



**BOARD OF ALDERMEN**  
CITY OF SAINT LOUIS  
MISSOURI

**RESOLUTION NUMBER 1**

**WHEREAS**, each member of the Board of Aldermen has previously received a copy of the Rules of the Board of Aldermen for the 2016-2017 session.

**NOW THEREFORE BE IT RESOLVED** that the Board of Aldermen hereby adopts said Rules of the Board of Aldermen as the Rules of the Board of Aldermen for the 2016-2017 Session.

**Introduced this the 19th day of April, 2016, by:**

**The Honorable Lewis E. Reed, President of the Board of Aldermen**  
**The Honorable Joseph Roddy, Alderman 17th Ward**

**Adopted this 19th day of April, 2016, attested by:**

Timothy G. O'Connell  
Clerk, Board of Aldermen

Lewis E. Reed  
President, Board of Aldermen



## **RULES OF THE ST. LOUIS BOARD OF ALDERMEN - 2016-2017 SESSION**

All legal research pertaining to the City Charter or Revised Code should be conducted with source documents, not the text of these Rules which may have been edited for the purposes of this publication.

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**I. OFFICERS**

**Rule 1 - Titles & Selection**

The officers of the Board of Aldermen shall be the President, Vice-President, the Majority Floor Leader, and the Assistant Majority Floor Leader. The President shall take office upon certification of the Board of Election Commissioners. The remaining officers of the Board shall be selected on the basis of continuous seniority among Aldermen of the majority party. (See City Charter, Art. IV, Sec. 6; see Rev. Code, Sec. 3.06.100)

**Rule 2 - Powers & Duties**

1. The **President** shall preside at all meetings of the Board of Aldermen. (City Charter, Art. IV, Sec. 3) He/She shall take the Chair at the hour appointed for any meeting of the Board, call the members to order and on the appearance of a quorum, preserve decorum and decide all questions of order. The President shall appoint standing and special committees, and shall serve as a member of all committees with the same rights of other members. He/She shall assign bills to appropriate committees and refer bills, when ready, to the Engrossment Committee.

2. The **Vice-President** shall, upon the absence, disability or failure to act of the President, preside over the Board of Aldermen and succeed to and perform all of the duties and functions of the President. (See City Charter, Art. IV, Sec. 6 and Art. VII, Sec. 5; See Rev. Code, Sec. 3.06.050A)

3. The **Majority Floor Leader** shall handle all Aldermanic administrative measures on the floor of the Board of Aldermen. He/She shall move to: defer the approval of the minutes until printed; approve minutes when printed in the Journal of the Board of Aldermen; excuse Aldermen; adjourn to a date certain; and carry out other duties assigned by the President. The Majority Floor Leader shall, upon the absence or disability of the Vice-President, succeed to and perform all duties and functions of the Vice-President.

4. The Assistant Majority Floor Leader shall, upon the absence or disability of the Majority Floor Leader, perform all duties and functions of the Majority Floor Leader.

**II. SESSIONS**

**Rule 3 - Annual Session**

One session of the Board of Aldermen shall be held annually, beginning on the third Tuesday of April. (City Charter, Art. IV, Sec. 9)

**Rule 4 - Special Sessions**

The Mayor may, by proclamation, call special sessions of the Board of Aldermen, giving three days notice thereof, and shall specifically state by a message in writing to the Board of Aldermen when assembled, by such proclamation, the object for which the special session has been called, and the action of the Board of Aldermen during the special session

shall be confined to such object. The notice shall be given in a newspaper of general circulation published in the city. Upon the issuance of the proclamation, the Clerk of the Board of Aldermen shall send written notice thereof to the members of the Board. (See City Charter, Art. IV, Sec. 9; Rev. Code, Sec.3.06.030)

### **III. MEETINGS**

#### **Rule 5 - Annual Meeting**

1. The Board of Aldermen shall be annually convened on the third Tuesday in April and shall be called to order by the President at 10:00 a.m. (See City Charter, Art. IV, Sec. 9 and Rev. Code, Sec. 3.06.020)

2. Newly elected members shall present their certificates of election and their names shall be entered upon the roll. Certificates of election shall be prima facie evidence of the right of the holder to his/her seat as a member of the Board of Aldermen and shall entitle him/her to vote on all questions except as provided by Rule 43. (See City Charter, Art. IV, Sec. 7)

3. On the third Tuesday in April after a Mayoral election, or on some other date designated by the Board of Aldermen, at 12:00 Noon, in the Chamber of the Board of Aldermen at the City Hall, in the presence of the Board of Aldermen, the Mayor-elect shall be installed Mayor of the City. (Rev. Code, Sec. 3.04.010) A committee of five shall be appointed by the President to escort the Mayor-elect to the Aldermanic Chamber.

#### **Rule 6 - Regular and Special Meetings**

1. Meetings of the Board of Aldermen shall be held in Room 230 in City Hall. Regular meetings shall be held at 10:00 a.m., on Fridays. Special meetings shall be held at such times as may be fixed by special motion, which motion shall be approved by a majority vote of the members present.

2. All meetings shall be in the City Hall, subject to change of place in case of emergency. (See City Charter, Art. IV, Sec. 9)

#### **Rule 7 - Resumed Meetings**

The President, Vice-President and the Majority Floor Leader, or any two of them, may, when the Board is in session but not due to meet until a further date to which it has adjourned, convene the Board for a resumed regular meeting prior to such future date. When directed by the President, Vice-President and Majority Floor Leader, or any two of them, the Clerk of the Board shall cause a written notice to be mailed so as to be postmarked at least two days in advance of the meeting by Registered or Certified Mail to each member of the Board, stating the date, hour and place of such resumed regular meeting, and upon receipt of such notice each member shall be obligated to attend such meeting. After convening in such resumed regular meeting, the Board's order of business shall be the same as in all regular meetings.

#### **Rule 8 - All Meetings Open To The Public, Except**

All meetings of the Board of Aldermen and its Committees shall be open to the public, except that when the Board or a Committee votes to meet in closed session pursuant to law, said motion to close the meeting and the posted tentative agenda or calendar shall cite the specific section under law for taking such action. Only the topic cited for closing the meeting can be discussed during any such closed meeting. If exceptional circumstances prevent 24 hour prior notice or prevent the meeting being held at a convenient time or in a place reasonably accessible to the public, the reasons should be so stated in the minutes and recorded in the Journal. (See Sections 610.010 to 610.030, RSMo)

#### **Rule 9 - Quorum**

Fifteen members shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of absentees under penalty of censure and/or fine. (See City Charter, Art. IV, Sec. 7)

### **Rule 10 - Absence From Meetings**

Unless a member's absence is excused on motion, stating the cause thereof, and adopted by a majority of the members present, whenever a member of the Board other than the President is absent from a Regular, Resumed or Special Meeting of the Board of Aldermen, he or she shall forfeit ten dollars (\$10) of salary, and if a member is absent from two meetings, he or she shall forfeit fifty dollars (\$50) of salary; provided however that forfeitures by any one member shall not exceed eight hundred dollars (\$800) in any one year.

No forfeiture imposed because of absence shall be remitted. (See City Charter, Art. IV, Sec. 4 and Rev. Code, Sec. 3.06.090)

### **Rule 11 - Agenda and Calendar to be Posted**

A copy of the tentative agenda for each Board meeting including the date, place, time and whether the meeting is open or closed to the public, shall be placed on the desk of each Alderman, electronically mailed to each Alderman by the Clerk, posted by the Clerk on the Aldermanic Bulletin Board, posting on the official Board of Aldermen website and be available to any person by 5:00 p.m. on the second day before each Board Meeting. No item may be included on the printed tentative agenda after 5:00 p.m. two days prior to said meeting. A calendar reflecting meeting days, holidays, and other pertinent dates which can be determined in advance shall also be posted on the Board of Aldermen Bulletin Board. (See Sections 610.010 to 610.030, RSMo) (If a Board meeting is on a Friday, the electronic mailing to aldermen, posting on the Aldermanic Bulletin Board, posting on the official Board of Aldermen website and the availability to any person must be by 5:00 p.m. on the Wednesday before the Board meeting.)

### **Rule 12 - Journal of Proceedings**

The Board of Aldermen shall keep a journal of its proceedings, and the yeas and nays on any question shall at the desire of any member present be entered thereon. The proceedings of each meeting of the Board shall be published within five days. (See City Charter, Art. IV, Sec. 8)

## **IV. ORDER OF BUSINESS AND PROCEDURES**

### **Rule 13 - Regular Order of Business**

The Order of Business and Procedure shall be as follows:

1. Roll Call.
2. Suggested Prayer.  
`Almighty God, source of all authority, we humbly ask guidance in our deliberations and wisdom in our conclusions. Amen."
3. Announcement of any Special Order of the Day.
4. Introduction of Honored Guests.
5. Approval of minutes of previous meetings.
6. Report of City Officials.
7. Petitions and Communications.

8. Board Bills for Perfection-Informal Calendar.

9. Board Bills for Third Reading-Informal Calendar.

10. Resolutions-Informal Calendar.

11. First Reading of Board Bills.

12. Reference to Committees.

13. Second Reading of Board Bills and Reports of Standing Committee.

14. Reports of Special Committees.

15. Board Bills for Perfection.

**``Board Bill # \_\_\_\_\_, now stands for perfection.''**

Discussion.

Adoption of amendments, if any.

**``All in favor say `aye', opposed `no'.''' ``The Bill stands perfected''**  
or is otherwise disposed of according to the majority vote of those present.

16. Third Reading, report of Engrossment Committee and final passage of Board Bills.

**``Board Bill # \_\_\_\_\_, is now under consideration for passage.''**

Discussion.

**``All in favor say `aye', opposed no'. The Clerk will call the roll.''**

**``The Bill, having received fifteen aye votes passes.''**

Vice Versa.

17. Report of the Enrollment Committee.

After the report is read, the President makes the following statement:

**``All other business being suspended, the President will in open session, affix his signature hereto to the end that these may become law.''**

18. First Reading of Resolutions and Reference to Committees.

19. Second Reading of Resolutions, Committee Reports and Adoption.

20. Courtesy Resolutions

21. Miscellaneous and Unfinished Business.

22. Announcements.

23. Excused Aldermen.

24. Adjournment.

**Rule 14 - Exceptions and Unfinished Business**

1. The President at each meeting shall state the business in the order provided by Rule 13 and shall announce the Special Order of the Day, if any, when same is to be taken up other than in the appropriate order of business. No business shall be taken up or considered until the class to which it belongs shall be declared to be in order, but communications may be taken up at any time the affirmative vote of the majority of the members present. Any bill, Resolution or motion may be made a special order of business.

2. Any unfinished business in which the Board was engaged at the last preceding adjournment shall take precedence in the order of the day.

**V. COMMITTEES**

**Rule 15 - Standing Committees**

The Standing Committees of the Board of Aldermen shall be:

**Conventions, Tourism, Arts & Humanities**

**Engrossment, Resolutions, Rules & Credentials**

**Housing, Urban Development & Zoning**

**Health & Human Services**

**Intergovernmental Affairs**

**Legislation**

**Neighborhood Development**

**Parks & Environmental Matters**

**Public Employees**

**Public Safety**

**Public Utilities**

**Streets, Traffic & Refuse**

**Transportation & Commerce**

**Ways & Means**

1. The Conventions, Tourism, Arts & Humanities Committee shall consider all

matters pertaining to Kiel Auditorium, the A.J. Cervantes Convention Center, the Regional Cultural and Performing Arts Development Commission, the Convention and Tourism Fund, the St. Louis Regional Convention and Visitors

Commission, the Regional Convention and Sports Complex Authority and other related matters.

**2. The Engrossment, Resolutions, Rules & Credentials Committee** shall see that all bills are properly engrossed. (See City Charter, Art. IV, Sec.15) It shall also examine all enrolled bills, carefully compare the same with bills as engrossed, correcting any errors, and report the same with the words ``truly enrolled" endorsed thereon.

Additionally the Committee shall examine all resolutions referred to it, as to their form, language and substance and to thereafter report thereon; examine the certificates of election of newly elected Aldermen and report to the Board on the validity of said certification (See City Charter, Art. IV, Sec. 7); and on any other matters touching the qualifications of Aldermen; be responsible for an annual review of the Rules of the Board and make recommendations for amendments; and see to the proper enforcement of the Rules adopted by the Board.

