

**CHGO** CURTIS, HEINZ,  
GARRETT & O'KEEFE P.C.

**BETTER TOGETHER**  
-  
**BEST FORGOTTEN?**

Missouri Municipal Attorneys Association  
Saturday, July 13, 2019

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**Initiative Petition**  
**Filed Jan. 28, Feb. 11 and March 25, 2019**

*Be it resolved by the people of the state of Missouri that the Constitution be amended:*

- Article VI of the Constitution is revised by repealing Sections 30(a), 30(b), 31, 32(a), 32(b), 32(c), and 33 and adopting one new section to be known as Article VI, Section 30 to read as follows:

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**Section. 2(1)(a)**

"... upon the effective date of this section, the territory of the county of St. Louis is extended to embrace the territory heretofore in the city of St. Louis and the county of St. Louis, and the county of St. Louis so expanded shall continue its corporate existence as a new political subdivision, body corporate and politic, and municipal corporation, which is hereby created, with its name "The Metropolitan City of St. Louis" and its seat of government within the territory heretofore in the city of St. Louis.

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**Section. 2(2)**

The metropolitan city shall be a metropolitan city form of government, **which is hereby created**, and which shall possess all the powers and privileges of both a constitutional charter county and a constitutional charter city, including any city not within a county.

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**Section. 2(5)(a)**

... the **legislative** power of the metropolitan city shall be vested in the **metropolitan council** and shall include the exercise of legislative power throughout the territory of the metropolitan city, including within the territory of any municipal district, pertaining to any and all duties, services, and functions now or in the future assigned to the metropolitan city, to a county, or to a city.

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**Section. 2(5)(b)**

The metropolitan council shall consist of **thirty-three** members, elected for terms of four years by the qualified voters of the districts in which they reside ... . Members shall be elected at the general election in 2022, and so on at succeeding elections, and shall take office on January first following election.

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### Section. 2(6)(b) (Jan. 28 and Feb 11 Petitions)

... all executive and administrative power of the metropolitan city shall be vested in the mayor, who shall be the chief executive officer of the metropolitan city and shall possess and exercise all the powers and duties of the chief executive officer of a county and of a city now or in the future granted. ... the initial mayor shall be the person duly serving as county executive of the county of St. Louis **on January 1, 2019**, who shall assume office upon the effective date of this section and hold office until a successor is duly serving. The mayor shall be elected at the general election in **2024**, and every four years thereafter, and shall take office on January first following election.

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### Section. 2(6)(b) (March 25 Petition)

... all executive and administrative power of the metropolitan city shall be vested in the mayor, who shall be the chief executive officer of the metropolitan city and shall possess and exercise all the powers and duties of the chief executive officer of a county and of a city now or in the future granted. ... the initial mayor shall be the person duly serving as county executive of the county of St. Louis **on the effective date of this section**, who shall assume office upon the effective date of this section and hold office until a successor is duly serving. The mayor shall be elected at the general election in **2022**, and every four years thereafter, and shall take office on January first following election.

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### Section. 2(6)(b)

The mayor shall appoint no fewer than four deputy mayors, to serve at the pleasure of the mayor and with such duties as directed by ordinance or executive order, with respect to public health and safety; economic development and innovation; community development and housing; community engagement and equity; and as otherwise designated by charter.

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### Section. 2(6)(f)

... the heads of each department shall be appointed by the mayor and shall assume office upon appointment.

... The members of boards and commissions of the metropolitan city shall be appointed by the mayor ... .

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### Section. 5(8)(c)

The mayor may object to one or more items or portions of items of appropriation ... in any ordinance presented, and such items or portions of items shall not take effect unless separately reconsidered and adopted by the metropolitan council with two-thirds of all members voting in the affirmative, the objections of the mayor notwithstanding.

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### Section. 5(8)(d)

Following adoption of the annual budget, the mayor may control the rate at which any appropriation is expended by allotment, may reduce expenditures below appropriations whenever the actual revenues are less than the revenues upon which the appropriations were based, and may transfer appropriations within any department of the budget to ensure the proper and efficient administration of the metropolitan city ...

**If recommended by the mayor**, the metropolitan council may by ordinance make supplemental or emergency appropriations from available funds during the fiscal year.

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### Section. 2(3)

The metropolitan city shall be governed by a charter. ... The initial charter may be amended ... following the transition period, in the manner provided by charter, provided that any amendment submitted to voters by ordinance of the metropolitan council shall require the affirmative vote of **two-thirds** of the qualified electors voting thereon.

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### Section. 2(7)(c)

... the mayor and transition mayor shall jointly solicit public comment and, before November 15, 2022, shall jointly present to the public, at meetings called for such purpose, a plan to create, organize, and abolish executive and administrative departments, divisions, bureaus, commissions, boards, offices, and employments, and transfer the functions and duties thereof, as necessary and proper to effectuate this section and to ensure the proper and efficient administration of the affairs of the metropolitan city.

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### Section. 2(7)(c)

On or after January 1, 2023, the plan shall be submitted to the metropolitan council and shall **take effect within thirty days** of submission, unless **disapproved** by resolution adopted **by two-thirds** of all members voting in the affirmative ...

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### Section. 2(7)(c)

The metropolitan city shall set the rate of any property tax ... including any property tax or special assessment of the metropolitan city levied solely within the territory of a municipal district, ... except that the rate of the property tax levy for general county purposes levied solely within the territory heretofore in the county of St. Louis shall be reduced ... to yield revenues no greater than **half** of the amount of revenues generated by such levy during the prior fiscal year.

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### Section. 7(2)(a)

... during the transition period, neither the metropolitan city nor any municipal district thereof shall have the power to submit any question to voters with respect to the continued levy or imposition of any tax initially levied or imposed by a municipality prior to the effective date of this section. Upon the failure to submit any question to voters with respect to the continued imposition or levy of any tax on earnings, such tax shall be reduced in the manner provided by law, and any tax on payroll expense initially levied or imposed by a municipality prior to the effective date of this section shall be reduced by one-twentieth of one percent annually until such tax is eliminated.

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### Section. 3(1)(a)

Upon the effective date of this section, a municipality shall continue its corporate existence as a municipal district, with its name the term "Municipal District" preceded by the name of the municipality, less any previous designation as to city, town, or village ...

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### Section. 3(1)(a)

A municipal district of the metropolitan city, which is hereby created, shall be a political subdivision, body corporate and politic, and municipal corporation, exercising and performing such powers, privileges, duties, and functions of the municipality necessary and proper: (i) to provide or secure the provision of a municipal district service not otherwise provided or secured within its territory ...

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### Section. 1(1)(g)

"Municipal district service" shall mean any duty, service, or function of the ... which is not otherwise a general district service provided or secured by the metropolitan city within the territory of the municipal district, including, without limitation: fire protection, emergency medical, and related services; parks and recreation; proprietary and enterprise functions; facilities; and administration of the municipal district.

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### Section. 1(1)(c)

"General district service" shall mean any duty, service, or function of the metropolitan city, a county, or a city, now or in the future assigned by law, charter, or ordinance of the metropolitan city, including, without limitation: public health, safety, and general welfare; police, law enforcement, and municipal court; the licensing, taxing, and regulation of businesses, occupations, professions, activities, and things; transportation, infrastructure, and public works; and economic development.

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### Section. 3(2)(a)

The governing body of a municipal district shall be the governing body of the municipality, exercising and performing such powers, privileges, duties, and functions of the governing body of the municipality necessary and proper to effectuate this section ... including, without limitation, serving the function of a planning commission and board of adjustment to the metropolitan city, in the manner authorized by the metropolitan city, with respect to zoning ordinances applicable to territory of the municipal district.

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### Section. 3(3)

Following the transition period, a municipal district may merge or consolidate with one or more municipal districts or may be dissolved as authorized by ordinance of the metropolitan city ...

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May 7, 2019



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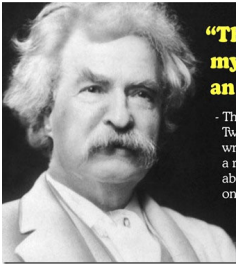
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**Who Cares?**



**“The report of my death was an exaggeration.”**

The often misquoted quip Twain made in a letter he wrote on May 31, 1897 to a reporter who asked him about rumors that he was on his deathbed in London.

ThisDayInQuotes.com

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**Article VI, Sec. 30(a)**

The people of the city of St. Louis and the people of the county of St. Louis shall have power (1) to consolidate the territories and governments of the city and county into one political subdivision under the municipal government of the city of St. Louis; or, (2) to extend the territorial boundaries of the county so as to embrace the territory within the city and to reorganize and consolidate the county governments of the city and county, and adjust their relations as thus united, and thereafter the city may extend its limits in the manner provided by law for other cities; or, ... (5) to formulate and adopt any other plan for the partial or complete government of all or any part of the city and the county. The power so given shall be exercised by the vote of the people of the city and county upon a plan prepared by a board of freeholders consisting of nineteen members, nine of whom shall be electors of the city and nine electors of the county and one an elector of some other county.

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**Article VI, Sec. 30(b)**

If a majority of the qualified electors of the city voting thereon, and a majority of the qualified electors of the county voting thereon at the separate elections shall vote for the plan, then, at such time as shall be prescribed therein, the same shall become the organic law of the territory therein defined, and shall take the place of and supersede all laws, charter provisions and ordinances inconsistent therewith relating to said territory.

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### Article VI, Sec. 30(a)

Upon the filing ... in the city of a petition proposing the exercise of the powers hereby granted, signed by registered voters of the city ... equal [to] three percent of the total vote cast in the city at the last general election for governor ... within ten days after the certification the mayor shall, with the approval of a majority of the board of aldermen, appoint the city's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party.

Upon the filing ... in the county of a similar petition signed by registered voters of the county, ... equal [to] three percent of the total vote cast in the county at the last general election for governor ... within ten days after the certification, the county supervisor shall, with the approval of a majority of the county council, appoint the county's nine members of the board, not more than five of whom shall be members of or affiliated with the same political party.

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QUESTIONS ?

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