

NEWS RELEASES

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# Husch Blackwell Prevails in St. Louis County Council Lawsuit

Husch Blackwell secured a victory in expedited proceedings before a St. Louis County judge on behalf of three St. Louis County Council members sued by the St. Louis County Counselor in a dispute over leadership of the County Council for the 2021 calendar year.

The *quo warranto* lawsuit was brought by the St. Louis County Counselor on January 16, 2021, one day after four council members elected Councilmembers Rita Heard Days and Mark Harder to serve as the Council's chairperson and vice-chair respectively. The lawsuit claimed that the results of an earlier vote, held on January 5 and including the participation of a lame duck council member, were legitimate and could not be overturned by the later vote. The petition sought to oust Days and Harder from the roles of Council chair and vice-chair.

The conflicting leadership elections were the result of the August 4, 2020 change to the St. Louis County Charter that moved the commencement date for Councilmembers from January 1 to the second Tuesday in January after the general election. County Counselor took the position that the January 5 election was valid even though it deprived Shalonda Webb, the Councilmember elected in November to represent the 4th District, of an opportunity to vote on Council leadership for the year.

The Husch Blackwell team mounted a vigorous defense of its clients' position, arguing that the January 5 election was invalid because the Missouri Constitution prohibited Ms. Webb's predecessor from holding over in office and participating in the vote on January 5. The court ultimately agreed, finding that Ms. Webb's election and qualification to the Council seat terminated any right of the incumbent to hold over. The Court stated that "[t]o allow the County to amend its Charter and change the effective date of officers' terms while providing no practical way for an elected successor to cut off an

incumbent's right to hold over would allow it to effectively violate the Missouri Constitution's proscription against terms of more than four years."

The Councilmembers represented by the County Council have indicated that they intend to accept the Court's decision. Thus, the ruling brings to a close a two-month struggle to determine the leadership of the St. Louis County Council. Days' leadership of the Council is effective immediately, providing our clients a complete victory.

The Husch Blackwell litigation team was led by JoAnn Sandifer and included Kimberley Mathis and Petrina Bailey.