**3. The Health & Human Services Committee** shall consider all matters pertaining to the Department of Health & Hospitals and the Department of Welfare, or any division thereof, and all matters pertaining to health and hospitals, human resources and the Office on Aging.

**4. The Housing, Urban Development & Zoning Committee** shall consider all matters pertaining to housing, urban development and zoning, including all matters pertaining to the Community Development Agency and Commission, the St. Louis Development Corporation, and the appropriation and disbursement of all federal monies administered by said agencies.

**5. The Intergovernmental Affairs Committee** is authorized to establish and maintain relationships with all federal, state and local governmental agencies, and to evaluate and monitor the efficiency and effectiveness of all programs initiated through the legislative authority of the Board of Aldermen and/or other matters of legislative concern to the City.

**6. The Legislation Committee** shall consider all proposed legislation affecting the city in its municipal character and from time to time recommend such changes in or amendments to the law as may tend to secure a better administration of the affairs of the City. It shall further consider all matters relating to elections and registrations; all matters concerning the revision of ordinances; also, it shall consider all personnel matters pertaining to the Law Department, City Courts, Register, and the duties of the City Marshall; also it shall consider the amount and sufficiency of all city bonds and matters pertaining to license taxes.

**7. The Neighborhood Development Committee** shall consider blighting and redevelopment plan bills provided that such bills pertain only to vacant scattered site residential or neighborhood commercial buildings in a blighted area or proposed blighted area where no relocation will be necessary to complete the proposed redevelopment.

**8. The Parks & Environmental Matters Committee** shall consider all matters pertaining to parks, recreation and forestry, as well as, all matters concerning environmental or ecological concerns within the City, including but not limited to abatement of air, noise, and water pollution and problems affecting the preservation of open space.

**9. The Public Employees Committee** shall consider all matters pertaining to City employment, its terms, conditions, bargaining representatives, if any, as well as the rules, regulations and operations of the Civil Service Commission.

**10. The Public Safety Committee** shall consider all matters pertaining to the Department of Public Safety, the Police Department, corrections, excise laws and regulations, the Fire Department, the Division of Building and Inspections, and the City Emergency Management Agency (CEMA).

**11. The Public Utilities Committee** shall consider all matters pertaining to the maintenance, equipment, operation, service and assessment of rates and charges of public utilities, whether owned by the City or operating under franchise, licenses or permits from the City by persons or corporations.

**12. The Streets, Traffic & Refuse Committee** shall consider all totally municipal matters pertaining to streets, alleys, sidewalks, traffic and signage, parking, and refuse.

**13. The Transportation & Commerce Committee** shall consider all matters pertaining to the transportation and commerce industries, including, but not limited to: airports, railroads, wharves, ports, bridges, inter-city/state trucking, state and federal highways, public and/or mass transit.

**14. The Ways & Means Committee** shall consider all matters pertaining to the assessment of property revenues, public debt and interest thereon; also the appropriation and disbursement of public monies except those administered by the Community Development Agency or the St. Louis Development Corporation; also the economy, order and accountability in the city's fiscal affairs and the workings of departments and functions of city government dealing with financial matters.

#### **Rule 16 - Personnel & Administration Committee**

1. The Personnel & Administration Committee shall consist of the President, who shall be the Chairman, the Vice-President, the Majority Floor Leader, the Assistant Majority Floor Leader and other Aldermen appointed by the President.

2. The Personnel & Administration Committee shall consider all matters pertaining to the Employees of the Board, the various offices of the Board, the Aldermanic budget, all Aldermanic expenses and disbursements, and all other related matters, and shall, consistent with these Rules, establish operating policies for the office staff, to be executed and supervised by the Clerk.

#### **Rule 17 - Special Committees**

1. A Special Committee shall be appointed by the President only when requested by a Resolution adopted by the Board. Any Resolution addressed to the establishment of a Special Committee must state the time period in which it shall conclude its assigned task, provided that no such time period shall extend past the end of the current annual session of the Board.

2. Special Committees shall not have the power to subpoena witnesses and order the production of books and papers unless expressly granted such power by Resolution.

#### **Rule 18 - Committee Powers & Limitations**

1. Pursuant to Article IV, Section 8 and Article XXV, Section 10 of the City Charter and Sections 3.06.130 to 3.06.160 of the Revised Code of the City of St. Louis 1980, Annotated, all Standing Committees and the Personnel & Administration Committee shall hereby have the power to hold hearings, subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction. (See Appendix E)

2. Standing Committees shall also suggest such means as will improve the usefulness and enlarge the advantages of any activities or conditions related to the subject matter of said Committee.

3. No Committee or member thereof shall have the right to assume or perform any executive duties, either in the execution of ordinances, in the settlement of claims or in any other manner. (Rev. Code, Sec. 3.06.110)

4. No Committee shall employ a clerk or other assistant or incur other expense without having been authorized to do so by an affirmative vote of the majority of all the members of the Board.

### **Rule 19 - Selection of Chairmen**

1. Chairmen of Standing Committees shall be determined on the basis of continuous seniority of Aldermen of the majority party on the third Tuesday of April in each year, or as soon thereafter as possible. The Alderman of the majority party with the greatest seniority shall choose the Committee he or she wishes to chair. The Alderman of the majority party with the next greatest seniority shall follow. This procedure shall continue until all chairs are chosen.

2. In the event of a vacancy, the new Chairman shall be selected in accordance with the following procedure. Members eligible for Committee chairs but with less seniority than the vacating chairman shall be offered the vacant chair. The member with the greatest seniority shall receive the chair and shall vacate any other chair such member holds, if any.

### **Rule 20 - Selection of Vice-Chairmen**

The Chairman of each Standing Committee shall within two weeks after the completion of Committee assignments appoint a Vice-Chairman of the said Committee, who shall be a member of the same political party as the Chairman and who shall act as Chairman in the absence or disability of the Chairman. Said appointments shall be filed in writing with the Clerk. In the event that no Vice-Chairman is named, the Committee member of the majority party having the greatest continuous seniority shall serve as Vice-Chairman.

### **Rule 21 - Appointment of Committee Members**

The President shall, immediately after the organization of the Board of Aldermen on the third Tuesday of April in each year, or as soon thereafter as possible, appoint the Standing Committees which shall consider all bills and other matters referred to them, examine them, and report their findings to the Board of Aldermen.

### **Rule 22 - Removal of Committee Members; Reappointment Prohibited**

Attendance at all Committee meetings and hearings shall be mandatory and permanently recorded by the Committee Chairman who shall be empowered to excuse the absence of any non-attending member. Any member having three consecutive unexcused absences from Committee meetings or hearings may be removed by the Chairman by written notice to the President; and any such removed member shall not be reappointed to the same Committee during the same annual session of the Board.

### **Rule 23 - Committee Quorum and Voting**

A majority of the Committee membership shall constitute a quorum. The President of the Board when attending a Committee meeting shall be counted to achieve a quorum, but his/her presence does not change the number needed to form the quorum. A quorum of a Committee may transact business and a majority of the quorum, even though it be a minority of the whole Committee may authorize action for the Committee. An Alderman must be present when a question is called to cast a vote in Committee.

### **Rule 24 - Calling Meetings**

A Committee shall meet on the call of its Chairman or in the event of his/her absence, illness or disability, then on the call of the Vice-Chairman; or upon petition of a majority of the members of the Committee in writing to the Chairman requesting a meeting or hearing of the Committee. A copy of any such petition shall be forwarded to the Clerk.

### **Rule 25 - Meeting Notices to be Published and Posted**

1. An announcement of the date, place and time of any hearing or meeting held by any Committee of the Board of Aldermen and whether the hearing or meeting is open or closed to the public, shall be published as required by law. The same shall be posted at least 24 hours prior to said hearing or meeting on the bulletin board of the Board of

Aldermen and shall contain a brief description of the contents of each bill to be heard in the Committee meeting as called. Bills not posted to be considered at a regularly scheduled meeting of a Committee shall not be considered at said meeting. (See Sections 610.010 to 610.030, RSMo)

2. The Clerk shall cause to be electronically mailed to each Alderman a composite notice of all meetings of all Committees that have been called to meet in the forthcoming week. Said composite notice shall contain the date, place and time of such meeting, together with the bill number and sponsors of the bills that are scheduled to be considered by each Committee. Additionally the composite notice shall contain a brief description of each bill to be considered by each Committee and shall, as nearly as possible, conform to the posted notice of hearings posted on the bulletin board of the Board of Aldermen as called for in this Rule. The Clerk shall also cause to be posted on the bulletin board of the Board of Aldermen and on the official Board of Aldermen website each Friday a composite notice of all meetings of all Committees that have been called to meet in the forthcoming week in the same form as the notice required to be electronically mailed to each Alderman.

#### **Rule 26 - All Meetings and Hearings Open to the Public, Except**

Any member of the Board of Aldermen and the public may attend any meeting or hearing of any Committee of the Board of Aldermen. No Committee meeting or hearing shall be closed to the public except as allowed by law. Any member of the Board of Aldermen may examine any document or examine any witness at a Committee meeting or hearing with the approval of the Committee Chairman or a majority of the Committee members present at the meeting or hearing. (See Sections 610.010 to 610.030, RSMo and Rule 8)

#### **Rule 27 - Public Hearing Procedures**

1. After the presentation of a bill at any public hearing, the proponents and the opponents shall be heard alternately. All persons who wish to testify at a public hearing shall sign a list which shall be made available by the Chairman of the Committee at least one-half hour before the announced time of the hearing.

2. The initial presentation of any witness shall be no longer than five minutes except with the permission of the Committee Chairman, but any witness may respond to questions by members of the Committee for an additional period of time to be determined by the Committee Chairman; and any witness may submit written testimony to the Committee at any time prior to the conclusion of the hearing on the bill.

3. The above two paragraphs shall be included in any announcement of a public hearing required by law to be published or posted. Further, the above two paragraphs shall be read by the Committee Chairman at the beginning of any public hearing. It is not necessary that the above two paragraphs be printed in the notice to the members of the Committee.

4. A Committee may hear testimony on more than one bill at any particular hearing.

5. A list of names and addresses of all persons who testify at a public hearing in support of or in opposition to any bill and a copy of each written testimony submission shall be kept by the Clerk as a public record and shall be available to the members of the Committee and the members of the Board of Aldermen when they consider said bill.

### **VI. COMMITTEE OF THE WHOLE**

#### **Rule 28 - Formation and Rules**

In forming a Committee of the Whole, which can be done any time by a majority of the members present, the President shall appoint a Chairman of the Committee and then vacate the Chair. The rules of order governing the Board shall be observed in Committee of the Whole insofar as they are applicable.

#### **Rule 29 - Prohibited Motions**

While in Committee of the Whole, it shall not be in order to move the previous question, or to adjourn, or to place on the table a matter under consideration.

### **Rule 30 - Amending Motions**

All amendments made to an original motion in Committee of the Whole shall be incorporated with the original motion, and so reported; also all amendments made to a report, Resolution or other matter committed to the Committee of the Whole, shall be voted on and reported to the Board of Aldermen.

## **VII. DEBATE AND DECORUM**

### **Rule 31 - Admission to the Chamber**

1. During a meeting of the Board of Aldermen only the Mayor or his/her designee; the Comptroller or his/her designee; members of the Board of Aldermen; employees of the Board of Aldermen and the President shall be admitted to the floor of the Chamber. Honored guests, and representatives of the Press with proper professional identification shall be admitted to the floor of the Chamber, to be situated at places designated by the President. It shall be the duty of the Sergeant-at-Arms and other staff members to see that all other persons are excluded, and directed to the Gallery.

2. The Mayor and the Comptroller shall each have a seat and a voice but no vote in the Board of Aldermen. (City Charter, Art. VII, Sec. 1 and Art. XV, Sec. 2)

### **Rule 32 - Procedure for Recognition**

1. Before speaking, members (as well as the Mayor and Comptroller) shall rise from their seats and address the Chair as "Mister or Madame President," and wait to be recognized before speaking.

2. Should two or more persons address the Chair simultaneously, the person recognized by the President shall be entitled to the floor.

3. No person shall be recognized to speak twice upon the same subject until every other person shall have had an opportunity to be heard.

4. No other person shall be recognized to speak on a motion after the President recognizes the proposer to close on such motion.

