

**BILL NO. 1767**

**ORDINANCE NO. 1705**

**INTRODUCED BY: Alderman Dorris**

**AN ORDINANCE OF THE CITY OF WARSON WOODS,  
MISSOURI, AUTHORIZING THE MAYOR TO EXPEND  
PUBLIC FUNDS FOR THE PURCHASE OF A POLICE  
UTILITY VEHICLE FROM CMF, LLC f/k/a MCLARTY  
CMFO, LLC d/b/a JOE MACHENS FORD LINCOLN**

**WHEREAS**, Article VI, § 23 of the Missouri Constitution provides that no city “shall [...] grant public money or thing of value to or in aid of any corporation, association or individual;” and

**WHEREAS**, Article VI, § 25 of the Missouri Constitution provides that no city “shall be authorized to [...] grant public money [...] to any private individual, association, or corporation except as provided in Article VI, Section 23(a)” of the Missouri Constitution; and

**WHEREAS**, the Supreme Court of Missouri has held that Article VI, §§ 23 and 25 of the Missouri Constitution “are not violated when money and property are expended or utilized to accomplish a public purpose.” State ex rel. Mitchell v. City of Sikeston, 555 S.W.2d 281, 291 (Mo. 1977); and

**WHEREAS**, the “determination of what constitutes a public purpose is primarily for the legislative department....” State ex rel. Wagner v. St. Louis County Port Authority, 604 S.W.2d 592, 596 (Mo. 1980); and

**WHEREAS**, the Supreme Court of Missouri has upheld the expenditure of public funds by a city for a parking garage (Bowman v. Kansas City, 233 S.W. 26 (Mo. banc 1950)); for contributing funds to the United States to aid in the acquisition and construction of the Gateway Arch (Vrooman v. City of St. Louis, 88 S.W.2d 189 (Mo. 1935)); and for the construction of a multi-purpose use center on a college campus (Cape Motor Lodge, Inc. v. City of Cape Girardeau, 706 S.W.2d 208 (Mo. banc 1986)); and

**WHEREAS**, the City of Warson Woods, Missouri, operates a Police Department which is run by the Chief of Police under the general supervision of the Mayor; and

**WHEREAS**, the Police Department is responsible for the proper and efficient policing of the City; and

**WHEREAS**, the Police Department is in need of a new vehicle to properly and efficiently police the City; and

**WHEREAS**, the Police Department, through its Chief of Police, has engaged, or will engage, with representatives of CMF, LLC f/k/a MCLARTY CMFO, LLC, a Delaware Limited Liability Company, d/b/a Joe Machens Ford Lincoln, to procure a 2024 Ford Police Interceptor utility vehicle for use by the Police Department of the City; and

**WHEREAS**, the Board of Aldermen of the City finds and determines that expending public funds to purchase such utility vehicle allows the Police Department to maintain proper working vehicles and, as such, is a public purpose;

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

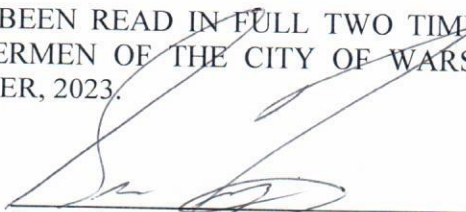
**SECTION 1.** The Mayor is hereby authorized to expend public funds for the purchase of a 2024 Ford Police Interceptor utility vehicle to be used by the City's Police Department, and the Mayor shall be and is hereby authorized, empowered and directed to further negotiate, execute, acknowledge, deliver and administer, on behalf of the City, any document, certificate, or instrument as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**SECTION 2. Savings Clause.** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

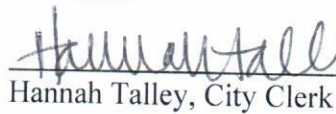
**SECTION 3. Severability Clause.** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid 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 4. Effective Date.** This Ordinance shall be in full force and take effect from and after its final passage by the Board of Aldermen and approval by the Mayor.

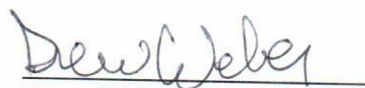
THIS BILL PASSED AFTER HAVING BEEN READ IN FULL TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF WARSON WOODS, MISSOURI, THIS 19<sup>th</sup> DAY OF DECEMBER, 2023.

  
Sean Fitzgerald, Mayor

ATTEST:

  
Hannah Talley, City Clerk

APPROVED AS TO FORM:

  
Drew Weber, City Attorney