

**AGENDA**  
**MAPLEWOOD CITY COUNCIL WORK SESSION**  
**TUESDAY, NOVEMBER 8, 2022 @ 6:00 P.M.**  
**VIA ZOOM TELECONFERENCE PURSUANT TO CHAPTER 610.015 RSMO**  
**([WWW.CITYOFMAPLEWOOD.COM](http://WWW.CITYOFMAPLEWOOD.COM) FOR DETAILS)**

1. Call to Order
2. Roll Call
3. Motion to Excuse Councilmember
4. Charter Discussion: Municipal Discussion: Municipal Court and Addition of City Prosecutor and Public Defender
5. Adjournment

TO: City Council

CC: Michael Resse, City Manager

FROM: Mayor Nikylan Knapper

DATE: November 4, 2022

RE: Amendment of the City Charter – Municipal Court: Inclusion of City Prosecutor & Public Defender

Currently, Part 1 – Charter, Article IX. – Department of Law, Sec. 9.1. – City attorney; appointment; qualifications states, “The city attorney shall represent the city, except as hereinafter provided, in all legal matters in which it is a party or is interested. He shall advise the council, any committee, or members thereof, the city manager, directors of all departments, and the boards and commissions concerning any legal questions affecting the city’s interest. **He shall serve as city prosecutor in the municipal court...**” Because of the language in bold, the city attorney serves as the city prosecutor, which causes the city attorney to wear two hats, so to speak. Although rare, the city attorney serving as the city prosecutor can create a conflict, which could prevent a Council member from making an inquiry to the city attorney about a municipal criminal matter that may have an impact on the City of Maplewood.

Part I – Charter, Article X. Municipal Court, contains the creation of our municipal court and our municipal court judge. The municipal court presides over criminal and quasi-criminal cases. Due to this, I would like to discuss with Council separating the duty of criminal city prosecutor from the city attorney. And I would also like to discuss relocating the position of city prosecutor from Article IX to Article X and creating the position of city defender (e.g., Article X, Sec. 10.3. – City Prosecutor and Sec. 10.4. – City Defender).

The City currently has an ordinance that provides for the municipal judge to appoint a public defender for indigent persons facing criminal charges that could lead to jail time; however, the public defender is not provided to indigent persons that face quasi-criminal charges like driving on a suspended license. I propose to the Council that we discuss the creation of the aforementioned additional sections for Article X. Municipal Court, as well as discuss the duties of city prosecutor and city defender. For example, should the Council agree to the creation of the position of city defender, then should the city defender also represent indigent persons facing quasi-criminal charges along with persons facing criminal charges. Or should the city defender only represent indigent persons charged with criminal charges and only provide legal information to indigent persons charged with quasi-criminal charges.

Finally, any suggested amendment to the City’s Charter requires the vote of the people of Maplewood. Should Council agree to the suggested amendments to the Charter, then I would like to present the suggested amendments for inclusion on the April 2023 ballot so that the people of Maplewood can make the final decision.