tim Engelmeyer as the City’s Prosecuting Attorney (“PA”) and entered into a contract for Prosecuting Attorney Services (the “Contract”) with Tim Engelmeyer and Engelmeyer & Pezzani, LLC (the “Firm”) to provide prosecuting attorney services in accordance with the terms of said Contract; and

WHEREAS, pursuant to Ordinance 4075, the City and the Firm executed a First Amendment to the Contract in October 2020 to authorize additional hours under the Contract for the PA to continue the PA’s efforts to keep the court operating during Covid-19; and

WHEREAS, pursuant to Ordinance 4092, the City and the Firm executed a Second Amendment to the Contract in February 2021 to authorize the Firm to provide the City PA Assistant Services; and

WHEREAS, the Firm has requested an increase for the hourly billable services rate from \$100.00 per hour to \$150.00 per hour; and

WHEREAS, the City finds it in the best interest of the City to authorize the Mayor to execute an amendment to the Contract to authorize the requested rate increase for hourly billable services.

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

Section 1. The Board of Aldermen hereby authorizes the Mayor to execute on behalf of the City a Third Amendment to the Contract substantially in the form of Exhibit 1, attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

ORD. NO. ____

ORD. NO. _____

PASSED this 22nd day of September, 2022.

JOE MAURATH, MAYOR

APPROVED this 22nd day of September, 2022.

JOE MAURATH, MAYOR

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Ayes:

Abstain:

Nays:

Absent:

ORD. NO. _____

EXHIBIT 1

**PROSECUTING ATTORNEY SERVICE AGREEMENT
THIRD AMENDMENT**

This Third Amendment to the Prosecuting Attorney Service Agreement (“Amendment”) is made and effective this 22nd day of September 2022, by and between Timothy A. Engelmeyer and Engelmeyer & Pezzani, LLC (the “Firm”) and the City of Fenton (“City”).

WHEREAS, Tim Engelmeyer served as Special Prosecuting Attorney since 2016 and, in June 2019, pursuant to Ordinance 3950, the City appointed Tim Engelmeyer as the City’s Prosecuting Attorney (“PA”) and entered into a contract for Prosecuting Attorney Services (the “Contract”) with the Firm to provide prosecuting attorney services in accordance with the terms of said Contract; and

WHEREAS, pursuant to Ordinance 4075, the City and the Firm executed a First Amendment to the Contract in October 2020 to authorize additional hours under the Contract for the PA to continue the PA’s efforts to keep the court operating during Covid-19; and

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WHEREAS, the Firm has requested an increase for the hourly billable services rate from \$100.00 per hour to \$150.00 per hour; and

WHEREAS, the City finds it in the best interest of the City to authorize the Mayor to execute an amendment to the Contract to authorize the requested rate increase for hourly billable services.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties do hereby agree as follows:

- I.** Section II, Hourly Billable Services, of the Contract is hereby amended by amending the hourly billable services rate from \$100.00 to \$150.00.
- II.** The parties hereby reaffirm that all other provisions of the Contract not specifically amended herein shall remain in full force and effect and shall be deemed incorporated herein and binding on the parties.
- III.** The Contract, as amended, together with this Amendment represents the entire agreement among the parties and the Firm agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in the Contract, as amended, or this Amendment.

IN WITNESS WHEREOF, the parties have signed this Amendment in duplicate, each of which is to be deemed an original, on the day and year first above written.

ENGELMEYER & PEZZANI, LLC

CITY OF FENTON, MISSOURI

By: _____
Timothy A. Engelmeyer

By: _____
Joe Maurath, Mayor