

1. What is Home Rule?

Home rule is the power of a local city or county to set up its own system of self-government without receiving a charter from the state. Home rule is allowed under some state constitutions. The authority to act in local affairs is transferred from state law to a local charter, adopted and, as need be amended, by the voters through referendum.

Home rule shifts much of the responsibility for local government from the state legislature to the local community. A county that adopts a home rule charter has the ability to amend its governmental organization and powers to suit its needs. A home rule charter is, in essence, a **local constitution**.

A home rule city or county is still subject to restrictions found in the United States Constitution, state constitutions, and in applicable state laws. While not restricted to only things specifically authorized by state law, home rule cities or counties can do anything not specifically forbidden by state or federal law.¹

2. Preamble – What weight and power will these value statements have in future council decisions? Will they clarify or complicate governance?

The proposed additional language to Webster Groves Charter makes a value statement and is unenforceable by law.

3. Does population size figure into ward divisions?

Yes. Ward divisions are created based on criteria such as geographic area, population, and neighborhoods.

a.) Will there be term limits if there is a ward system?

The Charter Review Advisory Board considered term limits without recommending to Council.

b.) What if there is not a candidate in a ward?

If there was a situation without a candidate, Council would appoint someone to fill the position.

4. Legislative Proceedings – every bill must be available for public inspection at least 24 hours in advance. Why 24 hours and not more?

Missouri State Statutes govern Sunshine Law requirements and the posting of meeting notices.

610.020. Notice of meetings, when required — recording of meetings to be allowed, guidelines, penalty — accessibility of meetings — minutes of meetings to be kept, content — voting records to be included. — 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that

meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given **at least twenty-four hours**, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

5. Articles 4 & 10 – Departments and Boards & Commissions. It seems dangerous for the City Manager to head departments, especially ‘more’ departments, concentrating power in one person.

This language has been in the Charter for many years – decades. It is common for local municipal charters also allow city managers to head departments. The relationship between the City Manager and Council provides checks and balances.

Wow! Parks Board but NO Police & Fire Board. Hmmm.

The Police and Fire Retirement Board is obsolete, and has been for many years, and should be removed from the City Charter.

6. Article 5 – Finance: Where Are the “QUALIFICATIONS!” This only mentions how they got the job.

The presentation board reflected the name change from Department of Finance to Financial Management only. The presence of three dots at the end of the sentence signified there is more to follow. The qualifications are contained in and will remain in the Charter.“ There shall be a Department of Finance, the head of which shall be the Director of Finance , who shall be, or be appointed by the City Manager...

Section 5.1 DIRECTOR - QUALIFICATIONS

There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be, or be appointed by the City Manager. The Director of Finance shall have knowledge of municipal accounting and taxation, and shall have experience in budgeting and financial control.

5.3 Approval of Excess Expenditures – What are the repercussions for a mistake? Does this protect someone from discipline or termination?

Under the current Charter, a person automatically loses their position and faces possible conviction of a municipal infraction and fine. Period. The addition of the word knowingly does not prohibit appropriate coaching, training, discipline or termination.

“Any officer or head of any department of the City who shall “**knowingly**” audit and approve for payment any expenditure in excess of the amount provided for in the budget then effective shall forfeit office, and in addition thereto shall be guilty of a municipal infraction and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding the maximum amount allowed by state law for municipal infractions.

5.6 Audits – Too lenient ! Keep as 45 days. When is the data available?

The final fiscal year data from St Louis County is not available until at least 45 days at the close of the fiscal year on June 30. Keeping the 45-day requirement is impossible to meet.

5.6 An independent audit shall be made of all accounts of the City at least annually, and more frequently if deemed necessary by the Council. Such audits shall be made by a certified public accountant who has knowledge of municipal accounting and who shall be selected by the Council. The report of such audit shall be completed and submitted to the Council not later than the **last day of the sixth month** ~~forty-fifth day~~ after the close of the fiscal year, and shall be made public in such manner as the Council may determine.

5.11 Public Record – Publishing in contemporary means of communication is too vague.

Communication technology continues to evolve. We’ve gone from mimeographs, pdfs to electronic means. Future means of communication remains to be seen. Vagueness allows City staff, under the authority of the Charter to adapt to future communication changes without going to a vote of the people to change the Charter.

7. 7.6 Classification of Employees – Why does the responsibility exclude “unclassified” employee fitness review and/or approval?

