

SUBSTITUTE BILL NO. 2 FOR BILL NO. 162, 2024  
ORDINANCE NO. \_\_\_\_\_, 2024  
Introduced by Councilmember Webb

AN ORDINANCE

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN ST. LOUIS COUNTY ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF ST. LOUIS COUNTY A PROPOSITION TO AMEND SECTIONS 5.010, 5.020, AND 5.030 OF THE ST. LOUIS COUNTY CHARTER PERTAINING TO LEGAL COUNSEL FOR THE ST. LOUIS COUNTY COUNCIL

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. An election shall be and the same is hereby called and ordered to be held in St. Louis County on November 5, 2024 for the purpose of submitting to the qualified voters of St. Louis County for adoption or rejection a proposition to amend the Charter of St. Louis County by amending Sections 5.010, 5.020, and 5.030 of the St. Louis County Charter, said amendment being attached hereto as Exhibit A.

SECTION 2. The following question is hereby submitted to the qualified voters of St. Louis County and shall be voted upon at an election to be held as hereinbefore provided. The question shall be in substantially the following form:

PROPOSITION C

Shall Sections 5.010, 5.020, and 5.030 of the Charter of St. Louis County be amended to authorize the St. Louis County Council to retain legal counsel for certain purposes; to preserve separation of powers, legal counsel retained by the Council as authorized by this amendment shall not report to the County Counselor who serves at the pleasure of the County Executive as set forth in Exhibit A of Ordinance No. \_\_\_\_\_, on file with the St. Louis County Administrative Director and the St. Louis County Board of Election Commissioners? The cost of legal counsel authorized if this amendment passes has no fiscal impact on taxes.

YES

NO

SECTION 3. Upon enactment of this ordinance, the Administrative Director is authorized to insert into Section 2 of this ordinance the ordinance number assigned and shall certify the enactment of this ordinance.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
CHAIR, COUNTY COUNCIL

APPROVED: \_\_\_\_\_

\_\_\_\_\_ COUNTY EXECUTIVE

ATTEST: \_\_\_\_\_

ADMINISTRATIVE DIRECTOR

APPROVED AS TO LEGAL FORM: \_\_\_\_\_

COUNTY COUNSELOR

ARTICLE V  
LEGAL OFFICERS

Section 5.010.1 There shall be a county counselor and a prosecuting attorney. Each shall have been a licensed practicing attorney in Missouri for at least five years and a resident of the county for at least three years before assuming office. Each shall devote all of their time to the duties of his office and shall not engage in the private practice of law. Each may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer or employee in his office of any power or duty prescribed for the office by law, by this charter or by ordinance.

2. The county council, by ordinance, may contract with, retain, hire or appoint legal counsel to: (1) furnish legal advice and opinions to the council or any of its members on any matter authorized by law; (2) institute, appear in, interplead, answer or defend, on behalf of the council, any or all of its members or staff in their official capacity or the auditor in their official capacity, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the county as provided by law and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and they may also appear and interplead, answer or defend, in any proceeding or tribunal in which the county's interests are involved; and (3) institute, appear in, interplead, answer or defend, on behalf of the council, any or all of its members or staff in their official capacity or the auditor in their official capacity, any civil suit, proceeding at law or in equity necessary to enforce subpoenas issued pursuant to Article II of this Charter. Any legal counsel contracted, retained, hired or appointed as provided herein will not report to the county counselor, the deputy county counselor or any associate or assistant county counselor and shall not disclose any attorney client privileged information or communications or work product as provided by the Missouri professional rules of conduct.

COUNTY COUNSELOR

Section 5.020. The county counselor shall be appointed by the county executive subject to confirmation by the council and shall hold office at the pleasure of the county executive. Except as provided in Section 5.010.2, they shall be the county's attorney and counselor at law. They may, within the merit system, appoint a deputy county counselor and such number of associate and assistant county counselors as may be authorized by ordinance.

Section 5.030. 1. Except as provided in Section 5.010.2, the county counselor shall have charge of and conduct all of the civil law business of the county, its departments, divisions, offices, officers, boards and commissions unless otherwise provided by ordinance. Unless the council has hired legal counsel as provided in Section 5.010.2, they shall institute, in the name and on behalf of the county, all civil suits and other proceedings at law or in equity requisite or necessary to

protect the rights and interests of the county and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and they may also appear and interplead, answer or defend, in any proceeding or tribunal in which the county's interests are involved. They shall prepare or approve as to form all leases, deeds, contracts, bonds, rules, regulations, and other instruments. Only upon request of the council shall they prepare ordinances, council rules or drafts of ordinances. They shall institute and prosecute all proceedings for the collection of delinquent taxes and licenses of every kind owing to the county. Except as provided in Section 5.010.2, they shall only upon request, furnish legal advice and opinions to the council. They shall, upon request, furnish legal advice and opinions to the county executive, department heads, elective officials, and to all county boards and commissions, respecting county business. They shall prosecute violations of county ordinances. The county counselor, the deputy county counselor and all associate and assistant county counselors shall fully cooperate with any legal counsel hired, retained or appointed pursuant to Section 5.010.2. Such cooperation includes providing all necessary documents, information, legal and factual research, books, computer research tools necessary to allow the council's legal counsel to perform work delegated as provided herein. If the council has hired, retained or appointed legal counsel for any issue or matter authorized in Section 5.010.2, the county counselor is not authorized to advise the council on such issue or matter, unless the council specifically requests the county counselor's office issue an additional legal opinion.

2. The county counselor shall have all powers and duties vested by law in county counselors and attorneys for any officer, office, board, commission or other agency of the county. No department, division, office, officer, board, commission, or other agency or body of the county shall have any attorney other than the county counselor, except as may be authorized by ordinance.