

RESOLUTION NUMBER 62

WHEREAS, recently in the 95th General Assembly, 2nd Regular Session, the Missouri Senate and the Missouri House of Representatives passed HCS/SB 739; and

WHEREAS, currently under Section 320.097 RSMo., upon approval of the Board of Alderman, no employee of a fire department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or had been unaccredited or provisionally accredited in the last five years of such employee's employment.

WHEREAS, under SCS/SB 739, no employee of a fire department who has worked for seven years for shall department shall be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. Employees who have satisfied the seven year requirement and who choose to reside outside the geographical boundaries of the department shall reside within a one hour response time. HCS/SB 739 removes the provision allowing the voters of St. Louis to vote to supersede that statute and removes the provision requiring employees who reside outside the city to forfeit one percent of his or her salary for the time the employee is not living in the city to offset any lost revenue to the city; and

WHEREAS, the Charter of the City of St. Louis was adopted by the vote of the citizens on June 30, 1914. The Charter can only be changed by a vote of the people. Since 1914 various parts of the Charter have been changed. The Charter is the plan for the government of the city; and

WHEREAS, Article VIII, Section 2 of the Charter of the City of St. Louis states, "In addition to other qualifications required by this charter, except as provided herein below, all officers and employees (in non-temporary, full-time positions) must reside in the City of St. Louis on or before 120 days have elapsed after appointment or, if the officer or employee serves in a working test period as provided by Civil Service Rule, then 120 days after the end of an initial working test period, not to exceed one year, and all employees and officers must maintain residence within the City of St. Louis during the entire tenure of their employment or of their appointment as an officer after said 120-day period and failing or ceasing so to reside, shall forfeit their office or employment"; and

WHEREAS, Article VIII, Section 2 of the Charter was created and later amended by a vote of the citizens of the City of St. Louis not by the Missouri General Assembly. The state legislature clearly does not have the power to waive the residency requirement of the Charter as to any city employees, that power clearly lies with the citizens of the City of St. Louis under the Charter; and

WHEREAS, all city employees are governed by the St. Louis City Charter; and

WHEREAS, the Missouri General Assembly has usurped the will and the rights of the citizens of the City of St. Louis as granted by the Charter of the City of St. Louis on a purely local matter; and

WHEREAS, at a time when the State of the Missouri and City of St. Louis are in a financial crisis, this pending legislation could be an additional burden on both state and local governments with unnecessary litigation.

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of St. Louis that we strongly urge Governor Jay Nixon to veto HCS/SB 739 because the General Assembly does not have authority to enact legislation which supersedes the provisions of the Charter with respect to the residency of St. Louis City firefighters.

Introduced on the 7th day of May, 2010 by:

Honorable Jeffrey L. Boyd, Alderman 22nd Ward

Adopted this the 7th day of May, 2010 as attested by:

David W. Sweeney
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen