

The Task Force on Home Rule

Report to the City Council of the City of O'Fallon, Missouri



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Tuesday, December 11, 2007

Title

REPORT OF RESEARCH

conducted by the

Home Rule Task Force

for the

City of O'Fallon, Missouri

With Special Thanks to:

Jim Tresler

And

Pam Smith

For all of the previously done research
prior to the Task Force appointments

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Introduction

On June 28, 2007 the City Council passed resolution 6-28-07 establishing a Task Force to research a Charter form of Government for the City of O'Fallon, Missouri.

The Mayor and City Council appointed 8 resident volunteers to this taskforce to research and contrast the forms of government in the State of Missouri.

The following research questions were posed:

1. Conduct research on the framework provided by the Missouri Constitution for the establishment of a Charter (Home Rule) form of government for the City of O'Fallon.
2. Conduct research on the methods by which the question "*Shall a Commission be chosen to frame a Charter*" and the concurrent vote for members to serve on the *Charter Commission* can be placed as a ballot proposition before the electorate.
3. Conduct research on the deadline for the April 8, 2008 general election by which an Ordinance would need to be passed by the City Council to place the question "*Shall a Commission be chosen to frame a Charter?*" and the concurrent vote for members to serve on the *Charter Commission* before the electorate of the City.
4. Conduct research on the number of petition signatures that would be required (as an alternate to the adoption of an Ordinance) to submit the question to the electorate "*Shall a Commission be chosen to frame a Charter?*" and the concurrent vote for members to serve on the Charter Commission.
5. Conduct research on the petition process required to become a candidate for the Charter Commission. Identify the number of petition signatures that would be required for candidates seeking election to the *Charter Commission*.
6. Conduct research on the duties and responsibilities of elected Charter Commission members.
7. Conduct extensive research and identify the possible benefits" and disadvantages" of becoming a Charter (Home Rule) City versus remaining a statutory Third Class City.
8. Sponsor publicly advertised and televised Town Hall Meetings with presentations to be made by members of the *Home Rule Government Task Force*, the City's Legal Counsel, the St Charles County Election Authority, the Missouri Municipal League, City Staff, etc. on the subjects identified above. Provide open microphone" following the presentations to allow for citizen input and "question and answer" opportunities.
9. The *Home Rule Government Task Force* shall file a report on the research conducted with the City Council by January 1, 2008 or prior to its termination not less than sixty (60) days before the date of any ballot proposition for the purpose of submitting to the electorate the question '*Shall a Commission be chosen to frame a Charter ?*' whichever comes first.

Research Questions

1. Conduct research on the framework provided by the Missouri Constitution for the establishment of a Charter (Home Rule) form of government for the City of O’Fallon.

Article VI Section 19 of the Missouri Constitution provides the framework by which any City over 5,000 in population may frame and adopt a Constitutional Charter for its own Home Rule” governance.

Article VI, Section 19(a) of the Missouri Constitution states that “Any City which adopts or has adopted a Charter for its own government, shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any City, provided such powers are consistent with the Constitution of the State and are not limited or denied either by the Charters so adopted or by Statute. Such a City shall, in addition to its Home Rule powers, have all powers conferred by law.”

Amendments

Article VI, Section 20 of the Missouri Constitution states that “Amendments of any city charter adopted under the foregoing provisions may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative body of the city or by petition of not less than ten percent of the registered qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.”

2. Conduct research on the methods by which the question “*Shall a Commission be chosen to frame a Charter*” and the concurrent vote for members to serve on the Charter Commission can be placed as a ballot proposition before the electorate.

The Missouri Constitution provides three (3) methods by which the question “Shall a Commission be chosen to frame a Charter?” be submitted to the voters:

Method 1: The City Council, by Ordinance, may submit to the voters the question “Shall a Commission be chosen to frame a Charter?” If said Ordinance takes effect more than sixty (60) days before the next general election, the question shall be submitted at said next general election. If the Ordinance takes effect less than sixty (60) days before the next general election, the question shall be submitted at the next general election thereafter.

