

**Summary**  
**Board Bill Number 67**  
**Primary Sponsor: Alderwoman Megan Green**  
**June 12, 2020**

The proposed bill would submit to the qualified voters of the City of St. Louis a proposal to amend the Charter of the City of St. Louis to require, except as otherwise provided by and subject to the conditions set forth in the bill, that agreements for the privatization of a public service provider or public asset, or for outsourcing responsibility for the performance of a public service or core function of a department or division of the City must first be approved by an ordinance passed by a majority of the Board of Aldermen and approved by the Mayor, and then ratified by the qualified voters of the City of St. Louis at a City wide election.

**BOARD BILL NUMBER 67 INTRODUCED BY: ALDERWOMAN MEGAN GREEN/  
ALDERWOMAN CHRISTINE INGRASSIA**

1 An ordinance submitting to the qualified voters of the City of St. Louis a proposal to amend the  
2 Charter of the City of St. Louis to require, except as otherwise provided by and subject to the  
3 conditions set forth in this ordinance, that contracts for the privatization of a public service  
4 provider or public asset, or for outsourcing responsibility for the performance of a public service  
5 or core function of a department or division of the City first be approved by ordinance passed  
6 by a majority of the Board of Aldermen and approved by the Mayor, and then ratified by the  
7 qualified voters of the City of St. Louis at a City wide election prior to the City entering into  
8 such contracts; and containing a severability clause and emergency clause.

9 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10 **SECTION ONE.** The following amendment to the Charter of the City of St. Louis is hereby  
11 proposed and submitted to the voters of the City of St. Louis and shall be voted upon at an  
12 election to be held as hereinafter provided.

13 **SECTION TWO.** The aforementioned amendment to the Charter of the City of St. Louis is in  
14 words and figures as follows:

15 Section 1. Definitions.

16 For purposes of this chapter, unless context otherwise requires, the terms set forth below  
17 are defined as follows:

1    “*Business operations*” is the work of administering the day-to-day business activities and  
2    practices of a public asset or public service provider, as such terms are defined herein, or a  
3    department or division of the City of St. Louis.

4    “*Contract*” is the written contract required under this chapter for privatization or outsourcing  
5    as defined in this chapter.

6    “*Core function*” is an activity or related group of activities designed or intended to achieve a  
7    common result or results necessary to achieve the purpose and / or mission of a department of  
8    division of the City of St. Louis. Departments and divisions may have multiple core functions.

9    “*Management*” is the organization and coordination of the activities of a public asset or public  
10   service provider, or a division or department of the City of St. Louis in order to accomplish the  
11   purpose, mission, and / or achieve defined objectives of a department or division.

12   “*Ordinance*” is the ordinance required under this chapter to approve a contract and call for a  
13   city-wide election on its ratification by the qualified voters of the City of St. Louis.

14   “*Outsource or outsourcing*” is the engagement or use of a private or third party pursuant to  
15   any type of agreement with the City to perform a service for the residents and / or businesses  
16   of the City that is or has previously been performed by City employees or is a type of service  
17   traditionally provided by government and performed by public-employees, or to perform a core  
18   function of a City department or division, or undertake the management of business operations  
19   of a City department or division. Outsourcing does not include contracting with a private party  
20   to: temporarily perform a specific task that is or is a component of a support function in order

1 to relieve a portion of the business operations burden of a City department or division that is  
2 not adequately resourced to handle its entire business operations burden at the time of  
3 contracting; perform a specific task that cannot be handled internally and is only required to be  
4 performed once, sporadically, or for a limited period of time not to exceed five (5) years  
5 (including any contract renewal options), where there is little or no notice of the need to perform  
6 such task, and the consideration given by the City to the third party is valued at less than ten-  
7 million dollars.

8 “*Privatize and privatization*” is the City’s relinquishment, divestment, or limitation of all or a  
9 portion of its ownership of or control over the management or business operations of a public  
10 asset or public service provider to a private or third party, whether by sale, lease, concession,  
11 transfer, conveyance, or other agreement, by which the City gives or grants the private or third  
12 party the right in whole or in part to own, operate, use, and/or maintain a public asset or public  
13 service provider and/or to make investments in their administration, operations, facilities,  
14 technology, equipment, or personnel in support of the public asset’s or public service provider’s  
15 business activities.

