

Note: This is a paraphrased extract from the County Charter. For a more detailed description of what the County Council does or how ordinances are passed read the actual Charter online at: <http://www.municode.com/resources/gateway.asp?pid=11512&sid=25>

See **Section 2.080** to find out How Ordinances are Passed.

See **Section 2.180** to read about What the Council Does.

Article II

COUNTY COUNCIL

Section 2.010.

The county's legislative power lies with the county council.

Section 2.020.

There will be 7 members on the council.

Each member must be a qualified voter and resident of his district for at least one year prior to his/her nomination and must continue living in the district throughout his/her term unless otherwise stated by the charter.

Each member must have lived in the county for at least 2 years before his/her election.

Section 2.030.

The districts each council member is elected have already been established by law.

Section 2.035.

- Within thirty days before June 1, 1981, and within thirty days before June 1 every ten years afterwards and sixty days after a reapportionment has been legally invalidated, the central committee of St. Louis County of the two parties casting the highest vote for governor at the last election, at a meeting, shall nominate by a majority vote of all Committee members two party members from each council district as nominees for reapportionment commissioners.
- The nominees must be registered voters in the council district he/she has been nominated from and can not hold other public office or employment
- Committees must submit in writing to the county executive, the final list of nominees

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- Within thirty days after the submission of the final list, the county executive shall appoint a commission consisting of one person from each district from each list to divide the county into the number of council districts established by this charter
- If any party committee fails to certify a list within the time provided, the county executive will appoint a member of his own choice from each council district from the political party of the committee that failed to make the nomination
- Vacancies in the commission shall be filled by the county executive from the same political party and the same district as the previous members.
- The commission shall reapportion the council districts by dividing the population of the county by the number of council districts established by this charter so that the population of each district is as equal as possible
- A final statement of the numbers and boundaries of the districts together with a map of the districts must be filed by the commission with the county clerk and with the office or officer conducting elections in the county.
 - This must happen no later than six months after the population of St. Louis County is reported to the president of the United states after each ten year census or six months after the appointment of the commission by the county executive – whichever is later
 - The final statement must receive the affirmative vote of a majority plus one of all the members.
 - At the next general election held at least nine months after the statement is filed and at each successive general election, council-members shall be elected according to the set districts until another reapportionment occurs
 - No reapportionment shall shorten the term of any councilman

Section 2.040.

Members of the council will be elected by voters from their respective districts for a 4-year term that will begin on January 1st following their election.

Elections for even numbered districts will happen every four years beginning in 1980.

Elections for even numbered districts will happen every four years beginning in 1982.

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Section 2.050.

At the first council meeting every calendar year, a chairman and vice-chairman are selected from among the 7 members; the term lasts one year.

Section 2.060.

The council will hold regular meetings that can be fixed by passing an ordinance.

There must be at least 48 regular meetings each calendar year; all of which must be held at the seat of government and must be open to the public.

Section 2.070.

The council sets its own rules and agenda and must keep a journal of its proceedings.

The council sets the qualifications of its members.

A majority of the council members make up a quorum and fewer than a quorum at any meeting may be reason to postpone proceedings in a way and with penalties that the council can set through an ordinance.

Section 2.080.

- Ordinances and resolutions may be introduced by one or several members of the council or by the council as a whole in written or printed form.
- A majority vote is needed to pass any ordinance or resolution unless stated in the charter.
- The first clause of all ordinances passed by the council must be, "Be it ordained by the County Council of St. Louis County, Missouri."
- On the final passage of any ordinance or resolution, the yeas and nays are recorded, by name, on the journal. Yeas and nays are also recorded at the request of any council member for any other question.
- All ordinances, resolutions, orders, and proceedings are public records and kept in bound form available for the public to examine.

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Section 2.090.

No ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length.

No section or sections of any ordinance will be amended unless the whole ordinance is set forth as amended.

Section 2.100.

- All ordinances will be read either by title or in entirety at least once in an open council session.
- A final vote will not be taken on an ordinance prior to fourteen days from when the ordinance was first introduced, unless all members consent.
- An ordinance which has been introduced may be amended prior to its final passage as long as the amendment is consistent with the original purpose of the introduced ordinance.