Method 2: If a petition signed by at least ten percent (10%) of the qualified electors of the City is filed with the City Council, the question “Shall a Commission be chosen to frame a Charter?” shall be submitted at the next general election, unless said petition is certified within sixty (60) days of the next general election, in which case, it shall be submitted at the next general election thereafter. NOTE: The number of electors required to sign said petition is based upon the total number of electors who voted at the City’s last General Election.. NOT the total number of registered qualified electors in the City.

Method 3: If a petition signed by at least twenty percent (20%) of the qualified electors of the City is filed with the City Council, the petition may pray for a Special Election to ask the question ‘Shall a Commission be chosen to frame a Charter?’ The special election shall be held not less than sixty (60) days nor more than ninety (90) days after the filing of the petition. NOTE: The number of electors required to sign said petition is based upon the total number of electors who voted at the City’s last General Election... NOT the total number of registered qualified electors in the City.

In addition to the question ‘Shall a Commission be chosen to frame a Charter?’, the names of the electors of the City who are candidates for the Charter Commission shall be printed on the same ballot without party designation. Candidates for the Charter Commission shall be nominated by petitions signed by not less than two percent (2%) of the qualified electors, and filed with the local election authority at least thirty (30) days prior to the election. NOTE: The number of electors required to sign said petition is based upon the total number of electors who voted at the City’s last General Election. . . NOT the total number of registered qualified electors in the City,

If a majority of the electors voting on the question “Shall a Commission be chosen to frame a Charter?” vote in the affirmative, the thirteen (13) Charter Commission candidates receiving the highest number of votes shall constitute the Charter Commission.

The thirteen (13) member Charter Commission is empowered to draft the Charter to submit to the electorate. All expenses of the Charter Commission are to be paid by the City. On the death, resignation, or inability of any member of the Charter Commission to serve, the remaining members of the Charter Commission shall select the successor.

The Charter (or parts thereof) framed by the Charter Commission shall be submitted to the electors of the City at an election held at a fixed time by the Charter Commission. Said election shall not be less than thirty (30) days subsequent to the completion of the Charter (or parts thereof), nor more than one (1) year from the date of the election of the Charter Commission. If the Charter is approved by the majority of the voters, it shall become the Charter of the City.

It should be noted that County election procedures require that the Charter must be submitted, at minimum, ten (10) Tuesdays prior to the election, prior to 5:00 P.M.. If filing is attempted after this time, a court order and additional expenses would be incurred. This leaves 42 weeks, from the election, for the Charter Commission to perform their duties and present a Charter to the electorate for a vote.

3. Conduct research on the deadline for the April 8, 2008 general election by which an Ordinance would need to be passed by the City Council to place the question “*Shall a Commission be chosen to frame a Charter?*” and the concurrent vote for members to serve on the *Charter Commission* before the electorate of the City.

Election Day	First Day for Filing	Last Day for Filing	Final Certification Date
April 8, 2008	December 18, 2007	January 22, 2008	January 29, 2008

4. Conduct research on the number of petition signatures that would be required (as an alternate to the adoption of an Ordinance) to submit the question to the electorate “*Shall a Commission be chosen to frame a Charter?*” and the concurrent vote for members to serve on the Charter Commission.

Minimum number of petition signatures required to submit the question to the electorate “Shall a commission be chosen to frame a charter?”

A petition signed by at least ten percent (10%) of the number of qualified electors of the City who voted at the last preceding General Election is required to place the Ballot Proposition on the next General Election: (*Article VI, Sect. 19*)

Approximately 3,946 qualified electors voted at the April 2007 General Election. Therefore, a petition signed by approximately 395 qualified electors of the City would be required to submit the question to the electorate at the April 2008 General Election

A petition signed by at least twenty percent (20%) of the number of qualified electors of the City who voted at the last preceding General Election is required to prey for a Special Election to be held not less than sixty (60) days, nor more than ninety (90) days after the filing of the petition to place the Ballot Proposition on said Special Election:

Approximately 3,946 qualified electors voted at the April 2007 General Election. Therefore, a petition signed by approximately 790 qualified electors of the City would be required to submit the question to the electorate at a Special Election.

5. Conduct research on the petition process required to become a candidate for the Charter Commission. Identify the number of petition signatures that would be required for candidates seeking election to the *Charter Commission*.

Minimum number of petition signatures required for a qualified elector of the city to become a candidate for the Charter commission

Qualified electors of the City who wish to be a candidate for the Charter Commission must file a petition signed by not less than two percent (2%) of the number of qualified electors who voted at the next preceding election: (*Article VI, Sect. 19*)

Approximately 3,946 qualified electors voted at the April 2007 General Election. Therefore, a petition signed by approximately 79 qualified electors of the City would be required to become a candidate for the Charter Commission.

1. Completed petitions (example attached) will be presented to the City Clerk on or after December 18, 2007.
2. A “NOTICE OF INTENTION TO RUN FOR ELECTIVE OFFICE” will be filled out along with a \$25.00 filing fee.
3. Each person desiring to be a candidate for election to a Municipal office is reminded that Missouri law provides that:

“No person shall be certified as a candidate for a Municipal Office, nor shall such person’s name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid taxes or municipal user fees on the last day to file a declaration of candidacy for the office.”

4. Petitions will be submitted to the St Charles County Election Board for signature verification.

The earlier that a nominating petition is turned in to the City Clerk, then the sooner it will be reviewed by the Election Authority and the sooner the candidate will learn whether he or she has the requisite number of signatures.

5. The verified petition will be then certified by the City Clerk's office.
6. The method selected for placing names on the ballot will be determined by when the declaration of candidacy is filed, all other requisite forms are completed and the filing fee paid.

The Home Rule Task Force Committee recommends that completed petitions be filed by January 22, 2008. The Missouri Constitution provides that petitions can be filed with the election body or official at least 30 days prior to the election.

As the Commission members will not receive compensation for their service, a current elected office holder is eligible to become a candidate for the Commission. (per statute)

6. Conduct research on the duties and responsibilities of elected Charter Commission members.

The commission shall study the plan of government of the city, compare it with other available plans of government, and determine whether, in its judgment, the government of the city could be strengthened, made more responsive or accountable to the people, or whether its operation could be made more economical or more efficient by amendment of the existing plan or adoption of another plan of government.

The commission will consider the plans of government described in the Missouri Constitution but shall not be limited to such plans in its recommendations for the government of the city and may frame a charter for any plan it deems suitable for the good government of the city; except that the provisions of such charter shall not be valid if inconsistent with the Constitution of this state, or the general laws of the state, insofar as they are applicable to cities governed under this title.

The charter commission shall prepare, adopt, and submit to the voters for approval or rejection a proposed home rule charter for the City of O'Fallon.

The Commission may not submit anything to the voters until a full charter is completed.

The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted. *Article VI, Section 19 of the Missouri Constitution*

Charter Commission Duties and Functions

1. Each member elected as a charter commissioner must take an oath of office as an elected official and file same with the City Clerk prior to the first meeting of the commission.
2. The charter commission is required to have an organizational meeting after the certification of election results if the question is in the affirmative by the voters. The organizational meeting shall consist of seating its members, selecting its officers and establishing rules of procedure.
3. A majority of the members elect constitutes a quorum to transact business. A smaller number may adjourn a meeting of the commission.

4. All business conducted by the charter commission must be conducted at a public meeting in compliance with the Open Meetings Act. Public notice of a time, date and place of the meeting is to be provided in accordance with such Act.
5. The charter commission is required to keep a record of its meetings, as well as any subcommittees. The record of all proceedings is subject to compliance with the Freedom of Information Act. The charter commission elected shall not remain in existence for more than two years after the date the charter commission is elected.
6. If a vacancy occurs in the charter commission, it is filled by the charter commission. The Commission selects the person to fill the vacancy. The new charter commissioner must be a qualified voter from the City of O'Fallon.
7. While the charter commission's main responsibility is drafting the charter, its powers are limited by statute, in that there are mandatory charter provisions, and permissible charter provisions. The charter commission is required to draft a proposed charter to be submitted to the voters within the time frame set out by State Statute. If they have not agreed upon a proposed charter, the charter commission is dissolved. The charter is to be approved by a majority of the members elected to the commission.