16 “*Public asset*” is any resource, infrastructure, or facility owned or managed by the City of St.  
17 Louis, including, without limitation any: clean and waste water systems; energy system; transit  
18 system; any location where freight or passengers either originate, terminate, or are handled in  
19 the transportation process; telecommunication system; smart grid; public right-of-way, bridge,  
20 port, and waterway; detention center; municipal buildings including administrative buildings;  
21 public health, and safety facilities; recreation area, or other space provided for public use other

1 than a park; artistic, cultural, educational, and charitable centers; any facility or infrastructure,  
2 or resource valued at greater than \$10,000,000 used by or made available for uses that benefit  
3 the residents of St. Louis, or business, commerce, tourism, arts, cultural, sports and recreational  
4 organizations; and any real property with a value greater than \$10,000,000.

5 “*Public service provider*” is any agency, department or division of the City of St. Louis or  
6 instrumentality of the City of St. Louis that is owned and managed by the City that supplies  
7 services to the residents and / or businesses in the City that relate to: public health, welfare, and  
8 safety, including corrections, police, fire, and emergency medical services; clean or waste  
9 water; energy; information technology and telecommunications systems; smart grid; recreation;  
10 vehicle and pedestrian traffic; transit system; passenger or freight transportation; lighting;  
11 refuse collection; and streets and public rights of way.

12 “*Support function*” is an activity that is carried out in order to support or facilitate a core  
13 function.

14 Section 2. Privatization, Outsourcing – Contract Approval

15 Notwithstanding any other provisions of the Charter to the contrary and subject to the  
16 exceptions set forth in Sections 4 and 5 of this chapter the City shall not privatize or outsource  
17 except pursuant to a written contract, which contract must: one, be approved by an ordinance  
18 passed by a majority of the Board of Aldermen and approved by the Mayor; and two,  
19 subsequently ratified by a majority of the qualified voters of the City of St. Louis voting thereon  
20 at the next scheduled election following the effective date of the ordinance at which such

1 submission may lawfully be had, or special election as provided in Section 3 of this chapter if  
2 such submission may lawfully be had, before the City may proceed with the execution of such  
3 contracts. If a majority of qualified voters voting at such an election vote in favor of the City  
4 entering into the contract the City shall, upon certification of the election results, proceed with  
5 the execution of the contract.

6 Proposed contracts shall include a statement that the execution of the proposed contract  
7 by the City is contingent upon: one, the passage of an ordinance by a majority of the Board of  
8 Aldermen approving said contract and its approval by the Mayor; and two, said contract's  
9 subsequent ratification by a majority of the qualified voters in the City of St. Louis voting in  
10 favor of ratifying said contract at a city-wide election.

11 Section 3. Special Election.

12 If no city-wide election is scheduled within the one-hundred and eighty (180) day period  
13 immediately following the effective date of the ordinance or if a city-wide election is scheduled  
14 within said period but the deadline for placing a question on the ballot has passed, a special  
15 election may be called if the other party or parties to the proposed contract agree to reimburse  
16 the City for all costs and expenses incurred by the City as a result of or in relation to the conduct  
17 of the special city-wide election, which agreement shall be in writing.

1 Section 4. Exceptions - Privatization

2 The requirements of section 2 of this chapter shall not apply to any privatization:

3 (a) where the value of the agreement, such as total amount of consideration given, is less than  
4 \$10,000,000, the term of the agreement (including all renewal options) is less than ten (10)  
5 years, and the agreement does not contain an option to purchase real property; or

6 (b) of or pertaining to property owned by the Land Reutilization Authority (LRA); or

7 (c) of or pertaining to the construction, repair and maintenance of public right of ways and  
8 public easements; or

9 (d) of or pertaining to the granting of easements to public transportation agencies and utilities  
10 providers; or

11 (e) of or pertaining to Metropolitan St. Louis Sewer District; or

12 (f) where all parties to the agreement are either an agency of the State of Missouri or its  
13 municipalities, or United States government agency; or

14 (g) of or pertaining to the vacation of a street or alley; or

15 (h) agreements already effect as of the effective date of this Charter amendment provided,  
16 however, any renewals of such agreement or amendment thereto extending the effective periods  
17 or changing the scope of authorities granted or real-property interests granted by such  
18 agreement shall be subject to the requirements of section 2 of this chapter.