### **Rule 33 - Transgression of the Rules; Points of Order**

If any member transgresses the Rules of the Board of Aldermen, the President or any member, may call him to order, in which case the member called to order shall immediately sit down. After recognition the person calling the member to order then shall state the rule or order transgressed and the President shall decide whether the point of order is well taken or not, subject to an appeal from his decision to the Board of Aldermen. If there be no appeal, the decision of the Chair shall be submitted to without debate. If the point of order be decided not well taken, the member called to order shall be permitted to proceed with his/her remarks; if otherwise, he/she shall keep his/her seat and not proceed until recognized by the Chair. According to these Rules, and if the case requires it, said member shall be liable to censure of the Board of Aldermen. On such question of order, no member shall speak more than twice, except the President, who shall be heard in preference to any other member. All questions of order shall be noted by the Clerk, with the decision reported in the Journal.

### **Rule 33A - Appeal of a Decision of the Chair**

When an appeal of a decision of the Chair is seconded, the question shall be put in this form, ``**Shall the decision of the Chair stand as the opinion of the Board of Aldermen?**'' and unless a majority of the members present vote in the negative the decision of the Chair shall be considered as sustained.

## VIII. MOTIONS

### Rule 34 - Presenting Motions

No motion shall be put or debated unless it is seconded. When a motion is seconded it shall be stated by the President before debate, and the proposer of the motion shall be entitled to the floor. Motions shall be presented to the Clerk in writing, if requested by any member.

### Rule 35 - Withdrawing Motions

After a motion is stated by the President it shall be in possession of the Board, but may be withdrawn by the proposer at any time.

### Rule 36 - Amending Motions

1. During the consideration of a bill, as well as other matters before the Board, a motion to amend an amendment shall be in order, but one to amend an amendment to any amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Provided, however, that no bill shall be so amended in its passage as to change its original purpose. (See City Charter, Art. IV. Sec. 11)

2. On an amendment to ``strike out and insert,'' the paragraph to be amended shall first be read as it stands and then the words proposed to be stricken out and those to be inserted. Finally, the paragraph as it would stand if so amended shall be read.

3. Amendments shall be presented to the Clerk in writing in the following form, if requested by any member:

Amendment No. \_\_\_ To Board Bill No. \_\_\_\_\_

To amend said Board Bill, Page \_\_\_, Line \_\_\_, to Page \_\_\_, Line \_\_\_, as follows:

Beginning on Page \_\_\_, Line \_\_\_, strike out the words: `` \_\_\_\_\_, ''  
and insert in lieu thereof, to read in words and figures as follows: `` \_\_\_\_\_''; or

Beginning on Page \_\_\_, Line \_\_\_, after the word(s) `` \_\_\_\_\_ ''  
insert or strike out the following words and figures: `` \_\_\_\_\_ ''.

### Rule 37 - Motions During Debate

When a question is under debate the only motions in order shall be:

1. to lay on the table;
2. the previous question;
3. to adjourn;
4. to adjourn to a time certain;
5. to refer;
6. to amend;
7. to substitute; and
8. to postpone indefinitely or to a day certain.

### Rule 37A - Non-Debatable Motions

The following motions shall be decided without debate:

1. to lay on the table;
2. the previous question;
3. to adjourn;
4. to suspend Rule 75 to introduce a Resolution provided that a copy of any such Resolution shall be placed on the desk of each member prior to any vote on such a motion; and, provided further, that the principal sponsor has the right and privilege to have any such Resolution formally read by the Clerk in open session prior to any vote on such a motion; and
5. to suspend Rule 76.3 to consider a Resolution or place a Resolution on the Resolutions-Informal Calendar on the same day it is first read.

#### **Rule 38 - Motion to Adjourn**

A motion to adjourn shall always be in order, except when:

1. another member is in possession of the floor;
2. adjournment was the last preceding motion;
3. it has been decided that the previous question shall be taken; or
4. the members are voting.

#### **Rule 39 - Motion to Refer**

A motion to refer to a Standing Committee shall take a precedence over a similar motion for a Special Committee.

#### **Rule 40 - Motions Laid on the Table**

When a question is laid on the table it may not thereafter be considered except by an affirmative vote of two-thirds of all the members of the Board.

#### **Rule 40A - Majority Required to Adopt Motions**

Unless as expressly noted in these Rules, a motion shall be adopted if it receives the affirmative vote of a majority of the members present. Any member voting "Present" shall be considered present and voting and such vote shall be counted for purposes of determining the number of members present. A vote of "Present" shall not be counted as an affirmative vote.

### **IX. VOTING PROCEDURE**

#### **Rule 41 - Voting Mandatory**

Every member present in the Chamber shall vote aye, no, present or abstain on each question stated by the President.

#### **Rule 42 - Crossing or Leaving the Chamber Prohibited, When**

No member shall cross or leave the Chamber while the President is putting a question.

#### **Rule 43 - Private Interest Prohibited, Unless**

No member shall be permitted to vote on any issue or serve on any Committee when the matter under consideration involves in any way the private interest as distinguished from the public interest of such member without first disclosing to the other members of the Board in public session any private interest which he/she may have. Any such disclosure shall be presented to the Clerk in writing, entered into the minutes and reported in the Journal. In

addition, all members shall comply with the requirements of Ordinance 62391, Section 105.454 RSMo and all other state law governing official conduct. (See Appendix T)

#### **Rule 44 - Division of the Question**

If the question under consideration contains several distinct propositions, any member may request division of the question so that each proposition may be considered separately when the sense of the question admits it.

#### **Rule 45 - Record of Voting**

In all cases when a motion is entered into the minutes the name of the member moving the same shall be entered also. If any member requests it, the yeas and nays on any question shall be taken and entered into the minutes, but the yeas and nays shall not be taken unless called for previous to the vote on the question. The vote on final passage of all bills, on reconsideration of a bill returned by the Mayor and on discharge of a bill from Committee shall, however, be taken by yeas and nays and shall be entered into the minutes and reported in the Journal.(See City Charter, Art. IV, Sec. 14 & 18)

#### **Rule 46 - Roll Call Procedures**

Upon every roll call the names of members shall be called sequentially by Ward number with the President of the Board of Aldermen called last. After the roll has been called, the Clerk shall call in the same order the names of those not voting. Members appearing after the second call, but before the result is announced by the Clerk may vote. Before the result of a vote has been finally and conclusively announced by the President, but not thereafter, a member may change his/her vote, and a member who has answered "present" may vote "yea" or nay".

#### **Rule 47 - Right of Member to Explain Vote**

Any Alderman voting on any subject may have an explanation of his vote entered in the Journal, if the explanation would have been admissible in the discussion of the subject. The said explanation shall be in writing and shall be presented to the Clerk before the end of the meeting at which the vote is cast.

#### **Rule 48 - Reconsideration**

A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter, but not otherwise. A motion for reconsideration being once made, and voted upon, shall not be renewed, nor shall the vote to reconsider be reconsidered. A motion to reconsider shall require the affirmative vote of a majority of all the members of the Board for its adoption. Such a motion can only be made by a member who voted with the prevailing side on the original motion.

### **X. BILLS**

#### **Rule 49 - Ordinances to be Passed by Bills**

No ordinance shall be passed except by bill. (City Charter, Art. VII, Sec. 11)

#### **Rule 50 - Adoption of Ordinances**

Every bill shall be read on three different days in open session before its adoption, and no bill shall become an ordinance unless a majority of all the members vote in favor of its adoption and the President signs the same in open session. (City Charter, Art. IV, Sec. 16)

**Rule 51 - Enacting Style of Ordinances**

The style of every ordinance shall be: "Be it ordained by the City of St. Louis as follows:" (City Charter, Art. IV, Sec. 10)

**Rule 52 - Ordinances in Aid of State Law**

The Board of Aldermen may by ordinance make any provision necessary to carry into execution the laws of the state relating to state, school, City and other revenue; and any power, duty or trust under any of the laws of the state, vested in or imposed upon any body or officer of any county or of this City by the laws of the state may be exercised by such body or officer of the City as may be provided by ordinance consistent with the provisions of the Charter. (City Charter, Art. XXV, Sec. 17)

**Rule 53 - Bills to Contain Single Subject, Except**

No bill, except a general appropriation bill which shall only embrace matters on account of which monies are appropriated, shall contain more than one subject, which shall be clearly expressed in its title. (City Charter, Art. IV, Sec. 13)

**Rule 54 - Bills Which Change Existing Ordinances**

1. No Ordinance shall be revised or reenacted except by bill setting it forth in full, nor amended except by bill setting forth the Ordinance or section amended in full, as amended. (City Charter, Art. IV, Sec. 12)

2. Any bill, the purpose or intent of which is to change any or all sections of an existing Ordinance, shall be required to have attached to the bill as an exhibit, or noted and explained in the bill with brackets, boldface type or underlines, all sections sought to be changed, deleted or added if requested by any member of the Board at or before the Committee hearing for the bill.

**Rule 55 - Introduction Requirements**

1. Each bill of the Board of Aldermen shall be introduced either by the Mayor or a member or members of the Board. (See City Charter, Art. VII, Sec. 1)

2. All bills to be introduced shall be delivered to the Clerk of the Board of Aldermen on or before 12:00 Noon on the third day before the date on which said bill is to be formally introduced (e.g., Tuesday for Friday meetings). No bill for introduction shall be accepted by the Clerk or any member of the staff of the Board of Aldermen unless such bill is submitted in the manner and form prescribed by the Clerk. Each bill shall be assigned a number by the Clerk. If substituted by later committee or floor action, the substitute bill shall meet the same manner and form as prescribed for the original bill submission.

3. Any bill which provides for the granting of any direct benefit to any person or entity (other than a non-profit entity) introduced at the request of such person or entity shall be printed by the person or entity seeking such direct benefit in the manner prescribed by the Clerk. Said person or entity shall also pay the Board for any advertising costs associated with the bill in the manner prescribed by the Clerk.

**Rule 56 - Last Day for Introducing Bills**

The President shall, upon approval of the Board of Aldermen by Resolution, establish the last day for introducing bills. Notice of said date shall be posted on the Aldermanic Bulletin Board.

**Rule 57 - Reference to Committee**

On the second day before the date on which a bill is to be formally introduced (e.g., Wednesday for Friday meetings), the original of the bill shall be given to the President of the Board of Aldermen for committee assignment. The President shall make these assignments in a timely manner so that they may be announced by the Clerk no later than the second subsequent regular meeting.

#### **Rule 58 - Discharge of Bill From Committee**

1. The Board of Aldermen at any meeting held thirty days or more after any bill shall have been referred to a Committee shall, on motion of any member, determine by the yeas and nays entered on the Journal, whether such Committee shall be discharged from any further consideration thereof. (City Charter, Art. IV, Sec. 14)

2. If a majority of the members present elect to vote in the affirmative on said motion the bill shall be immediately delivered to the Clerk and before transacting any other business the Board shall determine by a majority vote of the members present, whether it should be committed to any other Committee or shall proceed to Perfection.

#### **Rule 59 - Consideration in Committee**

1. Each bill shall repose in the Committee to which it was assigned, and shall remain there until either the Committee acts and reports upon said bill, or the bill is discharged from the Committee's consideration as provided for in Rule 58.

2. Each bill shall be given a date for a Committee meeting or hearing, as the case may be, at least 24 hours in advance of such meeting or hearing, and notice of any such meeting shall be given as provided in Rule 25.

3. When any bill, the purpose or intent of which is to change any or all sections of an existing ordinance, is heard by a Committee, it shall be the duty of the Clerk to have in his/her possession at said Committee meeting or hearing, a copy of the Ordinance or section of the Revised Code proposed to be amended.

#### **Rule 60 - Committee Amendments and Substitutes**

A bill may be reported out of a Committee either as originally referred, or with amendments, or as substituted. Amendments shall be presented to the Chairman in writing in the form prescribed by Rule 36, if requested by any member of the Committee. A bill amended or substituted in Committee and thereafter reported out of said Committee must show on the face of the bill cover and on the bill the fact that this particular bill has been amended or substituted by the Committee. This shall be the responsibility of the Chairman of the Committee. Any amendment or substitute to a bill approved by the Committee shall be separately attached to the original bill.

A Committee Substitute presented by the sponsor of the bill must be presented in writing to the Chair of the Committee and all Committee members at least 24 hours prior to consideration by the Committee. The Clerk shall cause a Committee Substitute adopted by the Committee be posted online on the official Board of Aldermen website within 24 hours of adoption of the Committee Substitute by the Committee.