7. Conduct extensive research and identify the possible benefits” and disadvantages’ of becoming a Charter (Home Rule) City versus remaining a statutory Third Class City.

7.1 Benefits and advantages for City of O'Fallon's electorate.

- 7.1.1 A home rule charter is the product of citizen committee efforts and expertise. The needs of the electorate are reflective in the proposed charter.
- 7.1.2 A home rule charter broadens the abilities of the city elective officials. A charter can provide a baseline for additional responsibilities and authority. Officials are not limited by third class city Missouri state constitution statutes.
- 7.1.3 O'Fallon city electorate can define the type and style of government.
- 7.1.4 Authority, responsibility, and oversight of city officials' conduct still reside with the electorate.
- 7.1.5 Once the home rule charter is approved by vote, it is the foundation of city government. Once established the charter may be amended. by the process defined in the charter and Missouri Constitution, Article VI, Sect. 20.
- 7.1.6 Form and format of the city government is subject to the style identified in the charter. Powers of various Boards and Commissions may be defined or modified.
- 7.1.7 When a home rule charter commission is approved by the electorate the charter document is defined by a committee (up to 13 citizens) that reflect the composition of the city.

7.1.8 When placed in the Charter, the process for Referendum, Initiative and Recall petitions can be more concisely defined than may be allowed under other forms of government.

7.2 Possible disadvantages for O'Fallon city home rule.

7.2.1 When and if change is desired or required. The identical process that established a charter must be followed in order to incorporate change. All amendments to the Charter must be submitted to and approved by the voters of the City.

7.2.2 Cost and budgeting of Commission difficult to define up front.

Note:

City of Republic, MO, (population 9,000) budgeted \$10,000.00 for their charter commission in 2006. The election was held in April of 2007 and passed. Republic used a city staff attorney for most research and legal findings. The city will use the Sullivan Corporation in 2008 to re-codify all city ordinances at the cost of \$5,000.00. Part of the \$10,000.00 was for their normal election process.

The City of Sikeston, MO, (population 18,000) budgeted \$ 40,000.00 for the charter commission review. They ended up with incidental costs of \$4,000.00 - \$5,000.00 more. Retaining outside counsel was approximately 1/3 to 1/2 of the \$40,000.00.

**Comment from Mr. Gary Markenson of the MML concerning Raytown, MO and their high cost. (\$100,000+) "They should not be considered in our assessment as it was a very political and contentious battle within the commission".*

The City of O'Fallon is currently having all of the current ordinances codified at a cost of approximately \$35,000. Depending on the Charter Commission's product (primarily name changes in the type of government), a re-codification could result in additional expenses of \$5,000 or more for attorney's fees and staffing costs.

8. Sponsor publicly advertised and televised Town Hall Meetings with presentations to be made by members of the *Home Rule Government Task Force*, the City's Legal Counsel, the St Charles County Election Authority, the Missouri Municipal League, City Staff, etc. on the subjects identified above. Provide open microphone" following the presentations to allow for citizen input and "question and answer" opportunities.

8.1 Town Hall Meeting

8.1.1 The Home Rule Task Force has scheduled an open meeting at the Renaud Spirit Center on November 27, 2007. The second open meeting will be held December 4, 2007 at City Hall.

8.1.2 As the process goes forward, with citizen's comments becoming known, the issue of additional Town Hall Meetings will be addressed.

9. The Home Rule Government Task Force shall file a report on the research conducted with the City Council by January 1, 2008 or prior to its termination not less than sixty (60) days before the date of any ballot proposition for the purpose of submitting to the electorate the question ‘*Shall a Commission be chosen to frame a Charter ?*’ whichever comes first.

9.1 The Home Rule Task force presentation to the City Council, Mayor, and Administration is planned for December 13, 2007, at the Council Workshop. The presentation will include their analysis with conclusions, and if asked, their recommendations. The Council would then have the opportunity to have the first reading of the ordinance associated with placing the charter and accompanying commission question before the electorate.

Facts to consider

Home rule status has numerous theoretical and practical advantages. Some of the theoretical advantages are as follows:

1. Government is as close to the citizens as possible, and the city charter is adjusted to local conditions.
2. Municipal officials have greater flexibility in responding to citizen needs for public services without waiting for state legislative authorization.
3. Home rule cities have greater choice over governmental organization and determine the job descriptions and duties of officials and employees.
4. Home rule cities can develop more efficient administration because they are not bound by many state restrictions.
5. Home rule tends to lighten the burden of the General Assembly by reducing the number of bills directly affecting cities.

There are also a number of practical advantages of a home rule city, including the following:

1. Increased flexibility because each home rule city may determine:
 - a) Number of Councilmen and terms of office.
 - b) Ward or at-large elections.
 - c) Number of elective and appointive officials.
 - d) Combination of city officials, such as combining collector, treasurer and auditor.
 - e) Form of government—City Manager, Administrator or Mayor – Council or a combination. Duties of Mayor may be increased or decreased.
 - f) Duties of elected officials may be increased or decreased.
2. Increased powers because a home rule city does not need to rely on the state legislature to grant them powers and authority in areas such as:
 - a) Taxation, perhaps even an earnings tax.
 - b) Business licenses, such as on real estate agents, mobile home parks or rental apartments.
 - c) More flexible procedures for the hiring and dismissing of personnel.
 - d) Provide for initiative, referendum and recall.
 - e) Conduct local elections.
 - f) Establish conditions under which elective offices are vacated, including excessive absenteeism.

- g) Emergency powers, for example, to permit the mayor to declare a curfew during times of natural disaster or riots.
- h) Flexibility in establishing fiscal procedures to conform to local tradition and preference.
- i) Provision for capital improvements budget.
- j) Conditions and terms of granting utility franchises.
- k) The Charter cannot be used to establish escrow requirements which deviate from the state law requirements. The case law finds that charter cities must follow requirements established in the zoning chapter (Chapter 89 RSMO).

In summary, a home rule city has more choice in its governmental organization and likely will develop a more efficient administration because of the absence of state restrictions or inattention to new municipal responsibilities.

Forms of Government in Missouri

The passage of legislation authorizing third and fourth class cities to adopt the mayor-city administrator-council form of government increased the flexibility of the governmental structures available to these classes. Although the statutes do not erect significant barriers to effective municipal management, municipal officials should be aware that the state laws do regulate the forms of government available to their municipalities.

TABLE 1

<u>Class</u>	<u>Form of Government</u>
Village	Board of Trustees
Fourth	Mayor-Board of Aldermen
	Mayor-City Administrator-Aldermen
Third	Mayor-Council
	Mayor-City Administrator-Council
	Council-Manager
	Commission
Constitutional Charter	To be decided by the people
Legislative Charter	As set forth in the individual legislative charter

“Any city which adopts or had adopted a charter for its own government, shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by the Charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.”

TABLE 2

Forms of Government in Missouri Municipalities

Mayor-Council 750* (approx.)
 Mayor-Administrator-Council 150
 Council-Manager 39
 Commission 2

*Includes villages, which have a chairman and board of trustees.

The thirty-nine constitutional charter or home rule cities have selected a wide variety of governmental structures. Although the majority of home rule cities have adopted the council-manager form, others provide for the mayor-council form or the mayor-city administrator-council form. The current trend within the state is the Mayor-Administrator-Council form of municipal management.

Table 3

	All cities	>10 K	>20K	>30	>50 K
Council-Manager	59%	53%	58%	53%	56%
Mayor-Administrative Assistant-Council	3%	3%	0%	0%	0%
Mayor-Board of Aldermen	3%	3%	5%	7%	11%
Mayor-Chief Administrative Officer-Council	3%	3%	5%	0%	0%
Mayor-City Administrator-Council	24%	30%	26%	33%	22%
Mayor-Council	5%	3%	5%	7%	11%
Mayor-Director of Administration-Council	3%	3%	0%	0%	0%