1 Section 5. Exceptions - Outsourcing

2 The requirements of section 2 of this chapter shall not apply to any outsourcing:

3 (a) where the value of the agreement, such as the consideration given is less than \$10,000,000  
4 and the term of the agreement (including all renewal options) is less than five (5) years; or

5 (b) of or pertaining to the construction, repair and maintenance of public right of ways and  
6 public easements; or

7 (c) of or pertaining to Metropolitan St. Louis Sewer District; or

8 (d) where all parties to the agreement are either an agency of the State of Missouri or its  
9 municipalities, or United States government agency; or

10 (e) where Missouri State, federal or private grant monies awarded the City are used for  
11 payments to the private party;

12 (f) agreements already in effect as of the effective date of this Charter amendment provided,  
13 however, any renewals of such agreements or amendments thereto extending the effective  
14 periods, changing the scope of authorities granted or real-property interests granted, or changing  
15 the amount or type of consideration paid shall be subject to the requirements of section 2 of this  
16 chapter.



1 Section 6. Notice of Election and Ballot Question

2 The ordinance approving a contract required under section 2 of this chapter shall serve  
3 as written notice of election to the Board of Election Commissioners and therefore shall comply  
4 with the notice of election requirements in 115.125 of the Revised Statutes of the State of  
5 Missouri, as may be revised from time-to-time, and all other applicable Missouri State or federal  
6 statutes governing notice of election and the conduct of elections now or hereafter in effect.

7 The ordinance shall direct the Board of Election Commissioners to place the question  
8 as to whether a contract for privatization or outsourcing, as the case may be, should be entered  
9 into by the City on the ballot at the next scheduled city-wide election, or if no city-wide election  
10 is scheduled within the one-hundred and eighty (180) day period immediately following the  
11 effective date of the ordinance or if a city-wide election is scheduled within said period but the  
12 deadline for placing a question on the ballot has passed, at a special election called pursuant to  
13 section 3 of this chapter. The ordinance shall direct the Board of Election Commissioners to  
14 place the question as to whether a contract should be entered into by the City on the ballot at  
15 the next scheduled city-wide election or special election as the case may be, and in the case of  
16 a special election the date of the special election. Any election that is called pursuant to this  
17 chapter shall be subject to all applicable provisions of the City's Charter and 115.125 of the  
18 Revised Statutes of the State of Missouri and all other applicable Missouri State and federal  
19 laws and regulations governing notice of election and the conduct of elections now or hereafter  
20 in effect.

1           The ordinance shall name the St. Louis Board of Aldermen as the authority calling for  
2 the election, and shall set forth the ballot question asking voters to approve the contract. Such  
3 ballot question shall: contain a summary of the material provisions of the contract, specifically  
4 including those provisions describing the public service providers, public assets, City services  
5 or City department or division core functions that are the subject of the contract, any real-  
6 property rights or interests granted the other party under the contract, the powers and authorities  
7 granted the other party under the contract with respect to the management or business operations  
8 of the public service provider, public asset, or City department or division, the duration of the  
9 contract including any options for its renewal, and any option to purchase, either in whole or in  
10 part, the public service provider or public asset; and shall further contain any other information  
11 that may be required by state or federal law or the City Charter for a ballot question.

12           Upon the Mayor’s approval of an ordinance the Clerk shall promptly deliver a certified  
13 copy of the ordinance to the Register and Board of Election Commissioners.

