



# NEWS RELEASE

## FOR IMMEDIATE RELEASE

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### **11<sup>th</sup> JUDICIAL CIRCUIT COURT UPHOLDS CONSTITUTIONALITY OF CHARTER AMENDMENT PROHIBITING RED LIGHT CAMERAS**

**ST. CHARLES COUNTY, MO** - Today, the 11<sup>th</sup> Judicial Circuit Court handed down a judgment upholding the constitutionality of a Charter Amendment, proposed and adopted by ordinance by the County Council and approved by voters in November 2014, to prohibit red light cameras county-wide.

"This is a victory for the voters of St. Charles County," said County Executive Steve Ehlmann. "Over 72 percent of our voters approved the Charter Amendment. The charter form of government gives the power to the people to tell city and county governments what they want in their communities. We are definitely pleased with the 11<sup>th</sup> Judicial Circuit Court's decision."

The Charter Amendment was challenged in a lawsuit filed after the November 2014 election results were certified. The suit, filed by the cities of St. Peters, O'Fallon, and Lake Saint Louis and residents Jim Pepper and Pam Fogarty against the county and the county's Election Authority, challenged the constitutionality of the amendment and the wording of the proposition that went before the voters.

"The defendants argued that the county cannot tell the municipalities what to do regarding red light cameras. The state constitution does not allow the county to tell the municipalities what to do, but does allow voters in a charter county to tell the municipalities what to do," added Ehlmann. "Before its adoption, supporters of a 'Home Rule' County Charter argued that a charter would make it unnecessary to go to the Missouri General Assembly for every legislative change that affected only St. Charles County. While no city official suggested the Legislature could not impose the same ban, they clearly insisted the voters could not. The same action to put this on the ballot could have been done by the people through initiative petition, and the County Council would not have been involved."

Ehlmann adds that the General Assembly has been working on this controversial issue for 3 or 4 years, and still had not given direction for what cities can and cannot do when the County Council proposed and adopted the ordinance to put the issue before St. Charles County citizens. "The Council and the people stepped in and took action, and the 72 percent vote in favor of the Charter Amendment made it clear that this is what the people wanted," said Ehlmann.

The ban on red light cameras is not the first time the voters have restricted the legal rights of a political subdivision in the County Charter. When the original charter was submitted to the voters, municipalities supported charter language prohibiting county government from using the authority granted to every other county in the state to challenge municipal annexations in court. After issues arose with the way municipal boundaries were created, in April 2004 the County Council placed before voters Proposition S, a Charter Amendment authorizing the county to challenge municipal annexations which violate the provisions of state statutes. County voters approved Proposition S with a 70 percent majority. Likewise, county voters approved a countywide "Road and Bridge" property tax and while state statute indicates, "fifty percent of such tax so collected may be placed to the credit of the incorporated city, town or village in which it was collected," voters took that discretion away and required the county to rebate 50%. Since the adoption of this requirement, the county has rebated over \$82.5 million to the municipalities.

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