#### **Rule 61 - Committee Reports**

1. No bill shall be reported out of any Committee or considered by the Board of Aldermen unless and until a hearing or meeting has been held on said bill by the Committee to which it was referred, except as provided by Rule 58.

2. A bill shall be reported out of Committee by the Chairman, according to the wishes of the Committee. The action of the Committee shall be reported in one of the three following manners:

- a. DO PASS
- b. DO NOT PASS
- c. WITHOUT RECOMMENDATION

### **Rule 62 - Second Reading of Bills**

1. A bill reported out of Committee shall be placed upon the next subsequent Board meeting's agenda for Second Reading and Report of said Committee. A minority report may also be filed in writing at the request of any Committee member.

2. Except for bills with recommendation DO NOT PASS, any bill Second Read as stated above shall be placed on the next subsequent Board meeting's agenda for Perfection.

3. Any bill with the recommendation DO NOT PASS shall be placed on the next subsequent Board meeting's agenda on the Perfection-Informal Calendar with the notation "(DO NOT PASS)" and, Rule 63 notwithstanding, will not be thereafter considered by the Board except upon a motion to consider duly made by any Alderman with concurrence of two-thirds of all the members of the Board.

### **Rule 63 - Principal Sponsor May Defer Action**

The principal sponsor of any bill, whose name shall be listed first, may defer such bill from consideration on the Perfection or the Third Reading Calendar unless two-thirds of all members of the Board of Aldermen vote to

consider said bill. Upon deferral by a principal sponsor the bill shall be placed on the Perfection-Informal Calendar or the Third Reading-Informal Calendar. The principal sponsor shall have the right to bring said bills off the Informal Calendars for consideration at any meeting.

### **Rule 64 - Perfection**

The Clerk shall see that each member has a copy of each bill as it was reported out of Committee at the time it is to be perfected. While the bill is being considered for Perfection, the bill will be subject to amendments from the floor. Amendments shall be presented to the Clerk in writing in the form prescribed by Rule 34, if requested by any member. If said amendments are numerous or substantial as to content, the proposed changes in the bill shall be considered a floor substitute. When amendments to a bill are presented in the form of a substitute bill, all of such amendments shall be voted upon jointly as the Board shall vote to accept or reject the said substitute bill. Separate amendments on separate pieces of paper may be voted on jointly or separately. Upon Perfection, a bill shall be referred directly to the Committee on Engrossment.

### **Rule 64.5—Consent Perfection Calendar**

At any time after a Board Bill has been second read, a sponsor may request of the clerk that such Board Bill be placed on the consent perfection calendar. All such Board Bills shall be placed on the consent perfection calendar unless there is an objection by any member in which case the Board Bill objected to shall be referred to the perfection calendar. Objections may be made at any time prior to the motion to approve the Board Bills on the consent perfection calendar. All Board Bills placed on the consent perfection calendar shall be read by the clerk. It shall be the duty of the Majority Floor Leader to make the motion to adopt Board Bills appearing on the consent perfection calendar. The vote on such motion shall be taken by yeas and nays and entered upon the Journal of the Board of Aldermen. If a majority of all the members vote in the affirmative on such motion the Board Bills shall be deemed perfected. Nothing in this rule shall require a member to place a Board Bill on the consent perfection calendar.

### **Rule 65 - Engrossment**

1. Any bill having been perfected and ordered engrossed shall be reviewed and reported by the Committee on Engrossment to the Board of Aldermen at the next regularly scheduled meeting of the Board for Third Reading and Final Passage; provided that when a bill has been amended during the perfection process, said report shall not be

made sooner than three days after the order to engross. The three day period shall mean three twenty-four hour periods from the time the bill is referred to the Committee on Engrossment. (See City Charter, Art. IV, Sec. 15)

2. Said Committee on Engrossment may authorize its Chairman, or the Vice-Chairman in the Chairman's absence, to act on the Committee's behalf.

3. The Clerk shall see that each Alderman has a copy of the engrossed bill at the time it is to be considered for Third Reading and Final Passage.

#### **Rule 66 - Title Revision**

The title of a bill shall be made to conform to the body thereof during Engrossment.

#### **Rule 67 - No Amendments After Engrossment, Unless**

A bill that has been perfected and engrossed may not be further amended unless there is a favorable vote to reconsider Perfection. If subsequently amended, the bill must be perfected again and referred to the Committee on Engrossment before being considered for Final Passage.

#### **Rule 68 - Third Reading, Final Passage and Enrollment**

Upon vote for Final Passage, which shall be taken by yeas and nays and entered upon the Journal, if a majority of all the members vote in the affirmative on said bill, the bill shall then be deemed to be truly enrolled and all other business shall be suspended and the President shall then announce that unless objections be made he will sign the same, to the end that it may become an ordinance. If no objections be made, the President shall in open session, and before any other business is entertained, affix his signature thereto, which fact shall be noted in the Journal. When a bill has been passed and signed by the President as heretofore provided for, it shall be the duty of the Clerk forthwith to present the same in person to the Mayor and enter the fact upon the Journal. (See City Charter, Art. IV, Sec. 16 & 18)

#### **Rule 68.5 - Third Reading - Consent Calendar**

At any time after a Board Bill has been perfected, a sponsor may request of the clerk that such Board Bill be placed on the consent third reading calendar. All such Board Bills shall be placed on the consent third reading calendar unless there is an objection by any member in which case the Board Bill objected to shall be referred to the third reading calendar. Objections may be made at any time prior to the beginning of the roll call vote for final passage. All Board Bills placed on the consent third reading calendar shall be read by the clerk. It shall be the duty of the Majority Floor Leader to make the motion to adopt Board Bills appearing on the consent third reading calendar. The vote on such motion shall be taken by yeas and nays and entered upon the Journal of the Board of Aldermen. If a majority of all the members vote in the affirmative on such motion the Board Bills shall be deemed truly enrolled and adopted. Nothing in this rule shall require a member to place a Board Bill on the consent third reading calendar.

#### **Rule 69 - Mayor's Approval or Disapproval**

Each bill shall be presented to the Mayor immediately after its adoption, but shall not be acted upon by him (except it be an emergency measure) within ten days after its adoption. He shall within twenty days after its presentation to him return it with his approval or disapproval endorsed thereon to the Board of Aldermen, or, if said Board shall have finally adjourned, to the Register. Failure so to return any bill within said time shall constitute approval thereof by the Mayor. If the Mayor approves the bill, or fails to return it as and when above provided, it shall become an ordinance, subject to the referendum provisions of the Charter. If he returns it to the Register, with his disapproval endorsed thereon, after said Board shall have finally adjourned but within said twenty days, it shall not become an ordinance. If he returns it to said Board, with his disapproval endorsed thereon, within said twenty days and before said Board shall have finally adjourned, said Board shall reconsider it. If a bill contains several items of appropriation, the Mayor may disapprove one or more items while approving the others, and the items approved

shall become an ordinance in like manner as a bill approved, and the items disapproved shall be proceeded with in like manner as a bill disapproved. (See City Charter, Art. IV, Sec. 17)

#### **Rule 70 - Reconsideration of Vetoed Bill**

1. Bills returned with the disapproval of the Mayor shall stand as reconsidered. The Clerk shall enter the objections of the Mayor thereto at large upon the Journal and the Board shall proceed to consider the question "**Shall the bill pass, the objection of the Mayor thereto notwithstanding?**" The vote shall be taken by yeas and nays and entered upon the Journal. If two-thirds of all the members of the Board vote to pass the bill over the announced objections of the Mayor, the President shall certify the fact thereof over his signature and thereupon the bill shall become an ordinance, subject to the referendum provisions of the Charter. (See City Charter, Art. IV, Sec. 17 & 18)

2. The aforesaid vote on reconsideration of said vetoed bill, shall be taken at any time within ninety (90) days of the date on which the Mayor returns said bill, or the day the Board shall have finally adjourned, which ever is sooner. Such motion to override the Mayor's veto being once made and voted upon shall not be renewed or reconsidered.

#### **Rule 71 - Effective Date of Ordinances**

No ordinance, unless it be an emergency measure, shall take effect until thirty days after its approval by the Mayor or thirty days after the adoption over his veto. (City Charter, Art. IV, Sec. 19)

#### **Rule 72 - Emergency Measure Defined**

An emergency measure is any ordinance necessary for the immediate preservation of the public peace, health or safety, or providing for public work or improvements of any kind or repairs thereof, or establishing a benefit or taxing district or a sewer district, or a joint sewer district, and declared to be an emergency measure; any ordinance calling or providing for any election or vote by or submission to the people, any ordinance making an appropriation for the payment of principal and interest of the public debt, or for current expenses of the City Government; any general appropriation ordinance; or any ordinance fixing any tax rate; but no ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance adopted by the people under the initiative shall be an emergency measure. (City Charter, Art. IV, Sec. 20)

#### **Rule 73 - Ordinances to be Numbered and Published**

Every ordinance shall be immediately sent to the Register, and by him or her numbered, filed and preserved in that office. Every ordinance shall be published within ten days after its approval by the Mayor or adoption over his/her veto. (See City Charter, Art. IV, Sec. 21)

#### **Rule 74 - Revision of Ordinances**

There shall be a revision of the general ordinances every five years. (City Charter, Art. IV, Sec. 22)

### **XI-RESOLUTIONS**

#### **Rule 75 - Introduction Requirements**

Each Resolution shall be introduced by a member or members of the Board and must be delivered to the Clerk of the Board of Aldermen in a manner prescribed by the Clerk, on or before 2:00 p.m. on the second day before the date on which the said Resolution is to be formally introduced (e.g., Wednesday for Friday meetings).

#### **Rule 75A - Form**

**Resolutions shall be numbered sequentially each session by the Clerk. The following words shall be inserted at the end of each Resolution introduced to the Board:**

``Introduced on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

The Honorable \_\_\_\_\_, Alderman \_\_\_\_ Ward

Adopted this \_\_\_\_\_ day of \_\_\_\_\_,  
as attested by:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President''

### Rule 76 - First Reading

1. Before any Resolution may be read or voted upon, a copy of said Resolution shall be placed on the desk of each member.

2. The principal sponsor has the right and privilege to have any such Resolution formally read by the Clerk in open session prior to any request for unanimous consent, motion to suspend Rules, motion to refer to Committee, or consideration of the Resolution.

3. Unless the principal sponsor of a Resolution receives unanimous consent or suspends the Rules on the date of its first reading, a Resolution must be referred to a Committee or withdrawn; it may not be placed on the Resolutions- Informal Calendar. If unanimous consent is granted, the Resolution may then be considered or deferred as provided in Rule 78.

### Rule 77 - Reference to Committee

Except for those Resolutions receiving unanimous consent, a Resolution shall be assigned to the Resolutions Committee, or to such other Committee approved by the Board after the Resolution is first read. No Committee shall undertake any action proposed in a Resolution until such Resolution has been adopted by the Board pursuant to Rule 78. Where the application is appropriate, general Committee procedures for bills, including the procedure for discharge from Committee (Rule 58), shall also apply to Resolutions.

### Rule 78 - Second Reading, Committee Reports and Adoption

1. After a Resolution is considered for adoption by a Committee and its report to the Board of Aldermen on the Resolution (or the Resolution As Amended or the Committee Substitute Resolution) is **DO PASS** or **WITHOUT RECOMMENDATION**, said report shall be placed on the Board's next agenda for consideration under Item 19, "Second Reading of Resolutions, Committee Reports and Adoption" in the same manner as bills, for example:

``W&M Res. #201 - Smith, Approval of 1989 Budget for Crossroads Business District."''

2. If, however, said committee report is **DO NOT PASS**, said report shall be placed on the Board's agenda under Item 10, ``Resolutions - Informal Calendar'' as above with the notation ``**(DO NOT PASS)**'' and Rule 63 notwithstanding, shall not be thereafter considered except as provided in Rule 62.3.

3. The Clerk shall see that each member has a copy of any Resolution at the time it is to be considered for Second Reading and Adoption.

4. As is the case for bills, the applicable Committee Chairman is not formally recognized to give the Committee Report. The principal sponsor of the Resolution shall move for its adoption or may place the Resolution on the Resolutions-Informal Calendar pursuant to Rule 63.

