

**RESOLUTION**

The matter of certifying and declaring elected City Council candidates was considered.

After a review and general discussion of the matter, Councilmember Sharpe, Jr., offered the following resolution and moved its adoption.

BE IT RESOLVED: That the Council of the City of University City, Missouri finds and declares as follows:

1. University City Charter Section 117 states: "No person shall be elected or appointed to any city office or employment who is in arrears for any city taxes."
2. Section 115.346 RSMo provides: "Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for an unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office."
3. Section 71.005 RSMo provides: "No person shall be a candidate for municipal office unless such person complies with the provisions of section 115.346 RSMo, regarding payment of municipal taxes and user fees."
4. Under University City Charter Section 68, a declaration of candidacy shall be made by filing a nominating petition and signed acceptance of the nomination with the City Clerk, who, within ten days after the filing of a nominating petition, must notify the candidate whether or not the petition is sufficient.
5. As soon as practicable after a City Council candidate files a nominating petition and signed acceptance of office, the City Clerk shall determine whether the candidate is in arrears for any unpaid city taxes or municipal user fees, and notify the candidate of any such arrearage. The City Clerk shall also determine whether each candidate was in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office, notify the candidate of any such arrearage, and shall not certify as a candidate any person who was in arrears on said last day.

6. As soon as practicable after the City Clerk receives City Council election returns, the City Clerk shall determine whether the candidate receiving the most votes was in arrears for any city taxes on the election day, and notify the candidate of any such arrearage. The City Council shall not declare elected any candidate who was in arrears on the election day.
7. The City Clerk may seek the assistance of staff in making any determination required under this Resolution.
8. Any candidate aggrieved by a determination made by the City Clerk pursuant to this Resolution may, within five days after the City Clerk notifies the candidate of the determination, file with the City Clerk a written request for a hearing. The City Clerk shall hold the hearing within five days thereafter, and all interested parties may appear at the hearing either in person or by the attorney and present evidence concerning the matters at issue. The City Clerk shall make a final determination as soon as practicable thereafter.

Motion seconded by Councilmember Brot and carried, with two Nay votes from Councilmember Ricci and Councilmember Glickert.

Adopted this 11<sup>th</sup> day of December, 2006.

I hereby certify that the above is a true excerpt from the minutes of the meeting of the City Council held on the 11<sup>th</sup> day of December, 2006.

  
CITY CLERK