Table 4

	Pop	Wards	Council per ward	At Large	Total Reps	Pop per Ward	Pop per C Member	Type of Government
Springfield	151,000	4	1	4	8	37,750	18,875	Council-Manager
Independence	114,000	4	1	2	6	28,500	19,000	Council-Manager (Mayor is 7th Council person)
Columbia *	92,000	6	1		6	15,333	15,333	Council-Manager (Mayor is 7th Council person)
Lee's Summit	80,338	4	2		8	20,085	10,042	Mayor-City Administrator-Council
O Fallon	75,000	4	2		8	18,750	9,375	Mayor-City Administrator-Council
St. Joseph	73,000	5	1	3	8	14,600	9,125	Council-Manager
St. Charles *	62,304	10	1		10	6,230	6,230	Mayor-City Administrator-Council
St. Peters	54,209	4	2		8	13,552	6,776	Mayor-City Administrator-Council
Blue Springs	53,099	3	2		6	17,700	8,850	Mayor-City Administrator-Council
Florissant *	51,000	9	1		9	5,667	5,667	Mayor-Council
J City	40,000	5	2		10	8,000	4,000	Mayor-City Administrator-Council
Averages	76,905	5			8	16,924	10,298	

* Denotes only 1 person per ward with no At-Large

The above table lists Charter cities above the population of 40,000+ with their respective forms of governments, # of wards, representatives per ward, and general population per ward.

Of note is the fact that there are four (4) charter cities that have full time Mayors. They are St. Louis, Kansas City, Florissant and St. Charles.

General Powers and Duties of Each Form of Government

Please refer to
“Forms of Government for Missouri Municipalities”
published by the
Missouri Municipal League
(Attached)

Procedures and Requirements for Adopting Home Rule

- 1 City Council approve by Ordinance, the issue of submission of the question :”*Shall a Commission be chosen to frame a Charter*” *Article VI, Sect. 19*
- 2 The notice of the election shall be published at least once a week on the same day of the week for at least three weeks in some daily or weekly newspaper of general circulation in the city or county, admitted to the post office as second class matter, regularly and consecutively published for at least three years, and having a list of bona fide subscribers who have voluntarily paid or agreed to pay a stated price for a subscription for a definite period of time, the last publication to be within two weeks of the election *Article VI, Sect. 19*
- 3 If the electorate approves the question, a Commission will be formed with a maximum of 13 members, determined by vote count.
- 4 The Commission shall have a MAXIMUM of one year from the approval of the question, :”*Shall a Commission be chosen to frame a Charter*”, to place a Charter before the electorate. (*Article VI, Sect. 19*) It should be noted again that County election procedures require that the Charter must be submitted, at minimum, ten (10) Tuesdays prior to the election, prior to 5:00 P.M.. If filing is attempted after this time, a court order and additional expenses would be incurred. This leaves 42 weeks, from the election, for the Charter Commission to perform their duties and present a Charter to the electorate for a vote.
- 5 The commission may submit for separate vote any parts of the charter, or any alternative sections or articles, and the alternative sections or articles receiving the larger affirmative vote shall prevail if a charter is adopted. *Article VI, Sect. 20*
- 6 If the Charter is approved by the electorate, the City will move forward per the charter as a Home Rule Charter City. ***

*** RSMO Chapter 82

82.040. All persons in office in such city at the time of the ratification of such charter shall hold their offices until their successors are elected or appointed and qualified, as may be provided in such charter, but no longer.

82.050. All ordinances, regulations and resolutions in force at the time such charter takes effect, and not inconsistent with the provisions thereof, shall remain and be in force until altered, modified or repealed by the lawmaking authorities of such city.

82.060. Such charter, in superseding any previous charter and amendments thereof, shall not affect any right, lien or liability accrued, established or subsisting previous to the time when such charter takes effect, nor affect any action or proceeding pending when such charter takes effect; but such right, lien or liability shall be enforced, and such action or proceeding shall be carried on, in all respects, as if such charter had not taken effect; nor shall such charter be in any wise so construed as to affect any right or liability acquired or accrued under the previous charter and amendments superseded thereby, by or on the part of any city, or any person or body corporate.