Section 2.110.

- Ordinances passed by the council must be presented to the county executive within five days of passage. The county executive will return the ordinances to the council endorsed with approval or accompanied by objections.
- When an ordinance has been approved by the county executive, it can then be enforced.
- Ordinances returned with objections may be reconsidered by the council. The objections will be entered into the council's journal. The council, at its convenience, must then consider the question pending in this form: "Shall the ordinance pass, the objections of the County Executive thereto notwithstanding?" A vote of yeas and nays are taken by the council and if two-thirds of the council vote yeas, the ordinance shall be enacted. The ordinance can also be enacted if the county executive fails to return the ordinance within fifteen days.

Section 2.120.

Unless otherwise stated in the charter, all ordinances go into effect fifteen days after the date of enactment or passage, unless a later date is fixed.

Ordinances relating to the following subjects will take effect immediately upon enactment:

- 1) Calling an election or submitting a proposal to the people

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- 2) Appropriations that support the county government and the payment of principal and interest on the county's debts
- 3) Borrowing funds in anticipation of taxes; directing the issuance of bonds previously authorized at an election
- 4) Fixing tax rates
- 5) Amendments to the zoning ordinance

Section 2.130.

The council may adopt emergency ordinances to meet a public emergency that affects the immediate maintenance of public peace, health, safety and welfare.

An emergency ordinance is introduced the same way as a general ordinance except it is designated as an emergency ordinance and will have in the body of the ordinance a declaration that an emergency exists with clear and specific facts that support the declaration.

If two-thirds of the council members vote in favor of the ordinance, it shall be immediately enacted and if only a majority vote in favor, it shall take effect after fifteen days of its enactment.

Section 2.140.

1.

- Each member of the council receives an annual salary of eleven thousand dollars, payable monthly.
- The salary amount can be changed by ordinance adopted by the council with at least five votes for the change. If the county executive returns the ordinance with objections, the council may reconsider the objections and at least six members must vote in the affirmative for the ordinance to be enacted.
- The salary must be fixed at least ten months before the election of the council and can not be changed during any term in office. No such salary change shall become effective prior to January 1, 1983 nor prior to two years after the effective date of the previous salary change.
- The chairman receives an additional salary equaling twenty-five percent of the salary of a council member.

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- The county executive will make provisions in the current annual expense budget required to finance the salaries provided for in this section or an ordinance enacted relating to this section.

2. Council members shall not receive an expense allowance and will be reimbursed for lawful expenses, defined by ordinance, incurred while performing their duties required by law and this charter. These expenses must be accounted for through invoices, receipts or other evidence explaining the purpose of the expenses.

3. Subsections 1 and 2 of Section 2.140 will go into effect on January 1, 1981 for Council Districts 2,4, and 6 and January 1, 1983 for Council Districts 1, 3, 5, and 7.

4. If any council member is absent from more than four consecutive regular council meetings, unless excused by a council resolution, the member will give up his office.

Section 2.150.

- Vacancies in the council will be filled at the next general or special election called in accordance with statute.
- Nominations for election to fill a vacancy shall be made in accordance with statute by the committee men and women of each of the two parties casting the highest vote for governor in the last election whose townships lie in whole or in part within the council district where the vacancy exists.
- Any person nominated or elected must have the same qualifications set out in the charter for office.
- Once the election results have been certified, the winner of the election shall take office immediately and hold office for the remainder of the term.

Section 2.160.

Any council member who moves out of the district he was elected or appointed from, will give up his office unless the new residence is in a reapportioned area with the same district number that he was voted into council.

Section 2.170.

- Council members may not hold any other office or employment under the United States, State of Missouri, or any municipality or political subdivision.
- When any member accepts any such office, he will give up his position as council member.

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- This section does not apply to members of the organized militia, of the military reserve corps and notaries public.

Section 2.180.