14   Section 5. Conflicts with State and Federal Laws

15           The sections of this chapter are not to be interpreted or applied so as to create or impose  
16 a power or duty in conflict with Missouri State or federal law, including but not limited to  
17 requiring prior approval by majority vote of the qualified voters of the City of St. Louis for any  
18 tax increment, transportation development district, special business district, or community  
19 improvement district financing to the extent the requirement for such prior approval conflicts  
20 with state laws regarding such financing.

1    **SECTION TWO.**

2    A.     The foregoing revision to the Charter of the City of St. Louis shall be submitted to the  
3    qualified voters of the City of St. Louis at the next regularly scheduled city-wide election. If  
4    the proposed amendment to the Charter of the City of St. Louis shall receive in its favor the  
5    votes of the required three-fifths majority of qualified voters voting at said election for or  
6    against the proposed amendment, the amendment shall be adopted and become a part of the  
7    Charter of the City of St. Louis from the date of said election.

8    B.     Qualified voters of the City of St. Louis voting at said election shall vote a ballot  
9    substantially in the following form:

10   **PROPOSITION [    ]**

11    Instructions to voters: To vote in favor of the proposition submitted on this ballot, place an  
12    [X] in the square opposite the word YES and to vote against the propositions submitted on this  
13    ballot, place an [X] in the square opposite the word NO.

14    The proposed amendment question shall appear on the ballot substantially as follows:

15    For purposes of this Charter amendment the terms “outsource or outsourcing,” “privatize” and  
16    “privatization,” “public asset,” and “public service provider” shall have the following  
17    meanings:

18    Outsource or outsourcing is the engaging or use of a private or third party pursuant to any type  
19    of agreement with the City, for the performance of a service for the residents and / or businesses  
20    of the City that is or has previously been performed, by City employees, or is a type of service  
21    traditionally performed by public-employees and performed by government, or the  
22    responsibility for performance of a core function of a City department or division that is or has  
23    previously been performed by City employees, or responsibility for the management of business  
24    operations of a City department or division. Outsourcing does not include contracting with a  
25    private party to: perform a specific task that is or is a component of a support function performed  
26    by a City department or division; temporarily perform a specific task that is or is a component  
27    of a support function in order to relieve a portion of the business operations burden of a City  
28    department or division that is not adequately resourced to handle its entire business operations

1 burden at the time of contracting; perform a specific task that cannot be handled internally and  
2 is only required to be performed once, sporadically, or for a limited period of time not to exceed  
3 five (5) years (including any contract renewal options), where there is little or no notice of the  
4 need to perform such task, and the consideration given by the City to the third party is valued  
5 at less than \$10,000,000.

6 Privatize and privatization is the City's relinquishment, divestment, or limitation of all or a  
7 portion of its ownership of or control over the management or business operations of a public  
8 asset or public service provider to a private or third party, whether by sale, lease, concession,  
9 transfer, conveyance, or other agreement, by which the City gives or grants the private or third  
10 party the right in whole or in part to own, operate, use, and/or maintain a public asset or public  
11 service provider and/or to make investments in their administration, operations, facilities,  
12 technology, equipment, or personnel in support of the public asset's or public service provider's  
13 business activities.

14 Public asset is any resource, infrastructure, or facility owned or managed by the City of St.  
15 Louis, including, without limitation any: clean and waste water systems; energy system; transit  
16 system; any location where freight or passengers either originate, terminate, or are handled in  
17 the transportation process; telecommunication system; smart grid; public right-of-way, bridge,  
18 port, and waterway; detention center; municipal buildings including administrative buildings;  
19 public health, and safety facilities; recreation area, or other space provided for public use other  
20 than a park; artistic, cultural, educational, and charitable centers; any facility or infrastructure,  
21 or resource valued at greater than \$10,000,000 used by or made available for uses that benefit  
22 the residents of St. Louis, or business, commerce, tourism, arts, cultural, sports and recreational  
23 organizations; and any real property with a value greater than \$10,000,000.