5. Resolutions may be amended on the floor of the Board by a majority of the members present. Amendments shall be presented to the Clerk of the Board in writing in the form prescribed by Rule 36, if requested by any member. The principal sponsor of a Resolution shall move for adoption of said Resolution after all amendments have been considered and said Resolution shall be adopted if it receives the affirmative vote of a majority of all the members of the Board.

#### **Rule 78A - Committee Reports After Investigations**

1. If after a Resolution is adopted, said Resolution directs a further report from a particular Committee and said Committee has met and adopted any subsequent report, that report shall also be placed on the Board's next agenda for consideration under Item 19 as follows:

``Report of the Ways & Means Committee pursuant to Res. #89, pertaining to the Health Department."`

2. The Committee Chairman shall move for the adoption of the Committee Report or may place the report on the Resolutions-Informal Calendar in the same manner as provided in Rules 78 and 63.

### **XII. RULES**

#### **Rule 79 - Annual Adoption; Amendments; Suspension**

The Board of Aldermen shall adopt Rules of its proceedings, subject to the Charter, at the beginning of each annual session by a majority vote of all the members present at the first meeting of the regular session which is held on the third Tuesday in April. Thereafter, during the said session, any Rule, may be abolished, altered, amended or suspended upon concurrence by two-thirds of the members present provided such action is not superseded by Ordinance, the Charter, or state statute. (See City Charter, Art. IV, Sec. 8 and Rev. Code, 3.06.110)

#### **Rule 80 - Parliamentary Procedure**

The prevailing rules of the parliamentary procedure comprised in the Manual Digest and Rules of the House of Representatives of the United States shall govern the Board in all cases to which they are applicable insofar as they are consistent with the standing rules of the Board of Aldermen and the Charter and Ordinances of the City of St. Louis.

### **XIII. EMPLOYEES OF THE BOARD**

#### **Rule 81 - Classification**

The employees of the Board of Aldermen shall be allocated to the following positions: Clerk, Assistant Clerk, Administrative Assistant, Executive Secretary, Secretary, Receptionist/Typist, Sergeant-at-Arms, Aldermanic Aide, Legal Intern and Counsel to the Board of Aldermen. (See Rev. Code, Sec. 3.06.100, 190, 240-290 and Sec. 4.22.010)

#### **Rule 82 - Minimum Qualifications & Job Descriptions**

The Personnel & Administration Committee shall maintain a file of job descriptions and minimum qualifications for all allocated positions of the Board of Aldermen.

#### **Rule 83 - Hiring Procedures**

1. All employees of the Board of Aldermen, authorized by the Charter and

Ordinances to be selected by the Board, shall be reappointed by a majority vote of all the members of the Board of Aldermen and such reappointment shall take place on the third Tuesday in April of each year, or as soon thereafter as possible; and such employees shall hold their offices and positions at the pleasure of the Board. (See City Charter, Art. IV, Sec. 6)

2. The Personnel & Administration Committee shall notify each Alderman by mail of any position to be filled at least 30 days prior to the filling of said position. Any Alderman may propose a person for employment by the Board. Personnel authorized and recommended for employment shall first be examined and screened by the Personnel & Administration Committee as to general character, fitness and qualification for employment by the Board. The Personnel & Administration Committee shall recommend not more than three candidates for each position. Full description of each candidates's qualifications shall be supplied to each Board member. Fifteen votes will be required to fill any position.

3. All new employees shall be considered probationary for the first year of employment. An evaluation of performance shall be conducted by the Personnel & Administration Committee at three, six, nine, and twelve month intervals following employment.

#### **Rule 84 - Oath or Affirmation of Employees**

The Clerk and other authorized employees shall, before entering their respective duties, take and subscribe to an oath or affirmation as set forth in Section 3 of Article VIII of the City Charter.

#### **Rule 85 - Complaint Procedures**

Complaints against any employee shall be made in writing to the Chairman of the Personnel & Administration Committee. An investigation into the complaint shall be conducted as soon as possible if approved by the Committee. The Committee shall be empowered to:

1. Order the complaint quashed which shall be final and which action shall be reported to the Board.
2. Report the following findings and recommendations to the Board:
  - a. Discharge
  - b. Suspension without pay for a period up to 30 days
  - c. Official censure of record. (See Rev. Code, Sec. 3.06.120)

#### **Rule 86 - Hours**

The Office of the Clerk shall be open for the transaction of business from 8:00 a.m. to 5:00 p.m. Monday through Friday except for legal holidays. All employees shall also be available for committee hearings and special meetings, as requested. All positions shall be 40 hours per week, full time positions.

#### **Rule 87 -Duties**

1. The **Clerk** shall perform duties necessary to the proper functioning of the Board of Aldermen, which duties shall include, but are not limited to the following:

- a. Keep a correct, full and explicit record of proceedings of the Board. (Rev. Code, Sec. 3.06.180 A)
- b. Prepare and furnish to the newspaper doing City printing within three days after each meeting of the Board, an official abstract of its proceedings, revised by the President, for publication. (Rev. Code, Sec. 3.06.180 B)
- c. File and preserve all papers and documents relating to the business of the Board, and endorse upon same a sufficient history of all proceedings had thereon. (Rev. Code, Sec. 3.06.180 C) Maintain for one year a file of correspondence processed by the Board Office.

d. Prepare copies of all resolutions and transmit them to persons therein designated. (Rev. Code, Sec. 3.06.180 D) See to the daily delivery of inter-office mail in City Hall.

e. Keep in tabular form a synopsis of the proceedings of each meeting, showing the session, number and sponsor of each petition, resolution and bill presented (all of which shall be numbered by the Clerk), as well as the substance of each petition and resolution and the title of each bill, the date when the same was introduced, and of the second reading, perfection, passage or rejection at third reading, enrollment, and approval or veto of the registered bill number. The Clerk shall also keep the reference of all documents, to whom referred and when reported, together with such other of the proceedings, if any, of which it may be deemed necessary to preserve a brief history and to furnish an index thereto; all of which shall be, at the expiration of each term, printed for the use of the members of the Board of Aldermen and City Officers. (Rev. Code, Sec. 3.06.180 E)

f. Make requisitions, as described by ordinance for requisition for such articles as are required in the department under his charge, shall make out payrolls of members and officers of the Board of Aldermen and the Employees under the Board, and shall certify in proper form all vouchers drawn on the respective funds. (Rev. Code, Sec. 3.06.180 F)

g. Perform other duties appertaining to his/her office as may be required of him or her or as may be necessary to systematize the business and promote the efficiency thereof. (Rev. Code, Sec. 3.06.180 G)

h. Prepare and post for each bill introduced, the time, date and place of the Committee meeting or public hearing at which such bill will be discussed as per Rule 25.

i. Supervise the preparation of material in Perfection and Third Reading Calendar binders, as well as the meeting agenda.

j. Be responsible for coordinating all Board Bill preparation. Perform other duties as required by the President of the Board of Aldermen or other Aldermen with regard to Board functions.

k. Supervise the activities of those employees of the Board of Aldermen specified in Rule 81, under the direction of the Personnel & Administration Committee.

l. As requested by the Personnel & Administration Committee, develop job descriptions for Board Employees and establish an evaluation procedure for job performance.

m. Develop work schedules, compensatory time controls and vacation schedules and keep log of same for each employee. Amount of vacation time shall be comparable to other city employees.

n. Prior to the convening of every annual session of the Board of Aldermen the Clerk shall prepare a list of all reports required by Ordinance or Resolution to be made to the Board during the coming session and distribute a copy of that list to each member of the Board at least two weeks prior to the beginning of the session. Said list shall briefly describe each report, the date said report is to be submitted to the Board, the approximate date it will be available and the number of the Ordinance or Resolution requiring said report.

o. The Clerk is and shall be the official repository of all reports and records of the Board of Aldermen and shall maintain a file of said reports and records as required by law.

2. The **Assistant Clerk** shall perform such duties as he/she shall be directed to perform by the Clerk of the Board of Aldermen and shall act, in case of the absence, disability or failure of the Clerk to act. (Rev. Code, Sec. 3.06.190)

3. The **Executive Secretary** to the Board of Aldermen shall primarily be assigned to serve as Confidential Secretary to the Vice-President of the Board of Aldermen, Majority Floor Leader, Minority Floor Leader, Assistant Majority Floor Leader, the Clerk of the Board of Aldermen and shall perform such other and additional duties under the direction of the Clerk as deemed necessary and appropriate. (See Ordinance 68057)

4. It shall be the duty of the **Sergeant-at-Arms** to attend all meetings of the Board of Aldermen, to take care of the chamber and perform other duties as the Board of Aldermen shall require by rule or otherwise. (Rev. Code, Sec. 3.06.250)

5. The **Office of Counsel to the Board of Aldermen**, shall be engaged by an attorney, licensed to practice before the highest court in this State, and shall have graduated from an accredited law school located within the United States of America. The Counsel to the Board of Aldermen, shall handle the legal matters of the Board, such special projects as requested, which duties shall include but are limited to representing the Board and its members in litigation and such other special duties and assignments as shall be authorized. The Personnel Committee of the Board shall review the areas of endeavor requested of its Counsel. (Rev. Code, Sec. 3.02.280 & 290)

#### **XIV. EMPLOYEES OF THE PRESIDENT**

##### **Rule 88 - Classification and Hiring Procedures**

The President of the Board of Aldermen is authorized to appoint employees allocated to the following classifications: Special Assistant, Administrative Assistant, Administrative Aide and Secretary to the President who shall perform such duties as may be incident to such position. Each shall hold office at the will of the President of the Board of Aldermen. (See Rev. Code, Sec. 4.10.20)

##### **Rule 89 - Duties**

The **Secretary of the President** of the Board of Aldermen shall perform secretarial duties connected with the office of President as may be directed by him, shall be entitled to all privileges awarded other employees of the Board of Aldermen, and shall assist, if requested by other members of the Board of Aldermen and upon direction of the President, with other office work performed in the Aldermanic chambers. (Rev. Code, Sec. 3.06.220 & 230)

#### **XV MISCELLANEOUS**

##### **Rule 90 - Solicitation of Members Prohibited**

Solicitation of members for advertising or any other purposes, within or near the Office or Chamber of the Board is prohibited. The Clerk of the Board, and all other officers and employees are charged with the strict enforcement of this rule.

##### **Rule 91 - Missouri Sunshine Law**

It is the public policy of the Board of Aldermen that meetings, records, votes, actions, and deliberations of the body shall be open to the public unless otherwise provided by law; and that the Board shall comply with Sections 610.010 to 610.030 RSMo, the Sunshine Law, now existing or as hereafter amended.

##### **Rule 92 - Aldermanic Records**

Timothy G. O'Connell, the Clerk of the Board of Aldermen, whose address is Room 230, City Hall, 1200 Market, St. Louis, MO 63103, shall be the custodian of the records of the Board of Aldermen. The Clerk shall respond to all written requests for access to or copies of a public record within the time period provided by law except in the circumstances authorized by law. The Clerk shall determine the fees to be charged for access to or furnishing copies of records, payable prior to the making any such copies, provided that such fees shall not exceed the actual cost of document search and duplication. (See Sections 610.010 to 610.030, RSMo)

##### **Rule 93 - Legal Contingency Fund**

1. There is authorized a legal contingency fund in the sum of twenty-five thousand dollars (\$25,000), which said fund is assigned to and will be under the control of the Counsel for the Board of Aldermen. The Personnel

Committee of the Board of Aldermen having supervision and responsibility for discharge of Aldermanic Staff duties shall establish a review and monitoring procedure concerning the use and expenditures of any funds drawn against the Contingency Fund by the Counsel for the Board of Aldermen. (Rev. Code, Sec. 3.06.300)

2. The contingency fund shall be used to sustain the cost of litigations authorized to be filed on behalf of the Board of Aldermen and to sustain expenses directly necessary and incidental to the duties of the Counsel for the Board of Aldermen. (Rev. Code, Sec. 3.06.310)

#### **Rule 94 - Postage**

Each Alderman and the President shall be issued the equivalent of two hundred (200) United States Postage stamps of the denomination required to mail a standard business letter per month during each annual session of the Board. By accepting said postage, said members agree that said postage shall be used exclusively in the discharge of their respective Aldermanic duties.

#### **Rule 95 - Oath or Affirmation of Witnesses**

Pursuant to Article IV, Section 8 of the City Charter, the President and Committee Chairmen may administer oaths to witnesses.