The council, has the authority to do the following, by ordinance, as long as it conforms with the Missouri constitution and does not limit any general powers this charter has given the council:

1. Limit the number of deputies, assistants and employees in each office, department, board and commission;

set the compensation of members of boards and commissions and of all county officers and employees not under the merit system, whether or not this charter fixes any such compensation, except that the compensation of elective officers shall be fixed at least ten months prior to the election of such officers and shall not be increased or diminished during their term of office; establish a basic monthly pay plan, including monthly flat rates for full time and part time personnel and session rates, for employees under the merit system;
2. Appropriate money for the payment of debts and expenses of the county for any public purpose; adopt an annual budget in accordance with the terms of this charter;
3. Assess, levy, equalize, remit, and collect all taxes now or when authorized by the constitution or by law and set up a method or system to facilitate the assessment, calculation, extension and collection of taxes including the design of books and forms and the purchase and installation of necessary mechanical devices;
4. Establish and collect fees for licenses, permits, inspections and services performed by county officers and employees; require all fees to be accounted for and paid into the county treasury;
5. License, tax, and regulate all businesses, occupations, professions, vocations, activities, or things set out by the constitution or by statute now and whenever applicable to St. Louis County, charter counties, or first class counties;
6. Borrow money in anticipation of the collection of taxes and revenue for the current calendar year; the borrowed amount cannot be more than ninety percent of the estimated collectible taxes and revenues for the calendar year, yet to be collected

Determine the amount and terms of the loans, and authorize the county executive to execute and issue warrants to the lenders for all money borrowed, as evidence of the loans and the terms under which the county will repay the loans

Before these warrants are delivered to the lenders, the warrants must be registered in the county treasurer's office, in the treasurer's books, stating the date, amount, serial number, in

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whose favor the loan is drawn, who presented it, and the date presented to the treasurer for registration

All warrants issued and registered for these loans will have preference and priority in payment from the date of their registration by the treasurer over all subsequently issued warrants and over all prior issued and unregistered warrants;

7.

- Acquire in the name of the county by condemnation, purchase, gift, donation or otherwise, real and personal property, in fee simple title, or any estate or interest;
- Exercise all the rights and powers of eminent domain and, upon condemnation and payment, cause the fee simple title of the property to remain in the county;
- Acquire by eminent domain such property or rights in property, together with any grants and privileges in excess of that actually to be occupied by the public improvement, or used in connection therewith, as may be reasonably necessary to effectuate the purpose intended and cause the fee simple title to such property or the control of the use thereof to be vested in the county;

8. Rent or lease county properties and rent or lease other property for county use;

9. Dispose of any real property owned by the county, including, but not limited to, property acquired by condemnation as excess property, to the highest and best bidder by open and public competition unless made to a former or abutting owner or to the United States or any of its agencies or to the State of Missouri or any of its political subdivisions or municipalities; and authorize county officers to dispose of personal property upon terms advantageous to the county;

10. Take and hold property in trust and provide for the administration of the property;

11. Collect and dispose of sewage, offal, ashes, garbage and refuse, or license and regulate such collection and disposal, and impose a charge for such service;

11a.

- Provide for the disposal of any liquid, solid, semi-solid, or gaseous waste, or combination of these, including but not limited to, sewage, garbage, refuse, hazardous and toxic substances;

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- License and regulate such disposal including discharge, deposit, injection, dumping, spilling, leaking or placing of any such waste or special waste into or on any land or water, or discharged into the air, or which may enter the environment;
 - Provide for a manifest (list/invoice/evidence) identifying quantity, origin, routing and destination of hazardous, toxic and special waste during its transportation from the point of generation to the point of disposal, treatment or storage, according to applicable law or regulations.
 - No municipal ordinance on this subject shall be enforceable unless conforms to county ordinances. The expenses of regulation and licensing under this section shall be defrayed by fees from the licenses prescribed under this section and to the extent that these license fees are not sufficient to fund the regulation and licensing, the difference shall be financed by county general revenue funds or grants from the State of Missouri or the United States Government.
12. Call elections so voters can decide on propositions for issuing county bonds that are building debt. The bonds will provide funds authorized by the constitution and by law. The council can call elections for any lawful purpose and can establish election procedures consistent with applicable law;
13. Create, organize, consolidate, and abolish departments, divisions, bureaus, commissions, boards, offices and employments; transfer duties and roles from one department to another – all this can be done only by recommendation from the county executive. If the above deals any judicial department, approval of the majority of the county’s circuit judges is necessary.
14. Exercise all powers and duties given by the constitution, law, and this charter to the counties, county courts, county governing bodies and county officers; the council may also determine and provide for any matter of county government not stated here;
15. Acquire, establish, construct, equip, improve, extend, repair, maintain, manage, and operate public hospitals, sanitariums, health centers, institutions and clinics;
- no patient entitled to admission and treatment in any institution will be denied the facilities because he can not pay for the services;
16. Acquire, establish and provide for the planning, development, construction, maintenance and operation of a system of parks, parkways, recreation, conservation, forest, scenic and historic sites and facilities and establish a reasonable fee to use those facilities;

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17. Establish, open, locate, relocate, and vacate public easements, rights of way, streets, alleys, public roads, highways and bridges; construct, reconstruct, maintain and repair county highways, streets, roads, sidewalks, bridges and culverts
18. Provide for the location, relocation and establishment of county highways and bridges into and through county and other public parks, areas, reservations and institutions, and provide for connecting such highways with the county highway system; and construct and maintain these highways and bridges;
19. Adopt codes, standards, or regulations prepared by a national or state organization, trade or association or any of its agencies relating to traffic, building, planning, electrical installations, fire prevention, food products, air and water pollution, and anything else the county has power to regulate;

a copy of any code, standard or regulation that is adopted and in use must be kept by the county clerk's office and be open to public inspection;
20. Work with any city, county, state, or US political subdivisions or agency, by contract, to plan, develop, construct, acquire or operate any public improvement project, facility, or common service;

Accept gifts and grants-in-aid from any of the above political subdivisions or agency, in the name of the county;
21. State the terms under which the county will perform any services and functions of any municipality or political subdivision in the county, except for school districts; this occurs after a vote has taken place in those municipalities or subdivision agreeing on the services and functions; acceptance of the services and functions make be revoked by another vote;

Cooperate and contract with the municipalities and subdivisions in the county as authorized by this charter and law;
22. Provide unincorporated areas in the county with any services of any municipality or political subdivision, except school districts;
23. Exercise legislative power over the unincorporated areas in St. Louis County, pertaining to public health, police and traffic, building construction, planning and zoning, and on other subjects authorized by the constitution or by law;
24. Allow districts to be created in the unincorporated areas in the county so that services such as the following are provided: police protection, fire protection, public water supply, streets, sidewalks, street lighting, sewers, sewage disposal facilities, garbage and refuse collection and disposal, and other related facilities that the majority of voters approve;

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these services in those districts are paid for from funds raised by special assessment, general taxation or service charge, or any combination of those;

when authorized by law, provide for the consolidation of such functions with those now performed in existing districts;

25. Grant franchises or permits in the name of the county for periods not longer than twenty years;
26. Make rules and regulations necessary to establish, carry out, and enforce the provisions of this charter and ordinances by assigning penalties not to exceed, for any one offense, a fine of a thousand dollars or imprisonment in the county jail for no more than one year or both a fine and imprisonment;
27. Provide for and require the building and repairing of any road, street, highway or sidewalk in the unincorporated county areas;

the cost of the building and repairs will be collected as a special assessment on all lots or pieces of ground abutting on such improvements in proportion to the front foot thereof (of ground adjoining the improvements);
28. Establish procedures the council or its committees need in order to conduct investigations necessary for any subject the council can legally take action on;

this includes the power to issue subpoenas for witnesses and subpoenas duces tecum for books, records and documents; provide penalties for the failure to answer any subpoena or subpoena duces tecum; provide for the service of these subpoenas or subpoenas duces tecum by any officer charged with the service of process;
29. Establish a county municipal court with the jurisdiction to hear and determine cases involving violations of this charter and county ordinances; the decisions are subject to appeal to a circuit court which will have authorization to accept jurisdiction to hear and determine the appeal;
30. Establish procedures for the purchasing of and contracts for property and services obtained through competitive bids unless otherwise authorized by ordinance;
31. Provide for disaster planning and civil defense as required by law or deemed appropriate for the county;
32. Establish and provide for the financial support of programs providing legal aid or services in both civil and criminal matters to county residents in need of the program, unable to pay for the services
33. Provide for a county plan for the physical development of the county