The classification of employees under the Fair Labor Standards Act is related to the exemption from overtime pay. The use of FLSA serves as an umbrella rather than prescriptively defining all possible executives and department heads which may change over time.

The City Manager serves with the approval of City Council. Department heads serve at the discretion of the City Manager.

7.6 The administrative service of the City is hereby divided into the classified and the unclassified services, as follows:

- 1) The unclassified service shall include **all personnel that are exempt from overtime provisions under the Fair Labor Standards Act.** ~~the City Manager, Assistant City Manager, directors of all departments, members of the advisory and administrative boards, Municipal Court Judge, City Clerk, and secretary to the City Manager.~~

ii Executive Exemption

To qualify for the executive employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary basis](#) (as defined in the regulations) at a rate not less than \$684* per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

Administrative Exemptions

To qualify for the administrative employee exemption, all of the following tests must be met:

- The employee must be compensated on a [salary](#) or fee basis (as defined in the regulations) at a rate not less than \$684* per week;
- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

The term 'service' appears in the Charter. Is it related to military service?

"No question in any test shall relate to political or religious opinion, affiliations or service." No. The term service in this instance refers to service in relation to politics or religion.

8. Article 11 – Planning & Development – Too much power and risk, where are the goals and objectives? Is this all about powers? Regional to what?

The City Plan Commission is **advisory only** to Council. Goals and objectives may be found in the City Comprehensive Plan (1978.) Separately, the Gould-Evens Development Plan exists (2006.)

The City Plan Commission makes recommendations to the City Council regarding zoning and subdivision issues. The City Plan Commission reviews applications for Conditional Use Permits, Change of Zonings, Subdivisions, Site Development Plans, and Text Amendments.

Regional cooperation is included in the City Council July 2023 City Strategic Plan and includes partnering with neighboring communities.

“Leadership Webster Groves values Leadership. Throughout our city, leadership is a process of ongoing positive influence, maximizing the mutual efforts and goals of the community and region. Leaders foster forward movement that is rooted in trust and transparency.”

Section 11.2 POWERS AND DUTIES.

The City Plan Commission shall have **full authority to advise** the City Council regarding all **land use, development, environmental planning, and** planning and zoning matters as permitted by the controlling statutory or common law of the State of Missouri, including but not limited to zoning power over the property of persons, corporations, institutions, churches, and all other entities to the fullest extent permitted by the constitutions of Missouri and the United States.

Consistent with all applicable federal and state laws with respect to land use, development, and environmental planning, the Council shall:

Adopt an inclusive and comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; determine to what extent an inclusive and comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and adopt development regulations, to be specified by ordinance, to implement the plan.

The City Plan Commission, the City Manager, and the Mayor and City Council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

9. Articles 13 & 14 – Preparation of ballots and petition signatures

Even though the City complies with state law and the St Louis County Board of Election Commissioners, the current Charter wording is not compliant.

10. What does the term ‘stakeholder’ mean in terms of public engagement?

A stakeholder is a person, group or organization with a vested interest, or stake, in the decision-making and activities of a business, organization or project. Stakeholders can be members of the organization they have a stake in, or they can have no official affiliation. Stakeholders can have a direct or indirect influence on the activities or projects of an organization.

Webster Groves stakeholders could be entities such as Webster University, schools, businesses, and other organizations.

11. What does it mean to evaluate activities with an ‘equity lens’?

The purpose of an **equity lens** is to be deliberately inclusive as an organization makes decisions. It is explicit in drawing attention to the inclusion of marginalized populations, typically communities of color, and can be adapted to focus on other communities. The lens questions are designed to create a more inclusive perspective, drawing attention to how the decision holds potential to affect marginalized groups. An equity lens will not tell you what action to take. Rather, the lens helps you discuss and reflect on the equitableness of the action and decision-making process. Equity lenses can be customized for different organizations and decisions. The standard elements, however, ask for the decision makers to consider equity dimensions of involvement, process, values and assumptions, and outcomes, from a perspective that highlights how practices hold potential to shift power toward inclusion and equity.ⁱⁱⁱ

ⁱ [Home Rule Law and Legal Definition | USLegal, Inc.](#)

ⁱⁱ <https://www.dol.gov/agencies/whd/fact-sheets/17a-overtime>

ⁱⁱⁱ [What-is-an-Equity-Lens.pdf \(nonprofitadvancement.org\)](#)