Suggested oaths:

**1. Do you solemnly swear that the testimony you are about to give in this cause will be the truth, the whole truth and nothing but the truth so help you God?**

**2. Do you affirm that the testimony you are about to give in this cause will be the truth, the whole truth and nothing but the truth?**

#### **Rule 96 - Seniority**

1. Seniority of the Aldermen with the same service shall be determined by lot following each general Aldermanic election and said result shall be in effect for two years.

2. Assignment of desks in the Chamber, office space, secretarial appointments and similar allocations shall be determined by continuous seniority as follows:

a. The Alderman of the majority party with the greatest seniority shall choose first, followed by the Alderman of the majority party with the next greatest seniority, and so on until all the Aldermen of the majority party have been polled; then

b. the Alderman of the minority party with the greatest seniority shall choose, followed by the other Aldermen of the minority party in the same manner as above; then

c. all remaining Aldermen shall choose starting with the Alderman with the greatest seniority in the same manner as above;

d. provided that once made, assignments or allocations shall stand until there is a vacancy, opening or new employee, as the case may be, and then the members shall be again polled as above to fill only said vacancy, opening or employee assignment.

#### **Rule 97 - Smoking Prohibited, Where**

No person shall smoke in any public or non-public area of any building owned, leased or operated by the City of St. Louis nor in any public or non-public area of any building occupied by the City of St. Louis to the extent of such occupancy. (See Ordinance 65991)

## **Rule 98 - Courtesy Resolutions.**

1. Members having resolutions which are commemorative or honorific in nature may request of the clerk that such resolution be placed on the courtesy resolution calendar. All resolutions placed on the courtesy resolution calendar shall be adopted at one time upon motion by the president unless there is an objection by any member in which case the resolution shall be referred to the resolution calendar to be considered at the same meeting. Resolutions placed on the courtesy calendar shall not be read by the clerk but shall appear in the journal of this board. Nothing in this rule shall require a member to place a resolution on the courtesy resolution calendar.

## **APPENDIX**

### **A. Composition.**

The legislative power of the City of St. Louis, shall subject to the limitations of the Charter, be vested in a Board of Aldermen consisting of a President, elected as such by general ticket from the city at large, and twenty-eight members, one from each ward, to be elected only by the qualified voters of the ward he/she is a candidate to represent, and to be known as Alderman/Alderwoman from the ward from which elected. Provided, that in case of a vacancy, the alderman elected to fill such a vacancy shall be chosen by the qualified voters of the ward from which he/she is elected. (See City Charter, Art. IV, Sec. 1.)

### **B. Wards.**

The city is divided into 28 wards, provided, that following the 1970 decennial census thereafter, corrected ward boundaries shall be established by ordinance which shall comprise as nearly as practicable, compact and contiguous territory within straight lines, and contain as nearly as may be the same number of inhabitants; such ordinance shall be adopted before the end of the calendar year next succeeding the year the census is taken. (See City Charter, Art. I, Sec. 3; For current ward boundaries see Rev. Code, Chap. 2.12.)

### **C. Elections.**

At the general city election in 1915 one Alderman from each odd-numbered ward shall be elected for a term of two years, and at the same election, and every four years thereafter, one Alderman from each even-numbered ward, and a President of the Board of Aldermen, shall be elected, each for a term of four years. At the general city election in 1917, and every four years thereafter, one Alderman from each odd-numbered ward shall be elected, each for a term of four years. (City Charter, Art. II, Sec. 3; See Rev. Code, Sec. 3.06.010.)

### **D. Powers.**

The Board of Aldermen shall have the power by ordinance not inconsistent with Article IV of the Charter to exercise all the powers of the City and provide all means necessary or proper therefor; also to do all things needful within or without the City or state to protect the rights of the City. In addition, the Board

may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence; and with the concurrence of two-thirds of all its members, expel a member for cause, after notice and upon a hearing. It shall have power, and may delegate it to any committee, to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officer or the city marshal to execute its process; and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order. No fine for any one offense under this section shall exceed three hundred dollars nor shall any imprisonment for any one offense exceed ten days; but each day's continuance of any refusal as aforesaid shall be a separate offense. The President or the Chairman of any Committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on any question shall at the desire of any member present be entered thereon. The proceedings of each meeting of said board shall be published within five days in the paper or papers doing the city publishing. (See City Charter Art. IV, Sec. 8 & 23.)

## **E. Subpoenas.**

### **1. Authority of Committees-Service.**

Whenever the Board shall, by Resolution, authorize any of its committees to make investigation of any question or matter on which the board may lawfully take actions, and shall empower the Committee to send for persons and papers, the Committee shall have authority to issue writs of subpoena and subpoena duces tecum. Such writs shall be signed by the President, or, in case of his absence or inability to act, by the Vice-President of the Board of Aldermen, and shall be attested by the Clerk of the Board. Every such writ shall be served and the return thereof made by the Sergeant-at-Arms or the City Marshall to the Chairman of the Committee in like manner and with like effect as such writs issued from the Circuit Court are served and returned by the Sheriff. (See Rev. Code, Sec. 3.06.130.)

### **2. Authority of Committees-Failure to appear-Issuance of writ of attachment-Fine.**

In case any person named in any writ, under the provisions of the above section, and who was personally served therewith, fails to appear before the Committee at the time and place named in the writ, the Committee shall have authority to issue a writ of attachment against the body of such person, to be signed as writs of subpoena are required to be signed and to be executed and return to the Chairman of the Committee by the Sergeant-at-arms or the City Marshall, in like manner and with like effect as such writs of attachment issued by the Circuit Court are executed and returned by the Sheriff. Any person refusing to be arrested or resisting the Sergeant-at-arms or the City Marshal in the case provided for by this section shall be fined by the Board not less than twenty-five dollars nor more than one hundred dollars. (See Rev. Code, Sec. 3.06.140.)

### **3. Authority of Committees-Contempt-Warrant-Penalty.**

In case any person appearing before a Committee in obedience to a writ of subpoena or of subpoena duces tecum or of attachment, refuses or fails to answer any question propounded to him by the Committee, or fails to produce and submit to the examination of the committee any book, record or paper which he is required to produce by a subpoena duces tecum, or is in the presence of the Committee, guilty of contemptuous or disorderly behavior, the Committee shall immediately report the facts to the Board of Aldermen. Upon receiving the report the President, if so directed by the Board, shall issue a warrant signed by himself and directed to the Sergeant-at-arms or City Marshal commanding him to arrest such witness and have his body before the Board at its first meeting held thereafter to answer for contempt.

The Sergeant-at-arms or the City Marshal shall execute the warrant. On hearing of the matter the Board, if it shall adjudge the witness to be in contempt of its authority, may punish him by a fine of not more than three hundred dollars or by imprisonment in the City Jail for not more than 10 days or by both such fine and imprisonment. Any person fined under the provisions of these sections shall, on default of payment thereof, be committed to the City Jail for the term of ten days. (See Rev. Code, Sec. 3.06.150.)

### **4. Authority of the Board.**

In case the Board of Aldermen shall, without the agency of a Committee, conduct an investigation or desire to take evidence on any question or matter in which it may lawfully take action, it shall have authority to issue writs of subpoena, of subpoena duces tecum, and of attachment and warrants of commitment as provided by Sections 3.06.130 to 160 of the Rev. Code of the City of St. Louis 1980, Annotated, in cases of investigation before Committees. Every writ or warrant shall be signed by the President or Vice-President and attested by the Clerk of the Board and be returnable to the President or Vice-President. All penalties provided in said sections of the Rev. Code shall apply and obtain in cases of investigation made under the provisions of this section. (See Rev. Code, Sec. 3.06.160.)

#### **F. Fines and Imprisonment.**

No fine shall exceed five hundred dollars. Any one against whom any fine shall have been assessed, failing to pay the same and costs, shall be committed to the workhouse or other place provided therefor, and to such labor as may be provided by ordinance, until such fine and costs shall be fully paid, at the rate of one day's imprisonment for each three dollars of fine; provided, that no such imprisonment shall exceed one hundred days for any one offense, and provided further, that fines may be paid in installments in such manner as may be provided by ordinance, and provisions may be made by ordinance for the detention, with the view to reform and cure, of habitual drunkards or other habitual delinquents, as may be defined by ordinance, for the indeterminate sentence not exceeding one year. (City Charter, Art. IV, Sec. 24.)

#### **G. Expenditures to be pursuant to ordinance; recommendations required.**

Except as otherwise expressly provided in the Charter, no money shall be expended except in consequence of appropriations made by ordinance, and no improvement involving any expenditure of money shall be ordered except by ordinance. No ordinance making, changing or transferring an appropriation or contemplating or involving the payment of any money shall be adopted unless the Board of Estimate and Apportionment shall have recommended or joined in recommending the same. (City Charter, Art. IV, Sec. 25.)

#### **H. Limitations on powers of Board.**

The Board of Aldermen shall not have power to relieve or exempt any person from the payment of any tax or from any burden imposed by law; nor to authorize the compromise of any disputed contractual demand, or any allowance on account thereof not provided for in the contract, except on recommendation of the Board of Estimate and Apportionment; nor to authorize the payment of any damages claimed for alleged injuries to persons or property, except upon recommendation by the City Counselor; or to appropriate any money for charitable purposes, except such as shall be subject to the administration or supervision of the City; nor to sell, lease or otherwise dispose of the waterworks; nor to sell any of the City's real estate except by ordinance adopted by a vote of two-thirds of all the members; nor to acquire real estate by private purchase except by ordinance recommended by the Board of Public Service. (City Charter, Art. IV, Sec. 26.)

#### **I. Qualifications of Aldermen.**

No person shall become an Alderman except he/she be a voter and at least twenty-five years of age, and shall have been next before his/her election five years a citizen of the United States, three years a resident of the city, two years an assessed taxpayer of the city, and one year a resident of the ward from which elected, nor who shall have been convicted of malfeasance in office, bribery, or other corrupt practice or crime; and if any Alderman shall be so convicted or shall at any time not be a resident of such ward, he/she shall thereby forfeit his office. (See City Charter, Art. IV, Sec. 2.)

The Board of Aldermen shall be the judge of the qualifications of its members, except the President. (See City Charter, Art. IV, Sec. 7.)

#### **J. Qualifications of the President.**

The President of the Board of Aldermen shall have the same qualifications as the Mayor, to wit: No person shall become President unless he be at least thirty years of age, and shall have been, next before his election, both a citizen of the United States and a resident of the city for five years and an assessed taxpayer of the city for two years, nor shall any person be elected to such office if he/she shall have been convicted of malfeasance in office, bribery or other corrupt practice or crime. If the President be so convicted or become a nonresident of the city, he/she shall thereby forfeit his/her office. (See City Charter, Art. IV, Sec. 3 and Art. VII, Sec. 2.)

**K. Resignations.**

Resignation by a member of the Board of Aldermen shall be addressed to the President. (See Rev. Code, Sec. 3.06.040.)

**L. Vacancy in Office, Alderman.**

When a candidacy occurs in the office of ward Alderman, one hundred and eight (180) days or more prior to a city general election, such vacancy shall be filled through special election by the qualifying voters of the ward represented by the vacating Alderman. The individual elected shall serve for the remainder of the unexpired term or until the next general city election, whichever shall occur first, at which time such office shall again be filled according to law. Where such special ward election is required for an abbreviated term it shall be held no sooner than seventy-five (75) days nor later than ninety (90) days after the occurrence of the vacancy and there shall be no primary election preliminary thereto. In such case the Board of Election Commissioners shall accept and process the names of candidates representing the established political parties, as such parties are defined in Section 120.140.2. Missouri Rev. Statutes, 1969, or as amended, which are certified by the respective city central committees of the aforesaid parties, as their chosen respective candidates to stand for election to fill the vacancy. Persons desiring such party certification shall conform to all the requirements of the Rev. Code of the City of St. Louis required for primary nominations, except that the time limitation contained in the aforesaid Rev. Code of the City of St. Louis shall not be observed. The certification herein provided shall be delivered to the Board of Election Commissioners by the aforesaid several city central committees and by said board shall be receipted, not less than thirty (30) days before the date of the special election. Persons desiring to stand for election as non-partisan candidates shall file nomination petitions signed in the aggregate for each candidate by ten percent (10%) of the qualified voters in the respective ward who voted at the next preceding Mayoral general election. The primary and general elections to fill Aldermanic vacancies otherwise than herein provided, shall be subject to all other existing city and state laws pertaining to the provisions for and conduct of elections in the City of St. Louis. (City Charter, Art. IV, Sec. 5.)