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- The plan will create policy regarding the physical development of the county including recommendations for
 - The best way to use the county’s land for residential, recreation, agricultural, commercial, industrial and other purposes
 - The most desirable density of population throughout the county
 - A system of thoroughfares, highways, streets, and other public ways
 - Airports, parks, playgrounds, and other public open spaces
 - The general location, relocation and improvement of public buildings
 - The general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit and other purposes
 - Other matters benefitting the county
 - The plan must contain objectives, standards, and principles that it will embody
 - The plan will be based on studies of physical, social, economic and governmental conditions and trends and shall be designed to assure the coordinated development of the county and to promote the general welfare and prosperity of its people.
 - Once the plan is approved by the county council, it will be printed and made available upon request, for a cost, by the county council.
 - The planning commission shall periodically review the plan to ensure it is upholding the existing goals and policies of St. Louis County.
 - The review shall occur 12 months after the adoption of this charter and at least once every five years after that
34. Establish a pension and retirement plan, including death benefits, for employees of the county and the spouses and minor children of deceased employees;
35. Make all provisions necessary to execute the council’s power directly, or through county officers and employees;

Provide what is needed for the transition from the present charter to this charter

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Section 2.190.

1. In addition to all other powers and duties the charter provides the council, the council also has power, by order or resolution, to do the following:

(1) Correct errors in assessment records and tax records and compromise taxes as provided by law;

(2) Subpoena witnesses and order the production of books and papers relating to any subject matter within its jurisdiction. The council may call the appropriate officer to execute its process and to arrest any person refusing to obey a subpoena or order. Each day a person refuses to obey a subpoena or order is a separate offense

(3) Exercise and perform all powers of a non-legislative nature it may have and all other duties it may need or be required to perform by the constitution, laws and this charter.

2. The council shall provide for an independent annual audit of accounts of the county, its officers, and employees. More frequent audits may be conducted if the council thinks it is necessary. These audits must be made by a certified public accountant or accounting firm who has no personal interest in the fiscal affairs of the county government or any of its officers. The council may, without requiring competitive bids, designate an accountant or firm annually or for a period not to exceed three years.

AUDITOR

Section 2.200.

The council will appoint a county auditor. The auditor must have at least five years of accounting experience and have further qualifications as deemed necessary in an ordinance. His/her term shall be four years beginning on January 1 of each year following the election of the county executive. The auditor may be removed from office by a two-thirds vote from the council for incompetence, neglect of duty or misconduct in office.

Section 2.210.

The auditor will be the county's auditing officer. He/she will manage his/her offices and appoint employees under a merit system.

The auditor has the power to:

1. Periodically review the county's accounting system and recommend changes to the council he/she thinks is necessary for greater economy and efficiency in the management of public funds;

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2. Audit the accounts and records of accountable officers and employees of the county while regarding generally accepted auditing principles, including consideration of the effectiveness of the auditing system, internal audit and control and related administrative practices in all county offices;
3. Investigate all matters relating to the receipt, disbursement, and application of public funds;
4. Make other investigations and reports relating to fiscal matters directed by the council;
5. Whenever necessary for investigation, examine parties, witnesses, and others on oath or affirmation involved with any aspect of the investigation

Section 2.220.

All county officers and employees will provide the auditor with information and records regarding powers, duties, activities, organization, property, financial transactions, and methods of business in their respective offices and employments as the auditor may periodically require from them.

ADMINISTRATIVE DIRECTOR

Section 2.230.

The council shall appoint an administrative director, who

- provides the council with administrative services necessary for the council to perform its functions
- supervises the activities of assistants and employees the council appoints as its executive staff
- be responsible for the performance of all duties required by law to be performed by a county clerk or clerk of the county court, not stated by this charter or by ordinance

Section 2.240.

The administrative director shall appoint a county clerk and any additional assistants, deputies and employees for the county clerk. The appointments may be authorized by ordinance under the merit system.

The county clerk keeps the county seal, attends council meetings, keeps a record of council proceedings and other permanent county records required by law or ordinance and performs other duties an ordinance may require.

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