



# JOURNAL OF THE COUNTY COUNCIL SPECIAL MEETING

St. Louis County, Missouri  
Friday, January 15, 2021 at 4:30 PM

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The County Council of St. Louis County, Missouri, met on Friday, January 15, 2021, at 4:30 PM, in St. Louis County Council Chamber, pursuant to adjournment with Chairwoman Clancy presiding.

## 1. CALL TO ORDER AND ROLL CALL

*Before the meeting began, Councilman Fitch stated: "In the absence of having a Chair and Vice Chair, can I suggest as a Council member that we all please recite the Pledge of Allegiance."*

*After the Pledge of Allegiance, Councilman Fitch stated: "Madam Clerk, please call the roll."*

*Councilman Trakas: "Madam Clerk, before you call roll, I think it's important that a statement be made with the regard to appropriateness and quite candidly, the legality of tonight's meeting. For starters, based on the public notice for this meeting, the stated purpose for the meeting is in contravention and in violation of the Charter. There is no legal authority under the Charter to hold a vote of Council leadership at any time other than the first meeting of the Council in the calendar year, Article 2, Section 2.050, the specific, unequivocal and controlling. For 2021, that meeting took place on January 5, 2021. In addition, there's no legal authority for the stated and expressed purpose for today's meeting. The Council has no legal authority to conduct the intended vote for leadership, to do so is in clear violation of the Charter, accordingly any vote by any member of the Council on any such initiative would in fact be illegal. The only proper action is for each member to refuse to vote by abstaining. In addition, as concern who rightly presides over today's meeting, the vote or attempted vote for a presiding officer at the January 12, 2021 meeting of the Council, never took place. Moreover, any such vote was unnecessary and illegal as Chairwoman Clancy was present at that meeting as she is today. So in any case, the new presiding officer was selected at the January 12th meeting, Councilman Fitch has no legal basis to preside over today's meeting because the Chairman, the duly elected Chairman, is present. It is clear that the disagreement and division within this Council cannot, and will not, be resolved or reconciled by this Council. As such, it seems equally clear that the only way to address and finally resolve the issue is to seek judicial interpretation of Sections 2.040 and 11.060 of the Charter as*

*applicable to the January 5, 2021 vote. In doing so, the concerns and issues will be resolved and this body will be able to get about the business of governing. Thank you, Madam Clerk.*

*Councilwoman Clancy: "Madam Clerk, will you go ahead and please call the roll."*

*Councilman Fitch: "I've already asked for the roll call, please call."*

*Councilman Trakas: "Councilman Fitch, you're not, you're out of order."*

*Councilwoman Clancy: "We can go ahead and call the roll. Councilman Fitch, I will recognize you to speak if there's something you'd like to say."*

*Councilman Fitch: "(inaudible) let's have the roll."*

On roll call, the following Council Members were present:

Rita Days  
Kelli Dunaway  
Tim Fitch  
Shalonda Webb  
Lisa Clancy  
Ernie Trakas  
Mark Harder

A quorum being present, Chairwoman Clancy declared the County Council in session for the transaction of Business.

Also present were the Honorable Sam Page, County Executive, Beth Orwick, County Counselor, and Diann L. Valenti, County Clerk.

*After roll call was taken, Councilwoman Clancy: "Please proceed."*

*Councilman Fitch: "Communications."*

## 2. COMMUNICATIONS

### OTHER COMMUNICATIONS

1. Communication dated January 14, 2021 directed to Diann Valenti, County Clerk, from the Honorable Rita Days, Councilwoman for the 1st District, the Honorable Tim Fitch, Councilman for the 3rd District, the Honorable Shalonda D. Webb, Councilwoman for the 4th District, and the Honorable Mark Harder, Councilman for the 7th District, requesting a special meeting of the St. Louis County Council be called for the purpose of electing a Chair and Vice-Chair of the County Council for 2021 to be held on Friday, January 15, 2021 at 4:30 p.m., as indicated

[01.15.2021~OC-1](#)

**Action:** Moved by Councilman Fitch and there being no objection, Chairwoman Clancy ordered the item be received and filed.