Conclusions

Although it is not possible to identify “the best form” of municipal government, it is possible to identify trends in municipal government in Missouri. In recent years, there has been a significant increase in the number of mayor-city administrator-council cities, but the majority of Missouri cities have retained the mayor-council form. It seems clear that the city administrator law (1969) and the home rule amendment (1971) provide each municipality with flexibility in deciding on the most appropriate form of government for its particular situation and needs. The larger selection of legally sanctioned forms of government requires municipal and civic leaders to examine their present structure of government and to consider potential modifications and improvements.

The preponderance of research, and review of benefits versus possible disadvantages, have lead the Task Force to conclude that the electorate of the City should have the option, opportunity and choice of establishing a Charter Commission.

References

1. “*A Model Charter for Missouri Cities - A guide for City Charter Commissions in Missouri*” by James E Westbrook, Missouri Municipal League – November 2000
2. “*Forms of Government for Missouri Municipalities*” by Missouri Municipal League – December 2000
3. “*Classification and consolidation of Cities, Towns and Villages*” - Missouri Revised Statutes (RSMO) Chapter 72 – 28 August, 2006
4. “*Third Class Cities*” - Missouri Revised Statutes (RSMO) Chapter 77 – 28 August, 2006
5. “*Constitutional Charter Cities*” - Missouri Revised Statutes (RSMO) Chapter 82 – 28 August, 2006
6. Missouri State Constitution, Article VI “Local Government” – Sections 19, 19a, 20, & 22.
7. City of O’Fallon Resolution 6-28-07
 “*Resolution to establish a Home Rule Government Task Force to research a Charter form of government for the City of O’Fallon, Missouri*”.
 Passed 28 June, 2007

GLOSSARY

- **BALLOT PROPOSITION:** A ballot issue placed before the electorate resulting from an Ordinance passed by the legislative body of a municipality.
- **CHARTER COMMISSION:** The typically thirteen (13) member elected body that is responsible for initially framing the Charter for submittal to the electorate.
- **CHARTER:** The document framed by the elected Charter Commission, that, if adopted by the electorate, implements local self-governance (Home Rule).
- **HOME RULE (MUNICIPAL):** In general terms, “Home Rule” can be defined as the transfer of power from the state to local municipalities by providing the municipality the right to draft and amend their own Charter for the purpose of implementing local self-governance. This provides the municipality with some measure of freedom from state interference as well as some ability to exercise powers and perform functions without a prior express delegation of authority from the state.
- **INITIATIVE:** A petition process that is typically included in a Charter that empowers the electorate to propose an Ordinance to the legislative body of a municipality. If the legislative body fails to adopt the Ordinance, it must be submitted to a vote of the electors of the municipality. This petition process usually does not extend to the budget, capital programs, appropriations of money, levying of taxes, zoning, and salaries of municipal employees.
- **RECALL:** A petition process that is typically included in a Charter that empowers the electorate to propose the removal of the incumbent of an elected office by the vote of the electorate. Typically, the Charter prohibits the implementation of a Recall Petition if any of the following conditions exist:
 - 1) The incumbent has not held the office for a specified minimum amount of time; or
 - 2) The term of the incumbent is to expire within a specified amount of time; or
 - 3) Within a specified amount of time of a previously unsuccessful Recall election for the same incumbent.
- **REFERENDUM:** A petition process that is typically included in a Charter that empowers the electorate to propose the reconsideration of an Ordinance recently adopted by the legislative body of a municipality. If the legislative body fails to repeal the Ordinance, it must be submitted to a vote of the electors of the municipality. When a Referendum Petition is filed, the Ordinance sought to be reconsidered is suspended from taking effect. Suspension of the Ordinance terminates when:
 - 1) There is a final determination of insufficiency of the petition; or
 - 2) The Referendum Petition is withdrawn; or
 - 3) The legislative body repeals the Ordinance; or
 - 4) The election results sustaining the Ordinance have been certified by the local election authorities. This petition process usually does not extend to the budget, capital programs, appropriations of money, levying of taxes, zoning, and salaries of municipal employees.

NOTES