**M. Vacancy in office, President.**

1. If temporary:

Whenever a vacancy occurs in the office of the Mayor, the President of the Board of Aldermen shall become Mayor, and shall hold such office until a successor is elected and qualifies. Such election, if for an unexpired term, shall be at the first general city or state election held fifty days or more after such vacancy occurs. While so holding the office of Mayor a temporary vacancy shall exist in the office of the President of the Board of Aldermen. The Vice-President of the Board of Aldermen shall hold the office of President of said Board during any vacancy therein with the right of succession to the office of Mayor. (See City Charter, Art. VII, Sec. 5.)

2. If permanent:

Any vacancy occurring in the office of the President of the Board of Aldermen, otherwise than by expiration of the regular term for which elected, shall be filled for the remainder of the unexpired term if any, at the next general city or state election held not less than sixty days after the vacancy occurs. The election shall be by general ticket from the city at large. (See Rev. Code, Sec. 3.06.050)

3. Whenever a vacancy occurs in the office of President of the Board of Aldermen and the Vice-President thereof is required to act and preside and perform the functions of the President, the acting President shall not thereby lose or vacate his office as Alderman of the ward from which he was elected but shall continue in the dual capacity as ward

alderman and also as acting Board President receiving the single compensation provided for the Presidency. He shall be entitled to but one vote on any matter and shall hold as acting President until the election of a President as provided when the acting President shall resume his ward Alderman authority until the expiration of his term unless the ward alderman be earlier terminated as provided. (See Rev. Code, Sec. 3.06.050.)

**N. Compensation of Aldermen.**

1. Pursuant to the Charter, Aldermen shall have a salary of not less than three thousand dollars (\$3000) per annum. (See City Charter, Art. IV, Sec. 2.)
2. Aldermen elected in 1987 shall receive annually for their service during their term of office the sum of eighteen thousand five hundred dollars (\$18,500). (See Ordinance 60347 which is codified as Sec. 3.06.090, Rev. Code.)
3. Thereafter, increases, if any, in the compensation of the members of the Board of Aldermen shall be based upon a percentage equal to the average of the increases recommended by the Civil Service Commission, in accordance with the City Charter, for executive pay grades 1E, 2E and 3E during the members' term. (See Ordinance 60347; this section is not codified)
4. The salary of an Alderman shall not be changed during a term of office. (See City Charter, Art. VIII, Sec. 7.)

**O. Compensation of the President.**

1. Pursuant to the Charter, the President shall have a salary not less than five thousand dollars (\$5000) per annum. (See City Charter, Art. IV, Sec. 3)
2. Beginning with the term of office of the President starting in 1987, the President shall receive annually for his or her service during the term of said office forty three thousand three hundred sixty eight dollars (\$43,368);
3. Beginning with the term of office of the President starting in 1991, the President shall receive annually for his or her service during the term of said office a salary as provided by Ordinance.(See Rev. Code, Sec. 4.10.170)
4. The salary of the president shall not be changed during a term of office. (See City Charter, Art. VIII, Sec. 7 and Rev. Code, Sec. 4.10.170.)

**P. Expenses.**

1. There shall be appropriated and set aside annually out of general municipal revenue the sum of One Hundred Twenty-One Thousand Eight Hundred Dollars (\$121,800) for the members of the Board of Aldermen to be used for Aldermanic Expenses. Each Alderman and the President shall receive the sum of Forty-two hundred dollars (\$4,200.) The fund shall be used by each Alderman at his/her discretion. Each Alderman shall report to the Clerk of the Board of Aldermen for the use of the fund in the aggregate amounts for each of the following categories:

- a. Civic and Charitable Contributions
- b. Memberships
- c. Miscellaneous Office Expense
- d. Flowers and Gifts
- e. Entertainment, Lobbying and other Business Related Activities
- f. Personal
- g. Automobile and Travel Expense.

2. The Aldermen's obligation to file said report as called for in the preceding Section shall be construed as mandatory, and shall be considered and construed to be a condition precedent to drawing any funds against the future months expense account, whether said following months expense account has been authorized by the

adoption of an approved budget for the City, of which said expense account shall be a part, or whether the expense account is merely proposed and is operating under the City authorizing of a continuing Resolution.

3. Such report shall be kept by the Clerk of the Board of Aldermen and shall be available to the public upon request. The Clerk of the Board of Aldermen shall certify to the Comptroller that the Aldermen have complied with the provisions set forth in this Ordinance. The report shall be filed with the Clerk of the Board of Aldermen on April 16th of each year or the next business day thereafter.

4. These requirements shall become effective on Jan. 1, 1990 and shall apply to the calendar year 1989. (See Ordinance 61090)

## **Q. Required Voting Majorities**

### **1. "A majority of the members present"**

Rule 10 - Excusing Aldermen from attendance at meetings (Charter, Article IV, Section 4)

Rule 14 - Consideration of communication at any time during meetings

Rule 28 - Forming a committee of the whole

Rule 33A - Overruling a decision of the Chair

Rule 40A - Adopting motions

Rule 58 - Discharge of a bill (or resolution) from committee

Rule 79 - Adoption of Annual Rules

### **2. "Two-thirds of the members present"**

Rule 79 - Motion to abolish, alter, amend or suspend rules

### **3. Fifteen votes**

#### **A. "A majority of all members of the Board"**

Rule 48 - Reconsideration of a vote or question

Rule 50 - Adoption of Ordinances (Charter, Art.IV, Sec.16)

Rule 68 - Final passage of bills

Rule 78 - Adoption of Resolutions

#### **B. "A majority vote of all the members of the Board"**

Rule 83 - Annual reappointment of Board employees

#### **C. "Fifteen members"**

Rule 9 - Quorum (Charter, Art.IV, Sec.7."a majority of all the members")

#### **D. "Fifteen votes"**

Rule 83 - Hiring of new Board employee

#### **4. Twenty votes**

##### **A. "Two-thirds of all the members of the Board"**

Rule 40 - Consideration of a question laid on the table

Rule 62 - Consideration of a bill (or Resolution) reported out of committee "DO NOT PASS"

Rule 63 - Consideration of a bill (or Resolution) over the protest of its sponsor on perfection and third reading calendars

Rule 70 - Reconsideration of mayor's veto Charter, Art.IV, Sec.17)

Art.IV,Sec.8, Charter - Expulsion of a Board member(Appendix D)

Art.IV,Sec.26, Charter - Sale of real estate(Appendix H)

Art.VI,Sec. 6, Charter - Amending Ordinance adopted by Initiative.

##### **B. "Two-thirds of all the members of the legislative body"**

Sec.89.060.RSMo -Adoption of zoning changes over formal protests of certain property owners

#### **5. Twenty-two votes - "The governing body by a three-fourths vote of such body"**

Sec.100.570 RSMo - Granting of tax abatement pursuant to Chapter 100.RSMo

#### **R. Compensation, employment, contract and political limitations on members and employees; penalty.**

No member or employee shall receive any additional compensation for serving in any other capacity under the City while in such office or employment; nor hold any office or employment under the State of Missouri or the United States except in the militia or a notary public; nor have a personal interest, directly or indirectly, in a contract with the City; and no member shall be a member of the general City committee of any political party. Any person guilty of any willful violation of the above prohibition in Article VIII, Section 8 of the City Charter shall thereby forfeit his/her office or employment. (See City Charter, Art.VIII, Sec.8.)

#### **S. Cases.**

1. Members of the Board of Aldermen are not city officials under the section 89.110 RSMo. 1994 and therefore do not have standing in their official capacity to file an appeal to the circuit court from a decision of the Board of Adjustment. State ex rel Smith v. Leroy Grant, et al, Cause No. 70211, filed April 8, 1997, Missouri Court of Appeals, Eastern District.

2. Section 115.526 RSMo. 1994 providing for disqualification of candidate applies only to disqualification of candidate before election is held and results are certified. Watss v. Flenoy 938 S.W. 2d 311 (Mo App. E.D. 1997)

3. Settlement agreement between city and employee was not subject to disclosure under Open Meetings and Record Act. Tuft v. City of St. Louis, 936 S.W. 2d 113 (Mo. App. E.D.1996).

4. County had authority to establish commission to investigate possible ethics violations pursuant to county's police power. Barber v. Jackson County Ethics Commission, 935 S.W. 2d 62 (Mo. App. W.D. 1996).

5. Tax increase provided for in education bill did not violate single subject requirement. Akin v. Director of Revenue, 934 S.W. 2d 295 (Mo.banc 1996)
6. Provisions of statute requiring election authority to be notified by particular date for issue to be included on ballot are mandatory, not directory. State ex rel. Referendum Petitioners Committee Regarding Ordinance 4639 v. Lasky, 932 S.W. 2d 392 Mo. Banc 1996
7. Mayor did not relinquish control of bill by returning it to other than specified depository and , thus, mayor retained authority to disapprove bill. State ex rel Clark v. Gray, 931 S. W. 2d 484 Mo. App. E. D. 1996).
8. City civil service commission improperly accepted declared or “paper” residency over nondiscredited evidence of employee’s city residence in determining that employee violated city rule requiring that employees live in city. Perry v. City of St. Louis Civil Service Commission, 924 S.W. 2d 861 (Mo. App. E. D. 1996)
9. The title to an amendatory act that indicates the subject matter of the act amended and the nature and purposes of the amendments is sufficient. City of St. Louis v. United Rys. Co. of St. Louis, 174 S.W. 78, 263 Mo. 387 (1914).
10. The people retain the right to legis- late through the initiative procedure. Pitman v. Drabelle, 183 S.W. 1055, 267 Mo. 78 (1916). (See Item 9.)
11. The board of aldermen or a committee thereof has the power to subpoena the president of a public service corporation. Ex parte Holman, 191 S.W. 1109, 197 Mo. App. 70 (1917).
12. Board of aldermen has power to subpoena witnesses and to fix license taxes for gas companies. Ex parte Holman, 191 S.W. 1112, 197 Mo. App. 70 (1917).
13. Aldermen's salaries were governed by the new 1914 Charter which superseded the old charter. State v. Player, 218 S.W. 859, 280 Mo.496 (1920).
14. An ordinance is only invalidated as to the part that was not clearly expressed in the title. City of St. Louis v. Breuer, 223 S.W. 108 (1920).
15. An ordinance passed for the purposes of condemnation does not necessarily involve the payment of money. City of St. Louis v. Breuer, 223 S.W. 108 (1920).
16. The city may appropriate bonds instead of money for public improvements. Jennings v. Kinsey, 271 S.W. 786, 308 Mo. 265 (1925).
17. The people retain the right to legislate through the initiative procedure. State v. Miller, 285 S.W. 504, 315 Mo. 41 (1926). (See Item 2.)
18. St. Louis Charter, Art.4, Sec. 1 and 23, vesting legislative power in the board of aldermen does not deny or limit the power of voters under Art. 5, Sec. 1 of the charter. State v. Miller, 285 S.W. 504, 315 Mo. 41 (1926).
20. Ordinance fixing salaries of class of employees was not an appropriation ordinance. State v. Miller, 285 S.W. 504, 315 Mo. 41 (1926). (See Item 29.)
21. A returned bill becomes law even though the date of its approval by the mayor is erroneous or absent. Ex parte Corvey, 287 S.W. 879, 220 Mo. App.602 (1926).
22. Whether or not a legislative measure is an emergency measure is ultimately a court question. State v. City of St. Louis, 5 S.W. 2d 1080, 319 Mo. 497 (1928).

