

**BOARD BILL #34**

**INTRODUCED BY ALDERMAN FRED WESSELS,**

**ALDERWOMAN DONNA BARINGER,**

**ALDERMAN JOSEPH VOLLMER,**

**ALDERMAN CRAIG SCHMID**

**ALDERMAN LARRY ARNOWITZ**

**ALDERMAN KEN ORTMANN**

**ALDERWOMAN CAROL HOWARD**

1 An Ordinance adopted pursuant to Sections 70.210-70.325 of the Revised Statutes of Missouri  
2 (2000); authorizing and directing the Mayor and the Comptroller, on behalf of The City of St.  
3 Louis, Missouri (the “City”) to execute and deliver an Intergovernmental Cooperation  
4 Agreement by and among the City, St. Louis County, Missouri (the “County”), the Economic  
5 Council of St. Louis County (“SLCEC”) and St. Louis Development Corporation (“SLDC”),  
6 concerning the combination of existing SLCEC and SLDC business development, business  
7 finance and entrepreneurial support services; prescribing and approving the form and details of  
8 said Intergovernmental Cooperation Agreement; making certain findings and declaring the  
9 official intent of the Board of Aldermen with respect thereto; authorizing other related actions in  
10 connection with the implementation of said Intergovernmental Cooperation Agreement; and  
11 containing a severability clause.

12 **WHEREAS**, The City of St. Louis (the “City”), is a body corporate and a political  
13 subdivision of the State of Missouri, duly created, organized and existing under and by virtue of  
14 its charter, the Constitution, and laws of the State of Missouri; and

April 26, 2013

Page 1 of 7

BB #34 Sponsor: Alderman Wessels, Alderwoman Baringer, Alderman Vollmer, Alderman Schmid,  
Alderman Arnowitz, Alderman Ortmann, Alderwoman Howard

1           **WHEREAS**, Section 16 of Article VI of the Missouri Constitution allows and provides  
2 that any municipality or political subdivision of the State of Missouri may contract and cooperate  
3 with other municipalities or political subdivisions thereof, for the planning, development,  
4 construction, acquisition or operation of any public improvement or facility, or for a common  
5 service, in the manner provided by law; and

6           **WHEREAS**, Sections 70.210 to 70.325 MO. REV. STAT. (2000), as amended (herein  
7 referred to as the “Intergovernmental Agreement Act”), allow and provide, in pertinent part, for  
8 municipalities and political subdivisions of the State of Missouri to contract and cooperate with  
9 any other municipality or political subdivision for the planning, development, construction,  
10 acquisition or operation of any public improvement or facility, or for a common service; and  
11 provide for the establishment and selection of a joint board, commission, officer or officers to  
12 supervise, manage and have charge of such joint planning, development, construction,  
13 acquisition, operation or service and provide for the powers and duties, terms of office,  
14 compensation, if any, and other provisions relating to the members of such joint board,  
15 commission, officers and officer; and

16           **WHEREAS**, pursuant to Section 16 of Article VI of the Missouri Constitution and the  
17 Intergovernmental Agreement Act, the City is authorized to enter into an intergovernmental  
18 cooperation and assistance agreement (the “Intergovernmental Cooperation Agreement,”  
19 attached hereto as Exhibit A and incorporated herein by this reference), with the County, SLCEC  
20 and SLDC (each herein sometimes individually referred to as a “Party” or collectively as the  
21 “Parties”); and

22           **WHEREAS**, St. Louis County Executive Charlie Dooley and City of St. Louis Mayor  
23 Francis Slay recently asked their respective heads of Economic Development, Dennis G.

1 Coleman and Rodney Crim, to explore ways in which SLCEC and SLDC could further increase  
2 the level of cooperation and partnership in the area of economic development in order to further  
3 increase jobs and grow the local economy, and better serve the businesses and residents of the  
4 City and the County; and

5 **WHEREAS**, the County, SLCEC, the City and SLDC have a long history of successful  
6 cooperation and collaboration in economic development matters, specifically including the  
7 promotion of international trade and exports, immigration reform, support for entrepreneurs, the  
8 creation of small business incubators, and the attraction, retention and expansion of businesses  
9 and the creation of jobs throughout the St. Louis region; and

10 **WHEREAS**, after extensive due diligence, staff of SLCEC and SLDC jointly  
11 recommended to Mayor Slay and County Executive Dooley that the combination of SLCEC's  
12 and SLDC's business development, business finance and entrepreneurial support services staff,  
13 functions and activities into one organization would result in a better and more comprehensive  
14 delivery of business support services to a combined City/County geography while also more  
15 effectively promoting business expansion, retention and job creation throughout the entire  
16 City/County area; and

17 **WHEREAS**, with the support of Mayor Slay and County Executive Dooley, a more  
18 comprehensive proposal for the effective integration of City and County business development,  
19 business finance and entrepreneurial support services staff, functions and activities has been  
20 developed and coordinated between staff of SLCEC and SLDC (the "Partnership Initiative"); and

21 **WHEREAS**, the staff of SLDC and SLCEC have negotiated a draft Intergovernmental  
22 Cooperation Agreement in order to promote and effectuate the Partnership Initiative among the  
23 City, County, SLDC and SLCEC, a copy of which is attached as Exhibit A; and

1           **WHEREAS**, the City and County desire to implement the combination of existing SLCEC  
2 and SLDC business development, business finance, and entrepreneurial support services in order to  
3 eliminate any perception of competition between the City and County for jobs and projects, and to  
4 more effectively enhance and promote the Region’s reputation and standing, both nationally and  
5 internationally; and

6           **WHEREAS**, there is broad and strong support within the St. Louis regional business  
7 community for enhanced partnership and coordination between City and County, particularly in the  
8 areas of job creation and economic development; and

9           **WHEREAS**, SLDC has recommended that the City enter into the Intergovernmental  
10 Cooperation Agreement; and

11           **WHEREAS**, the Board of Aldermen hereby determines that the terms of the  
12 Intergovernmental Cooperation Agreement attached as Exhibit A hereto and incorporated herein  
13 by reference are acceptable and the execution, delivery, and performance by the City and the  
14 Parties of their respective obligations under the Intergovernmental Cooperation Agreement are in  
15 the best interests of the City and the health, safety, morals, and welfare of its residents.