*Councilman Fitch: "And if I can interject here for a moment, we did pass Resolution No. 5 last week, and Councilman Trakas is correct, we did not elect a presiding officer at that moment. However, I appreciate the legal advice, Councilman Trakas, but you are not our legal counsel, so thank you for your comments, I appreciate that. Councilman Days, did you have a motion?"*

*Councilwoman Days: "I did. The Resolution passed on January 12th vacated both Chair and the Vice Chair, and with that in mind, I nominate Tim Fitch as presiding officer."*

*Councilwoman Clancy: "Madam Clerk, please read the item on the agenda before we go ahead and take, move forward with the motion."*

*Councilman Fitch: "And I have a Point of Order for the members. The Point of Order is, is when there's no Chair and no Vice Chair, the very first order of business, per the Charter, is the election of a presiding officer. So, that's what we have to do before we can get to Item No. 3, so Councilwoman Days...."*

*Councilwoman Days: "That was what I did...."*

*Councilman Trakas: "I object to the motion. Object to the motion. The Chair is clearly present, the motion and any vote is out of order."*

*Councilwoman Days: "I believe (inaudible) Resolution as I presented earlier on January 12th was voted on, it was passed, and that vacated the Chair and the Vice Chair. I repeat the motion, I nominate Tim Fitch as presiding officer."*

*Councilman Harder: "Second."*

*Councilwoman Clancy: "I have...."*

*(At this time, unable to transcribe as Council members were talking at the same time.)*

*Councilwoman Clancy: "I have a Point of Order. Presiding officer is not on the agenda."*

*Councilman Fitch: "It doesn't need to be, it's in the Charter."*

*Councilwoman Clancy: "Councilwoman Dunaway, go ahead."*

*Councilman Fitch: "It says (inaudible) or Vice Chair that you have elections for presiding officer."*

*Councilwoman Dunaway: "My discussion is a couple of things. Number one, the Resolution that was passed on the 12th, was a non-binding Resolution. And there is a right way to handle this and a wrong way to handle it. As you're all well aware, when we saw that the Charter changes caused a conflict in leadership elections, we asked our County Counselor who actually is our lawyer, how we needed to proceed. We got her legal opinion, we followed that legal opinion and elected our leadership per the law. Now here we are. That you are treating adherence to the law as optional, is dangerous and concerning, especially at this moment in history. You may not like what the law says, you may even disagree with our lawyer's interpretation, an interpretation that the only two lawyers serving on this Council also agree with. And if you would wish to initiate a legal proceeding to settle this dispute, please do so, but your response cannot be to simply install your own separate government. You don't get to not follow the law when it doesn't suit your designs or when you disagree with it, that cannot be the standard we set for ourselves or the example we set for our constituents. Especially after last week's events at the Capitol, this is not the time to normalize chaotic transitions of power. This is a time to get to work. As of today, over 1,500 St. Louis County residents have died of COVID-19, thousands more are out of work, families are struggling to put food on the table and their kids through the school day. Many of which are still at home while parents*

*are trying to work, businesses trying to keep their doors open, and a two-dose vaccine needs to be distributed to every willing St. Louis Countian. And what is this Council doing? Holding sham elections, trying to overturn the results of a lawful election that was more than a week ago. On January 5th, we followed the advice our own legal counsel gave us and we elected Chairwoman Clancy and Vice Chair Trakas to lead us through the rest of this pandemic. The one whose attention we're currently taking valuable County resources away from to fight petty power grabs. Some of my colleagues are saying they don't believe the law is what our Counsel has told us it is. Then my response is they should ask that legal question in the proper forum, not just say they don't like what the law is and so they're not gonna follow it. If my colleagues ask a court to break this impasse, I will accept whatever decision is made, but I will not be bullied into not following the law."*

*Councilman Fitch: "Thank you for your comments, we have a motion on the floor and a second. Madam Clerk, please call the roll."*

*Councilwoman Clancy: "Point of Order please."*

*Councilman Fitch: "Please call the roll. I called the question."*

*Councilwoman Days: "The call of the question has been called. All debate ceases and we go immediately to the roll call."*

*Councilwoman Clancy: "I actually have something I would like to say before we move on for the discussion."*

