

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

WHEREAS, to fill the recently created position of Twin Oaks Prosecuting Attorney, the Mayor desires to appoint Timothy A. Engelmeyer as the City’s Prosecuting Attorney with the advice and consent of the Board of Aldermen; and,

WHEREAS, Tim Engelmeyer has over twenty years providing prosecutorial services for various cities in St. Louis County; and

WHEREAS, the City desires to formally engage Tim Engelmeyer and Engelmeyer & Pezzani, LLC to represent the City; and

WHEREAS, to that end, the City desires to authorize the Mayor to execute a contract with Tim Engelmeyer and Engelmeyer & Pezzani, LLC for Prosecuting Attorney services.

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

Section 1. The Mayor with the consent and approval of the majority of the members of the Board of Aldermen, does hereby appoint Timothy A. Engelmeyer as Prosecuting Attorney for the City of Twin Oaks, Missouri and who shall serve at the pleasure of the Mayor and Board of Aldermen until terminated by the City or by Mr. Engelmeyer. The powers and duties of such office shall be as established by Section 115.190 of the Municipal Code and the compensation shall be as set forth in the attached agreement which is hereby approved in substantially the form of Exhibit A (“Prosecuting Attorney Service Agreement”), attached hereto, and incorporated herein by reference.

Section 2. The Mayor is hereby authorized to execute the Prosecuting Attorney Service Agreement on behalf of the City with Engelmeyer & Pezzani, LLC.

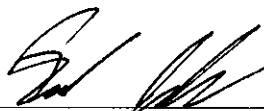
Section 3. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 20th DAY OF JULY 2022.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator

Exhibit A

PROSECUTING ATTORNEY SERVICE AGREEMENT

This Prosecuting Attorney Service Agreement (“Agreement”) made and effective this _____ day of July, 2022, by and between Timothy A. Engelmeyer and Engelmeyer & Pezzani, LLC, (the “Firm”) and the City of Twin Oaks (“City”):

I. FLAT FEE SERVICES: The following services shall be rendered to the City at the hourly rate of \$150.00 per hour for prosecution services and \$25 per hour for Prosecutor Assistant services:

1. Attendance at the regularly scheduled Municipal Court dates, as well as any daytime or evening Housing Dockets as scheduled by the Court;
2. Preparation and attendance on trial de novo cases and cases tried before a judge or jury in St. Louis County Circuit Court.
3. Prepare and prosecute municipal ordinance violations filed in Municipal Court, including review of warrant applications and all related attorney correspondence;
4. Render informal opinions as may be requested by the Mayor, City Attorney, the Board of Aldermen, the City’s Chief of Police, or code violation officers;
5. Provide a Provisional/Assistant Prosecuting Attorney to assist in the prosecution of Municipal Court.
6. Provide a certified Prosecutor Assistant to assist in the prosecutorial duties as mandated by Missouri Statute, Senate Bill 5, and Senate Bill 572.

II. ADDITIONAL HOURLY BILLABLE SERVICES: The following services shall be rendered to the City at the rate of \$150.00 per hour:

1. Attendance at meetings when requested by the Mayor, any member of the Board of Aldermen or City Attorney;
2. Upon authorization from the Mayor, any member of the Board of Aldermen or City Attorney:
 - a. Research and preparation of written memorandums or written opinions or time expended that exceeds the duties set forth in paragraph I above.
 - b. Attendance at meetings when requested by the Mayor, any member of the Board of Alderman or City Attorney.

III. OUT-OF-POCKET EXPENSES: In addition to the fees set forth above, the Firm shall be reimbursed for direct out-of-pocket expenditures incurred in the rendering of such services as follows:

1. Special courier or messenger services when required by the City;
2. Photocopy or document reproduction costs when required by the City for use in legal proceedings and out-of-pocket litigation costs such as depositions.
3. Parking expenses for trial de novo or jury trials set in the Circuit Court of St. Louis County.

IV. OTHER SERVICES: It is estimated that this proposal will cover all required legal services. In the event there is a need for services not described, or specifically excluded, the fee for such services shall be reviewed with the City prior to such undertaking.

V. MISCELLANEOUS:

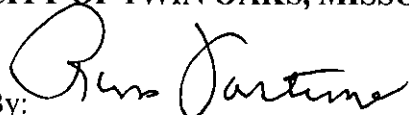
1. No general overhead costs incurred by Timothy A. Engelmeyer in rendering such services shall be billed to the City. Further, the City shall not provide any insurance or pension benefits for Timothy A. Engelmeyer;
2. In the event that Timothy A. Engelmeyer or a member of his firm cannot serve as Prosecuting Attorney on a Municipal Court matter, because of a conflict or other disqualification, the City will approve outside counsel to handle this matter at a rate to be approved by the Board of Aldermen;
3. The City expressly consents and authorizes the Firm to include, on its website or on any material of Engelmeyer & Pezzani, LLC, that the City is a client of the Firm. After termination of this Agreement, the Firm is authorized to refer to the City as a former client of the Firm, unless the City instructs the Firm to cease such reference, in writing;
4. This Agreement may be terminated at any time by notice to the other party.

Approved by Ordinance No. 22-18 passed and approved on the 20th day of July, 2022.

ENGELMEYER & PEZZANI, LLC

By: 
Timothy A. Engelmeyer

CITY OF TWIN OAKS, MISSOURI

By: 
Mayor

ATTEST:


City Clerk/Administrator