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

17           **SECTION ONE.** The Board of Aldermen hereby adopts the foregoing recitals as  
18 findings and further finds as follows:

- 19           (a) The combination of SLCEC and SLDC business development,  
20 business finance and entrepreneurial support services staff  
21 positions and functions would result in a better and more  
22 comprehensive delivery of business support services to both the  
23 City and the County, while also more effectively promoting

1 business expansion, retention and job creation throughout the  
2 entire St. Louis region.

3 (b) It is in the best interest of the City to combine certain of its  
4 resources, coordinate certain of its legislative powers, and join  
5 together with the Parties to provide, for the combination of  
6 SLCEC's and SLDC's business development, business finance and  
7 entrepreneurial support services staff, functions and activities and  
8 other actions as set forth in the Intergovernmental Cooperation  
9 Agreement.

10 (c) The terms, conditions, premises and covenants contained in the  
11 Intergovernmental Cooperation Agreement are reasonable and  
12 necessary to achieve the objectives described in the  
13 Intergovernmental Cooperation Agreement and this Ordinance.

14 **SECTION TWO.** The Board of Aldermen, having duly reviewed and considered the  
15 Intergovernmental Cooperation Agreement, hereby declares the official intent of the Board of  
16 Aldermen to cooperate with the Parties in order to implement and facilitate the effectuation of  
17 the Intergovernmental Cooperation Agreement; provided, however, should the terms and  
18 provisions as set forth in Section Five hereof not occur, or be fulfilled, the provisions of this  
19 Ordinance shall be deemed null and void.

20 **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and  
21 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
22 Intergovernmental Cooperation Agreement attached hereto as Exhibit A, and the City Register is  
23 hereby authorized and directed to attest to the Intergovernmental Cooperation Agreement and to

1 affix the seal of the City thereto. The Intergovernmental Cooperation Agreement shall be in  
2 substantially the form attached, with such changes therein as shall be approved by said Mayor  
3 and Comptroller as may be consistent with the intent of this Ordinance and necessary and  
4 appropriate in order to carry out the matters herein authorized.

5 **SECTION FOUR.** The Mayor and Comptroller of the City or their designated  
6 representatives are hereby authorized and directed to take any and all actions to execute and  
7 deliver for and on behalf of the City any and all additional certificates, documents, agreements,  
8 or other instruments as may be necessary and appropriate in order to carry out the matters herein  
9 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
10 action by the Mayor and the Comptroller or their designated representatives.

11 **SECTION FIVE.** The Mayor and the Comptroller or their designated representatives,  
12 with the advice and concurrence of the City Counselor, are hereby further authorized and  
13 directed to make any changes to the documents, agreements and instruments approved and  
14 authorized by this Ordinance as may be consistent with the intent of this Ordinance and  
15 necessary and appropriate in order to carry out the matters herein authorized, with no such  
16 further action of the Board of Aldermen necessary to authorize such changes by the Mayor and  
17 the Comptroller or their designated representatives.

18 **SECTION SIX.** In order to implement and facilitate the effectuation of the  
19 Intergovernmental Cooperation Agreement hereby approved, it is found and determined that the  
20 Board of Aldermen must take certain official actions and accordingly, the Board of Aldermen  
21 hereby:

22 (a) Pledges its cooperation to helping to carry out and facilitate the  
23 effectuation of the Intergovernmental Cooperation Agreement; and

1 (b) Stands ready, and directs the various officials, departments, boards  
2 and agencies of the City which have administrative responsibilities, to  
3 consider and take appropriate action upon proposals and measures  
4 necessary for implementation and effectuation of the Intergovernmental  
5 Cooperation Agreement.

6 **SECTION SEVEN.** The Board of Aldermen hereby intends to take all action in order to  
7 implement and facilitate the effectuation of the Intergovernmental Cooperation Agreement  
8 subject, however, to the following:

9 (a) Each and every Party to the Intergovernmental Cooperation  
10 Agreement shall execute the same in the same manner and form as  
11 attached hereto as Exhibit A; and

12 (b) To the extent applicable, each and every Party to the  
13 Intergovernmental Cooperation Agreement shall pledge its  
14 cooperation for those matters and actions as set forth herein.

15 **SECTION EIGHT.** It is hereby declared to be the intention of the Board of Aldermen  
16 that each and every part, section, and subsection of this Ordinance shall be separate and  
17 severable from each and every other part, section, and subsection hereof and that the Board of  
18 Aldermen intends to adopt each said part, section, and subsection separately and independently  
19 of any other part, section, and subsection. In the event that any part, section, or subsection of this  
20 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining  
21 parts, sections, and subsections shall be and remain in full force and effect, unless the court  
22 making such finding shall determine that the valid portions standing alone are incomplete and are  
23 incapable of being executed in accord with the legislative intent.

**EXHIBIT A**

**FORM OF INTERGOVERNMENTAL COOPERATION AGREEMENT**