*Councilman Fitch: "We'll have a discussion...."*

*Councilwoman Days: "The question has been called."*

*Councilwoman Clancy: "I did not have an opportunity to provide my statement, Councilman Fitch. I understand at previous meetings we have agreed that everyone deserves a chance to speak and I would like to do that. Presiding officer elections is not on the agenda, that is a Sunshine Law violation to proceed in this manner...."*

*Councilman Fitch: "No it isn't."*

*Councilwoman Clancy: "It must be on the agenda. Therefore, I will be abstaining from this because I object. This is illegal per our Charter and per the Missouri Constitution."*

*Councilman Fitch: "Got it, thank you. Madam Clerk, did you hear Councilman Harder gave the second?"*

*County Clerk Valenti: "Ok. Thank you, it was Councilman Harder. Ok, so the motion is to nominate or select Councilman Fitch as the presiding officer?"*

*Councilwoman Days: "It was to nominate."*

*County Clerk Valenti: "Thank you."*

**Moved by Councilwoman Days, seconded by Councilman Harder, to nominate Tim Fitch as Presiding Officer. Upon roll call, the vote was as follows:**

**YEAS: Days, Fitch, Webb, Harder**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: Dunaway, Clancy, Trakas**

**By a vote of 4 to 3, Councilman Fitch was nominated as Presiding Officer.**

*Before casting her vote, Councilwoman Dunaway stated: "I object. This is an unlawful act per the County Charter and the Missouri State Constitution, and I will be abstaining from the vote."*

*Before casting his vote, Councilman Trakas stated: "I concur with Councilwoman Dunaway, this vote is illegal, I will not be a party to it. I abstain."*

**3. COMPLETION OF SECTION 1 OF RESOLUTION #5 ADOPTED ON JANUARY 12, 2021 FOR THE PURPOSE OF ELECTING A CHAIR AND VICE-CHAIR OF THE COUNTY COUNCIL FOR 2021**

*After stating the results of the roll call, County Clerk Valenti stated: "Councilman Fitch, before we proceed, can I please just say to the Council that as the County Clerk and my Deputy Clerk here today, we are obligated to record the proceedings from the meeting, and when everyone is talking over one another, it is very difficult for us to capture what is being said. So I ask that we please try to talk one at a time so that we can capture the important statements you are making."*

*Presiding Officer Fitch: "I agree 100%. Thank you for reminding us of that, so thank you. So, I could proceed to the next order of business which is nominations for Council Chair for 2021, and I nominate Rita Days as the Chair for Council Chair for 2021."*

*Councilwoman Clancy: "Point of Order please."*

*Councilman Harder: "Second. Second."*

*Presiding Officer Fitch: "Let's get to discussion first. Was there a second?"*

*Councilman Harder: "Second."*

*Presiding Officer Fitch: "Yes, Councilwoman Clancy, Point of Order."*

*Councilwoman Clancy: "Yes, I appeal this action. Again, there is no legal mechanism in our Charter or in the Missouri Constitution to redo our Chair and Vice Chair votes. I will be abstaining from this action."*

*Councilwoman Dunaway: "I would also like to, if you don't mind, I object. This is an unlawful act per the County Charter and the Missouri State Constitution, and I too will abstain."*

*Presiding Officer Fitch: "Any other discussion?"*

*Councilman Trakas: "I concur with my colleagues, Councilwoman Clancy and Councilwoman Dunaway. This action is obscenely illegal. I object to it and I abstain."*

*Presiding Officer Fitch: "Any other discussion? Hearing no further discussion, are there any other nominations for Council Chair for 2021? Hearing none, Madam Clerk, please call the roll."*

**Moved by Councilman Fitch, seconded by Councilman Harder, that Councilwoman Days be selected to serve as Chair of the St. Louis County Council for 2021. Upon roll call, the vote was as follows:**

**YEAS: Days, Fitch, Webb, Harder**  
**NAYS: None**  
**ABSENT: None**  
**ABSTAIN: Dunaway, Clancy, Trakas**

**By a vote of 4 to 3, Councilwoman Days was selected to serve as Chair of the St. Louis County Council for 2021.**

*Councilman Fitch: "Congratulations, Chairwoman Days."*

*Chairwoman Days: "Thank you very much, I do appreciate that. I wish this transition had been somewhat smoother but, nonetheless, this is where we are. The house is now open for nominations for the Vice Chair."*