23. The people's power to amend the charter does not preclude amendments by the board of aldermen. State v. City of St. Louis, 5 S.W. 2d 1080, 319 Mo. 497 (1928).
24. If only one paper is doing the city publication, publication of ordinances in more than one paper is not required. State v. City of St. Louis, 5 S.W. 2d 1080, 319 Mo. 497 (1928).
25. The state constitution and statutes are broad enough to permit aldermen to be elected only by members of their wards. State v. Waechter, 80 S.W. 2d 672, 336 Mo. 509 (1935).
26. An ordinance that provides for the vacation of a small portion of a street and the widening of the street covered one subject. City of St. Louis v. Senter Commission Co., 84 S.W. 2d 133, 336 Mo. 1209 (1935).
27. The restriction that the board of public service must recommend a public improvement applies to proposals under the initiative as well as ordinances proposed by the board of aldermen. Baum v. City of St. Louis, 123 S.W. 2d 48, 343 Mo. 738 (1938).
28. Any doubt about the validity of the title is usually resolved in favor of validity. Ploch v. City of St. Louis, 138 S.W. 2d 1020, 345 Mo. 1069 (1940).
29. The establishment of a commission to administer an ordinance prohibiting solicitation of charitable funds was not an invalid delegation of legislative power. Ex parte Williams, 139 S.W. 2d 485, 345 Mo. 1121 (1940).
30. The requirements as to titles for ordinances have no effect on legislative proposals for charter amendments. State v. Kirby, 163 S.W. 2d 990, 349 Mo. 988 (1942).
31. Compensation for city employees may not be fixed by the board of aldermen without the recommendation of the civil service commission. Kirby v. Nolte, 173 S.W. 2d 391 (1943).
32. When the president of the board of aldermen becomes mayor, the office of the president is temporarily vacant and the provisions of the charter for filling a vacancy do not apply. State v. Barrett, 180 S.W. 2d 730, 352 Mo. 1076 (1944).
33. Where president of board of aldermen vacated his office temporarily while serving as mayor, charter provision requiring election to fill vacancy on the board was not applicable. State v. Barrett, 180 S.W. 2d 730 (1944).
34. When the vice-president fills the office of president which was left vacant, the vice-president becomes president. State v. Nolte, 180 S.W. 2d 740, 352 Mo. 1069 (1944).
35. Vice president of board of aldermen who filled temporary vacancy of office of the president was entitled to salary of office of president. State v. Nolte, 180 S.W. 2d 740, 352 Mo. 1069 (1944).
36. The salary of the office of president belongs to the person who holds that office. State v. Nolte, 180 S.W. 2d 740, 352 Mo. 1069 (1944).
37. The title of an ordinance specifying code provisions that were being revised and that the same subject matter was being covered was valid. City of St. Louis v. Bouckaert, 185 S.W. 2d 886 (1945).
38. Ordinance fixing salaries of class of employees was not an appropriation ordinance. State v. City of St. Louis, 204 S.W. 2d 234, 356 Mo. 820 (1947). (See Item 11.)
39. The board of aldermen does not have the authority to pass an irrevocable ordinance setting bridge tolls. City of St. Louis v. Cavanaugh, 207 S.W. 2d 449, 357 Mo. 204 (1948).
40. The defense of invalidity of an ordinance under Article IV, Section 13 of the Charter is deemed waived unless it is raised at the first opportunity. City of St. Louis v. Langeneckert, 210 S.W. 2d 736 (1948).

41. Neither stating nor failing to state the location of public improvements in the title violates Article IV, Section 13 of the Charter. Kirkwood v. City of St. Louis, 351 S.W. 2d 781 (1961).
42. The circuit court is not precluded from determining the qualifications of a member of the board of aldermen by writ of quo warranto. State v. Harris, 363 S.W. 2d 580 (1962).
43. An alderman of the city is not immune from judicial inquiry by quo warranto into his qualifications for office. State v. Harris, 363 S.W. 2d 580 (1962).
44. For the purposes of Art. IV, Sec.2. of the charter, an alderman's residence is where his home (domicile) is located. The residence requirement is mandatory. State v. Mueller, 388 S.W. 2d 53 (1965).
45. Alderman held not a resident of the ward from which he was elected and he thereby forfeited his office. State v. Mueller, 388 S.W. 2d 53 (1965).
46. When the title does not descend into particulars the failure to state details included in the ordinance is not fatal. 508 Chestnut, Inc. v. City of St. Louis, 389 S.W. 2d 823 (1965).
47. The purpose of Article IV, Section 13 of the charter is to provide for an honest title and prevent deception. 508 Chestnut, Inc. v. City of St. Louis, 389 S.W. 2d 823 (1965).
48. Establishment of convention and tourism bureau was not inherently inconsistent with charter requirements relating to appropriations. Ruggeri v. City of St. Louis, 441 S.W. 2d 361 (1969).
49. Seemingly separate subjects may be separate facets of a prime subject. Ruggeri v. City of St. Louis, 441 S.W. 2d 361 (1969).
50. It is a denial of equal protection to limit punishment to payment of a fine for those who are able to pay it but to convert the fine to imprisonment for those who are unable to pay it. Tate v. Short, 401 U.S. 395, 91 S. Ct. 668, 28 L.Ed. 2d 130 (1971).
51. St. Louis must provide indigent defendants an opportunity to pay fines in reasonable installments. Hendrix v. Lark, 482 S.W. 2d 427 (1972).
52. A person who is unable to pay fines despite a good faith effort cannot be incarcerated. Hendrix v. Lark, 482 S.W. 2d 427 (1972).
53. Requirements as to form of ordinances are directory and not mandatory. St. Louis Terminals v. City of St. Louis, 535 S.W. 2d 593 (1976).
54. Requirement of ordaining clause is directory and not mandatory, and omission will not invalidate ordinance. St. Louis Terminals v. City of St. Louis, 535 S.W. 2d 593 (1976).
55. Dual employment with city and city board of education violates Art. VIII, Sec.8 of the charter. Hughes v. Civil Service Commission of City of St. Louis, 537 S.W. 2d 814 (1976).
56. A requirement that a candidate for alderman be a resident of the city for three years prior to the election is a valid residency requirement. State ex rel. Campbell v. Svetanics, 548 S.W. 2d 293 (1977).
57. A one-year residency requirement for city aldermen was reasonable and valid. Brandenberg v. McClellan, 427 F. Supp. 943 (1977).

58. Lease agreement executed by city officials without authorization by city did not constitute a legal obligation of the city. Vigran v. Poelker, 433 F. Supp. 168 (1977).
59. An indigent defendant may not be incarcerated for non-payment of fine. Spencer v. Basinger, 562 S.W. 2d 350 (1978).
60. Hearing should be held to determine defendant's ability to pay before he may be confined for failure to pay fines. Spencer v. Basinger, 562 S.W. 2d 350 (1978).
61. When initiative proposal for charter amendment had signatures representing 10% but less than 15% of the registered voters at the last mayoralty election, the board of aldermen were required to place it on the ballot at the next general election even though no general election was scheduled between 30 and 90 days after certification of rejection by the board of aldermen. State ex rel. Blackwell v. Travers, 600 S.W. 2d 110 (1980).
62. City alderman had no judicially protectible interest in a determination of constitutionality of city tax abatement ordinance. Sommer v. City of St. Louis, 631 S.W. 2d 676 (1982).
63. The term "all the members" as used in the charter refers to the full authorized membership of the board of aldermen, not the actual membership of the board at the time a vote is taken. Braddy v. Zych, 702 S.W. 2d 491 (Mo. App.1985).
64. An abstention is not a favorable vote. Braddy v. Zych, 702 S.W. 2d 491 (Mo. App.1985).
65. The refusal to consider a bill does not amount to a rejection of a bill or prevent its being brought before the Board again; no bill can be deemed "dead" until the adjournment of the Board sine die. Marit Clark, et al., v. Thomas Zych, etc., et al., 22nd Judicial Circuit Court, Cause No. 844-00406, Div. No. 3, (1/22/85).
66. The Board of Aldermen or a committee thereof has the power to subpoena bank records notwithstanding the provisions of the Missouri Right to Financial Privacy Act. Gateway National Bank of St. Louis and Gerard Hawkins v. City of St. Louis, 22nd Judicial Circuit Court, Cause No. 904-00086, Div. No. 3, (3/29/90).
67. Section 115.526 RSMo. 1994 providing for disqualification of candidate applies only to disqualification of candidate before election is held and results are certified. Watss v. Flenoy 938 S.W. 2d 311 (Mo App. E.D. 1997)
68. Settlement agreement between city and employee was not subject to disclosure under Open Meetings and Record Act. Tuft v. City of St. Louis, 936 S.W. 2d 113 (Mo. App. E.D.1996).
69. County had authority to establish commission to investigate possible ethics violations pursuant to county's police power. Barber v. Jackson County Ethics Commission, 935 S.W. 2d 62 (Mo. App. W.D. 1996).
70. Tax increase provided for in education bill did not violate single subject requirement. Akin v. Director of Revenue, 934 S.W. 2d 295 (Mo.banc 1996)
71. Provisions of statute requiring election authority to be notified by particular date for issue to be included on ballot are mandatory, not directory. State ex rel. Referendum Petitioners Committee Regarding Ordinance 4639 v. Lasky, 932 S.W. 2d 392 Mo. Banc 1996
72. Mayor did not relinquish control of bill by returning it to other than specified depository and, thus, mayor retained authority to disapprove bill. State ex rel Clark v. Gray, 931 S. W. 2d 484 Mo. App. E. D. 1996).
73. City civil service commission improperly accepted declared or "paper" residency over nondiscredited evidence of employee's city residence in determining that employee violated city rule requiring that employees live in city. Perry v. City of St. Louis Civil Service Commission, 924 S.W. 2d 861 (Mo. App. E. D. 1996)

74. Members of the Board of Aldermen are not city officials under the section 89.110 RSMo. 1994 and therefore do not have standing in their official capacity to file an appeal to the circuit court from a decision of the Board of Adjustment. *State ex rel Smith v. Leroy Grant, et al*, 943 S.W. 2d 319 (Mo. App. E.D. 1997).

75. Mayoral candidate had until polls closed on election day to cure tax arrearage so as to be qualified candidate. *In re Williams*, 943 S.W.2d 244 (Mo. App. E.D. 1997)

76. Appeal from Board of Adjustment reversing Board's refusal to grant variance for truck parking because the finding was not supported by competent and substantial evidence, *AAA Trailer Services, Inc. v. City of St. Louis, et al.*, Cause No. 964-1904, Division 3, Twenty-second Judicial Circuit, July 7, 1997

77. Affirms the city's powers of eminent domain. *City of St. Louis v. Court Square Investors, Ltd.*, Cause No. 972-01142, Division 1, Twenty-Second Judicial Circuit, July 28, 1997.

78. City could enact earnings tax that encompassed contributions to deferred compensation plans. *Lett v. City of St. Louis*, 948 S.W. 2d 614 (E.D. Mo. App. 1996)

79. *State of Missouri ex rel Sharon Tyus v. C. Christopher Lee et al* as the Board of Election Commissioners for the City of St. Louis, Cause No. 974-0260, Division 2. Court denied writ of prohibition seeking to prohibit the holding of a recall election due to lack of sufficient evidence that her right to due process was violated.

**T. Financial disclosure reports; conflicts of interest; substantial interests defined.**

It is the public policy of the Board of Aldermen that proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

**1. Conflicts of Interest.**

a. All members must comply with Rule 43 and 105.454 RSMo on conflicts of interest, as well as any other state law governing official conduct.

b. Any member who has a "substantial personal or private interest" in any measure, bill, order or ordinance proposed or pending before the Board must disclose that interest and such disclosure shall be recorded in the Journal of the Board of Aldermen. Substantial personal or private interest is defined as ownership by the member, his/her spouse, or his/her dependent children, whether singularly or collectively, directly or indirectly of:

- (1) 10% or more of any business entity; or
- (2) an interest having a value of \$10,000 or more; or
- (3) the receipt of a salary, gratuity, or other compensation or remuneration of \$5,000 or more, per year from any individual, partnership, organization, or association within any calendar year.

**2. Disclosure Reports.** Each member shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. For such member, and all persons within the first degree of consanguinity or affinity of such member, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the City, other than compensation received as a member or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and

b. The date and the identities of the parties to each transaction known to the member with a total value in excess of five hundred dollars, if any, that any business entity in which such member had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment of providing utility service to the City, and other than transfers for no consideration to the City.

**3. Filing of Reports.**

a. No member is required to file more than one financial interest statement in any calendar year;

b. Every member required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any such member may supplement his/her financial interest statement to report additional interests acquired after December 31, of the cover year until the date of filing of the financial interest statement.

c. Financial disclosure reports shall be filed with the Clerk of the Board of Aldermen and with the Secretary of State prior to January, 1, 1993. After January 1, 1993, reports shall be filed with the Clerk of the Board of Aldermen and the Missouri Ethics commission. The reports shall be available for public inspection and copying during normal business hours. (See Ordinance 62391 and Ordinance 70054.)

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