24 Public service provider is any agency, department or division of the City of St. Louis or  
25 instrumentality of the City of St. Louis that is owned and managed by the City that supplies  
26 services to the residents and / or businesses in the City that relate to: public health, welfare, and  
27 safety, including corrections, police, fire, and emergency medical services; clean or waste  
28 water; energy; information technology and telecommunications systems; smart grid; recreation;  
29 vehicle and pedestrian traffic; transit system; passenger or freight transportation; lighting;  
30 refuse collection; and streets and public rights of way.

31 Shall the City's Charter be amended to require that no public asset or public service provider be  
32 privatized, or responsibility for a City service or function be outsourced by an agreement with  
33 the City except as provided below, and unless: one, the agreement has been approved by  
34 ordinance passed by a majority vote of the Board of Aldermen and approved by the Mayor; and  
35 the agreement is then ratified by a majority of the qualified voters of the City of St. Louis at a  
36 city-wide election. The forgoing requirements shall not apply to any privatization or  
37 outsourcing:

38 1. where the value of the agreement, such as the consideration given is less than \$10,000,000  
39 and the term of the agreement (including all renewal options) is less than five (5) years; or

- 1 2. of or pertaining to the construction, repair and maintenance of public right of ways and  
2 public easements; or
- 3 3. of or pertaining to Metropolitan St. Louis Sewer District; or
- 4 4. where all parties to the agreement are either an agency of the State of Missouri or its  
5 municipalities, or United States government agency; or
- 6 5. where Missouri State, federal or private grant monies awarded the City are used for payments  
7 to the private party;
- 8 6. agreements already in effect as of the effective date of this Charter amendment provided,  
9 however, any renewals of such agreements or amendments thereto extending the effective  
10 periods, changing the scope of authorities granted or real-property interests granted, or changing  
11 the amount or type of consideration paid shall be subject to the requirements of section 2 of this  
12 chapter.

13 This Charter amendment is not to be interpreted or applied so as to create or impose a power or  
14 duty in conflict with state or federal law, including but not limited requiring prior approval by  
15 majority vote of the qualified voters of the City of St. Louis for any tax increment, transportation  
16 development district, or community improvement district financing to the extent the  
17 requirement for such prior approval conflicts with state laws regarding such financing.

18 **SECTION THREE.** The Board of Election Commissioners shall provide the ballots and or  
19 voting machines, and conduct the election and shall ascertain and certify the result thereof  
20 according to the law. If voting machines are used, the aforesaid "PROPOSITION" shall be  
21 placed or posted on the said voting machines wherever said machines are used under the  
22 direction of the Board of Election Commissioners for the City of St. Louis and according to  
23 law.

24 **SECTION FOUR.** Upon the approval of this ordinance, it shall be published in the official  
25 publication of the City of St. Louis, Missouri, The City Journal. Proof of said publication of

1 this ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed  
2 in the Office of the City Register and a copy of such publication shall be attached thereto.

3 **SECTION FIVE.** Upon the approval of this Charter revision, it shall be certified and deposited  
4 as required by Article VI, Section 33 of the Constitution of Missouri and shall be filed in the  
5 Office of the City Register.

6 **SECTION SIX.** Severability Clause. The provisions of this ordinance shall be severable.  
7 In the event that any provisions of this ordinance is found by a court of competent jurisdiction  
8 to be invalid, the remaining provisions of this ordinance are valid unless the court finds the  
9 valid provisions of this ordinance are so essentially and inseparably connected with, and  
10 so dependent upon, the void provision that it cannot be presumed the Board of Alderman  
11 would have enacted the valid provisions without the void ones or unless the Court finds  
12 the valid provisions, standing alone, are incomplete and incapable of being executed in  
13 accordance with the legislative intent.

14 **SECTION SEVEN.** Emergency Clause. This being an ordinance calling for an election for  
15 submission to the people of a proposed amendment to the Charter of the City of St. Louis, it is  
16 hereby declared to be an emergency measure and shall become effective immediately upon its  
17 passage and approval by the Mayor pursuant to Article IV Sections 19 and 20 of the Charter or  
18 upon such other date as may be prescribed in the amendment