*Councilwoman Clancy: "Again, I object, Point of Order please. I object to this motion. Again, there is no legal mechanism to redo our Chair and Vice Chair votes, so this is an illegal action. I object and I would like the record to continue to reflect that as I will continue to object to these actions."*

*Chairwoman Days: "Thank you very much."*

*Councilman Trakas: "I concur in that objection"*

*Councilwoman Dunaway: "As do I."*

*Councilman Fitch: "I make a motion, Madam Chair, to nominate Councilman Mark Harder as Vice Chair."*

*Chairwoman Days: "Mark Harder has been nominated for Vice Chair, are there any other nominations? Any other nominations? Hearing none, Madam Clerk, please call the role."*

*Councilwoman Clancy: “Madam Clerk, I would like the record to reflect that I object to this. Again, there is no legal mechanism to redo our Chair and Vice Chair votes. This is illegal per the St. Louis County Charter and the Missouri Constitution.”*

*Councilman Trakas: “I join in that objection, Madam Clerk.”*

*Chairwoman Days: “I think your objections....”*

*Councilwoman Dunaway: “As am I.”*

*Chairwoman Days: “...I believe the Clerk will make a record of that. Please do so, Madam Clerk.”*

**Moved by Councilman Fitch, seconded by Councilwoman Days, that Councilman Harder be selected to serve as Vice Chair of the St. Louis County Council for 2021. Upon roll call, the vote was as follows:**

**YEAS: Days, Fitch, Webb, Harder**

**NAYS: None**

**ABSENT: None**

**ABSTAIN: Dunaway, Clancy, Trakas**

**By a vote of 4 to 3, Councilman Harder was selected to serve as Vice Chair of the St. Louis County Council for 2021.**

*Before casting her vote, Councilwoman Dunaway stated: “In furtherance of my objection to this unlawful act, I will abstain.”*

*Chairwoman Days: “Thank you very much and congratulations Councilman Harder. I believe I will have some words to say subsequently but not at this particular point.”*

*Councilwoman Clancy: “Madam Clerk, pardon me, I would like to record an objection to the election of Councilman Mark Harder as the Vice Chair. Again, I appeal that motion, I appeal that action, it was unlawful per the Missouri Constitution and our St. Louis County Charter.”*

*Councilman Trakas: "I join in that objection, Madam Chair and to Madam Clerk."*

*Councilwoman Dunaway: "As do I."*

*Chairwoman Days: "Your objections are noted, thank you."*

#### **4. PUBLIC FORUM**

*Councilwoman Clancy: "Ok, we can move ahead to Public Forum. Diann, how many speakers do we have today?"*

*Chairwoman Days: "Excuse me?"*

*Councilman Fitch: "You are no longer the Chair."*

*Chairwoman Days: "Excuse me?"*

*Councilman Harder: "Rita is the Chair."*

*Councilwoman Clancy: "Let's move on to Public Forum."*

*Councilman Trakas: "She is the Chair."*

*Chairwoman Days: "Madam Clerk, how many do we have this evening?"*

*County Clerk Valenti: "Ma'am, we have eight speakers this afternoon."*

*Chairwoman Days: "Alright. Thank you."*

*Chairwoman Days: "When your name is announced, please listen for the Clerk to ask you to begin speaking and then state your first and last name and zip code for the record. The Clerk will inform you when your three minutes are up. The Public Forum is extremely important to us and we want to hear what you have to say."*

*Councilwoman Clancy: "Please, please call the first speaker, Madam Clerk. And I would like to state also that we really encourage you all to turn your cameras on, we appreciate being able to see you but we do understand that everyone's technology does not work. So, if you are unable to do that that's fine, but we would appreciate seeing you. Please proceed."*

The County Clerk called upon those persons who had registered to speak at the Public Forum. The following persons addressed the County Council and stated the following:

[January 15, 2021 Public Forum](#)

