

Bill No. 5030

Ordinance No. _____

Requested by: Steve Ehlmann

Sponsored by: Mike Elam

AN ORDINANCE PLACING ON THE BALLOT OF THE TUESDAY, APRIL 5, 2022 GENERAL MUNICIPAL ELECTION, PROPOSED AMENDMENTS TO ARTICLE III OF THE ST. CHARLES COUNTY CHARTER, AND IF ENACTED BY THE VOTERS, AMENDING THE CHARTER BY PROHIBITING THE COUNTY EXECUTIVE AT ANY TIME WHILE SERVING IN PUBLIC OFFICE FROM ENGAGING IN ANY TRADE, OCCUPATION, BUSINESS OR ENTERPRISE, SUCH AMENDMENT OF THE CHARTER TO BE EFFECTIVE UPON CERTIFICATION OF THE ELECTION RESULTS

WHEREAS, disputes as to the full-time work requirements of county executive officers have arisen within the region; and

WHEREAS, the Council has determined to send this matter to the voters for their consideration of whether to amend the County Charter to prohibit the St. Charles County Executive from engaging in any trade, occupation, business or enterprise besides duties as County Executive; and

WHEREAS, Article IX, Section 9.012 of the St. Charles County Charter states that the Charter of St. Charles County may be amended by ordinance adopted by the County and submitted to the voters at an election and approved by a majority of those voting on the proposition.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The following amendments to the St. Charles County Charter consisting of amendments to Article III, § 3.204.2, shall be submitted to the voters of St. Charles County as set forth in Section 2, and if the voters so enact such provisions by a majority, such amendments shall be, upon certification of the election results, thereafter a part of the Charter of this County:

A. The following amendment to Article III, § 3.200 Eligibility of the St. Charles County Charter shall be submitted to the voters of St. Charles County, and if the voters so enact such provisions by a majority, such amendments shall replace the current Article III, § 3.200 Eligibility as follows:

To hold office as the County Executive, a person shall:

3.201.

Be a registered voter of the County at the time of filing;
and

3.202.

Be a resident of the County for a period of not less than two (2) years immediately prior to the general election;
and

3.203.

Be at least twenty-five (25) years of age; and

3.204.

Not engage in any of the following activities:

3.204.1.

At the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State; nor, at any time while serving in office; or

3.204.2.

At any time while serving in office carry on any trade, occupation, business or enterprise for personal pecuniary profit or gain [~~during the normal business hours of St. Charles County~~]; or

3.204.3.

At any time while serving in office engage in commercial enterprise, or otherwise receive compensation for services rendered as an employee, or officer or by contractual arrangements with private interests which engage in business transactions with the County; or

3.204.4.

At any time while serving in office own stock or any other investment in any corporation or similar legal entity amounting to more than five percent (5%) ownership interest in the authorized and issued stock or other investment in that corporation or similar legal entity which engages in business transactions with the County.

The County Executive shall forfeit his office if he willfully violates this Subparagraph or willfully conceals an ownership interest in a corporation or similar legal entity that violated this Subparagraph, or existing regulations of conflict of interest and lobbying

found in Chapter 105, Revised Statutes of Missouri. This Subparagraph shall not apply to notaries public or to membership in the military forces of the United States or the State militia.

Section 2. The questions concerning the amendment of Charter Article III, by amending Section 3.204.2, shall be submitted to the voters in the following form:

COUNTY CHARTER QUESTION
ELIGIBILITY TO HOLD OFFICE AS THE
COUNTY EXECUTIVE

SHALL THE ST. CHARLES COUNTY CHARTER BE AMENDED TO PROHIBIT THE COUNTY EXECUTIVE AT ANY TIME WHILE SERVING IN OFFICE FROM ENGAGING IN ANY TRADE, OCCUPATION, BUSINESS OR ENTERPRISE FOR PERSONAL PECUNIARY PROFIT OR GAIN?

YES

NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”.

Section 3. The Chair of the Council is authorized to transmit a certified copy of this ordinance to the St. Charles County Election Authority and to direct him to place the proposition set out in Section 2 on the April 5, 2022, ballot.

Section 4. The Election Authority is authorized and directed to take all necessary steps and execute all necessary documents to implement this ordinance and place the ballot question set forth above on the April 5, 2022, ballot.

Section 5. Such change or changes to the St. Charles County Charter approved pursuant to this ordinance by the qualified voters of St. Charles County shall be in full force and effect upon approval of the voters and certification of the election.

Section 6. This ordinance shall be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR