

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

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)	
Jeanette Mott Oxford and)	
Michael Chance,)	
Plaintiffs,)	
)	
v.)	Cause No.
)	
City of St. Louis,)	
Defendant.)	
)	
)	

**Serve: Winston Calvert
City Counselor
1200 Market St., Rm. 314
St. Louis, MO 63103**

PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

Come now Plaintiffs, Jeanette Mott Oxford and Michael Chance, by and through counsel, and for their Petition against the City of St. Louis for Declaratory Judgment under Section 527.010 et seq. of the Missouri Revised Statutes, and for Injunctive Relief, state as follows:

1. Plaintiffs bring this claim against the City of St. Louis for declaratory and injunctive relief to prevent the City from providing financial assistance for a new professional sports facility until a fiscal note is prepared, a public hearing is held and a public vote is conducted approving such assistance.

2. Plaintiff Jeanette Mott Oxford is a resident of and registered voter in the City of St. Louis, where she owns a home. She is a taxpayer in the City of St. Louis, paying various taxes collected by the City of St. Louis. Ms. Oxford is also one of the original petitioners who petitioned to place the Ordinance at issue in this action on the City ballot in 2002.

3. Plaintiff Michael Chance is a resident of and registered voter in the City of St. Louis, where he owns a home. He is a taxpayer in the City of St. Louis, paying various taxes collected by the City of St. Louis. Mr. Chance is also one of the original petitioners who petitioned to place the Ordinance at issue in this action on the City ballot in 2002.

4. This action concerns Chapter 3.91 of the Revised Code of the City, an Ordinance which was approved by City voters in 2002 and which requires a fiscal note, a public hearing and public vote before there can be any financial assistance from the City for development of any professional sports facility. The Ordinance, in relevant part, states:

Before the City can act, by ordinance or otherwise, to provide financial assistance to the development of a professional sports facility, the following procedures must be fully implemented:

- A. A fiscal note must be prepared by the Comptroller, received by the governing body, and made available to the public for at least 20 days prior to final action. The fiscal note shall state the total estimated financial cost, together with a detailed estimated cost, to the City, including the value of any services, or the proposed action, and shall be supported with an affidavit by the Comptroller that the Comptroller believes the estimate is reasonably accurate.
- B. A public hearing must be held by the governing body allowing reasonable opportunity for both proponents and opponents to be heard.

Section 3.91.020.

The chapter then states:

No financial assistance may be provided by or on behalf of the City to the development of a professional sports facility without the approval of a majority of the qualified voters of the City voting thereon. Such voter approval shall be a condition precedent to the provisions of such financial assistance.

Section 3.91.030.

5. Pursuant to the Ordinance, “financial assistance” is defined as “any City assistance of value, direct or indirect, whether or not channeled through an intermediary entity, including, but not limited to, tax reduction, exemption, credit, or guarantee against or deferral of increase; dedication of tax or other revenues; tax increment financing; issuance, authorization, or guarantee of bonds; purchase or procurement of land or site preparation; loans or loan guarantees; sale or donation or loan of any City resource or service; deferral, payment, assumption or guarantee of obligations, and all other forms of assistance of value.” Section 3.91.010.

6. Upon information and belief, the Regional Convention and Sports Complex Authority (RSA) has already incurred significant expenses exceeding \$4 million to develop a professional sports facility, suitable for an NFL team, on the northern part of the downtown riverfront in the City of St. Louis.

7. The RSA has stated publicly that financing from the City of St. Louis is critical for the development of a new professional sports facility.

8. Mayor Francis Slay has issued a statement stating that the City’s financial assistance would include payment of bonds, possible donation of property for a new stadium, and use of tax revenue from any new stadium to support such a stadium.

9. Upon information and belief, the amount of the City's total amount of financial assistance is expected to be in the tens of millions of dollars.

10. Upon information and belief, the taskforce appointed by Governor Jay Nixon has set a goal of putting its stadium plan before NFL owners in October, 2015, if not sooner.

11. As of the date of filing this action, Defendant City of St. Louis has indicated, through its officials, that it has no plans to prepare a fiscal note regarding the expenses for a proposed new stadium, or for a public hearing or public vote under the current proposal for financing of the new facility unless "new taxes" are imposed. The City Ordinance requires a fiscal note, public hearing and public vote before any financial assistance is provided, not just through "new taxes."

12. Plaintiffs Ms. Oxford and Mr. Chance, as voters and taxpayers, desire that there be a fiscal note prepared, and a public hearing held and a public vote conducted on whether City financial assistance will be provided for the construction of a new professional sports facility, pursuant to the voter-approved Ordinance found in Chapter 3.91 of the Revised Code of the City of St. Louis.

13. City officials did not place any measures concerning a public vote for stadium funding on the August ballot prior to the May 26, 2015, deadline, and the next available date for such public vote would be November 3, 2015.

14. The current plan for a proposed new stadium is for a site that is not "adjacent" to an existing convention center as is required by Section 67.653 of the Missouri Revised Statutes.

15. Unless Defendant City of St. Louis is immediately and permanently enjoined from providing financial assistance for a professional sports facility prior to a public hearing and voter approval, Plaintiffs will continue to suffer immediate irreparable harm, including violation

of their First Amendment right to participate in a public hearing, their right under Chapter 3.91 to participate in a public hearing and public vote, and their right not to have millions of dollars in tax revenue used for a purpose not allowed without such a hearing and vote.

16. There is no adequate remedy at law to remedy the harm suffered by Plaintiffs and to prevent the continuing and repeated infliction of these harms.

17. The balance of harms favors the Plaintiffs as the City could easily avoid the harm by preparing a fiscal note and by scheduling a public hearing and public vote.

18. The public interest would be furthered by injunctive relief as the Ordinance at issue sets forth the public interest explicitly as requiring a public hearing and public vote.

WHEREFORE, Ms. Oxford and Mr. Chance pray for Judgment of the Court as follows:

- A. Declaring that there must be a fiscal note, public hearing and public vote prior to the City of St. Louis providing any financial assistance for a new professional sports facility, as defined by Chapter 3.91.
- B. Enjoining the City of St. Louis, its officials, agents, and employees, through a permanent injunction, from providing any financial assistance, including, but not limited to, payment of bonds, donation or property, or commitment of any tax revenue, to any new professional sports facility until such time as a fiscal note is prepared, a public hearing is held and a public vote is conducted.
- C. Enjoining the City of St. Louis, its officials, agents, and employees, through a permanent injunction, from providing any financial assistance to any proposed stadium that is not “adjacent” to an existing convention center.
- D. For such other and further relief as may be appropriate.

Respectfully submitted,

/s/ John Ammann

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