*After Public Forum had concluded, Councilwoman Clancy stated: "Everyone, that brings us to the end of our agenda...."*

*Chairwoman Days: "Thank you very much for the public comments...."*

*(Scrivener's note: Unable to transcribe due to multiple Council members talking at the same time)*

*Chairwoman Days: "Councilwoman Clancy, you are out of order. Thank you very much for those who have come forward today for the public comments, I appreciate those efforts. We are, at this particular point, I will entertain a motion to adjourn the meeting."*

*Councilwoman Clancy: "I would like to make a comment before we adjourn the meeting today."*

*Chairwoman Days: "This is a motion to adjourn the meeting, that's where we are."*

*Councilwoman Clancy: "I would like to make a comment before we adjourn the meeting. While I acknowledge that the law put both the outgoing Councilwoman and the new Councilwoman in an uncomfortable positions, it was still the law. We have to follow the law and not doing so, even when it's deemed unfair, sets a dangerous precedent. I also recognize there are fundamentally different interpretations to the law held by different Council's actions. I follow the legal advice provided by our County Counselor. Meanwhile, I've introduced a bill to fix our law so this predicament never happens again. I continue to object to the actions and the votes and motions made at today's meeting. I urge a peaceful and respectful resolution to this so that we can get on with County*

*business and governance. My biggest priorities are those of my constituents. Vaccine distribution is at the top of the list. Getting kids back to school and making sure everyone has a roof over their head. All of our residents deserve nothing less. I hope everyone has a nice holiday weekend.”*

*Chairwoman Days: “Your objections have been noted. I need a motion to adjourn please.”*

*Councilman Fitch: “Councilman Harder made the motion and I seconded it.”*

*Chairwoman Days: “Everyone in favor, please say aye. Those opposed, no. Thank you and have a good weekend.”*

*Councilman Trakas: “Abstain. There’s no legal meeting to adjourn.”*

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There being no further business, upon motion duly made, seconded and carried, the Special Meeting adjourned to Tuesday, January 19, 2021 at 6:30 p.m.

# St. Louis County Council

**Rita Days**  
Councilwoman 1<sup>st</sup> District

**Tim Fitch**  
Councilman 3<sup>rd</sup> District

**Shalonda D. Webb**  
Councilwoman 4<sup>th</sup> District

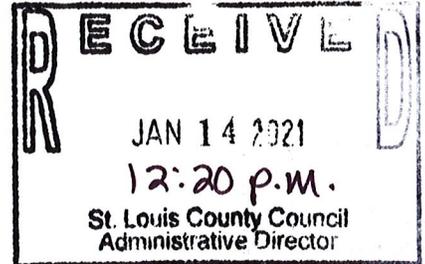
**Mark Harder**  
Councilman 7<sup>th</sup> District



OC-1  
1-15

314 / 615-5000  
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COUNTY GOVERNMENT CENTER  
ADMINISTRATION BUILDING  
41 S. CENTRAL AVENUE  
CLAYTON, MISSOURI 63105



January 14, 2021

Diann Valenti, County Clerk  
St. Louis County  
41 S. Central Avenue  
Clayton, MO 63105

This letter will serve as formal notice to the County Clerk, by the four council members listed below and in accordance with Council Rule 3 of Resolution 6623 adopted by the St. Louis County Council on November 17, 2020, of our intent to call a special meeting of the St. Louis County Council for the purpose of electing a Chair and Vice Chair of the County Council for 2021. The meeting will be held on Friday January 15, 2021 at 4:30 p.m. via Webex and recorded as done for normal council meetings. The agenda will consist of the completion of Section 1 of Resolution #5 adopted on January 12, 2021 and a Public Forum.

Please arrange the appropriate notification of all Council members as required by Rule 3 and publicly post this meeting in accordance with the County Charter and Council Rules.

Sincerely,

*Rita Days*

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Rita Days, Councilwoman  
District 1

*Shalonda D. Webb*

\_\_\_\_\_  
Shalonda D. Webb, Councilwoman  
District 4

*Tim Fitch*

\_\_\_\_\_  
Tim Fitch, Councilman  
District 3

*Mark Harder*

\_\_\_\_\_  
Mark Harder, Councilman  
District 7