

March 12, 2019

**Via U.S. Mail**

Custodian of Records  
Manchester  
14318 Manchester Rd.  
Manchester, MO 63011

Dear Manchester Custodian of Records:

Recent news articles report that the Municipal League of Metro St. Louis, of which your municipality is a member, voted to oppose a statewide ballot measure to merge St. Louis City and St. Louis County. As you may know, Missouri law prohibits political subdivisions from using taxpayer funds to support or oppose a ballot measure. § 115.646, RSMo. The Missouri Attorney General has opined that putting out information about a ballot measure may violate the law. "In deciding whether [a city official] advocates or supports [a ballot] proposition, we look to such factors as style, tenor and timing of the publication." AGO Opinion 54-90. In addition, having city officials work in opposition to a ballot measure is an expenditure in violation of the law. Expenditures and contributions are "anything of value" supporting or opposing a ballot measure. See 130.011 and Mo. Const. art. VIII, sect. 23.7.

The Missouri Ethics Commission considers professional time donated by individuals to be a contribution to a campaign. "[A] person's time spent on working for a campaign would be of value when that person is contributing his or her specialty to the campaign, i.e., if an attorney does legal work for the campaign, this would be an in-kind expense; also if a CPA is doing accounting work for a campaign, such work would be an in-kind expense." MEC Opinion 1994.08.122. Therefore, staff using their expertise during work hours to support or oppose a ballot measure violates the statute. A violation of this law is a class four election offense, punishable by up to a year in jail. §§ 115.641 and 115.637, RSMo.

In order to monitor compliance with Missouri law, we request the following documents (you may limit your response to the last 18 months):

- Any and all employee policies, employee handbook provisions, ethics guidelines, or other policies pertaining to the use of public funds to support or oppose a ballot measure or candidate for public office;
- Any and all employee policies, employee handbook provisions, ethics guidelines, or other policies pertaining to employee participation in campaigns to support or oppose a ballot measure or candidate for public office;

- Any and all employee policies, employee handbook provisions, ethics guidelines, or other policies for use of publicly funded time by officials, employees or agents to support or oppose a ballot measure or candidate for public office;
- Any and all communications regarding employee policies, employee handbook provisions, ethics guidelines, or other policies pertaining to the use of public funds to support or oppose a ballot measure or candidate for office;
- Any and all communications regarding employee policies, employee handbook provisions, ethics guidelines, or other policies pertaining to officials', employees', or agents' participation in campaigns to support or oppose a ballot measure or candidate for office;
- Any and all communications regarding employee policies, employee handbook provisions, ethics guidelines, or other policies pertaining to the use of publicly funded time by officials, employees, to support or oppose a ballot measure or candidate for public office;
- Any and all communications regarding "legal theories of attack" or any basis for legal challenges to the statewide ballot measure to merge St. Louis City and St. Louis County;
- Any and all documents discussing any "legal theories of attack" or basis for legal challenges to the statewide ballot measure to merge St. Louis City and St. Louis County;
- Any and all communications with the Municipal League of Metro St. Louis;
- Any and all communications with attorneys retained by the Municipal League of Metro St. Louis;
- Any and all communications with any board member of the Municipal League of Metro St. Louis;
- Any and all communications between officials, employees, or agents of Manchester regarding a merger of St. Louis City and St. Louis County;
- Any and all communications with officials, employees, or agents of any other municipality in St. Louis County regarding a merger of St. Louis City and St. Louis County;
- Any and all communications with members of the Missouri General Assembly regarding a merger of St. Louis City and St. Louis County;
- Any and all documents and records evidencing dues, special assessments, or other funds paid to the Municipal League of Metro St. Louis;
- Any and all documents and records evidencing public funds paid to any consultants or independent contractors engaged to work on the issue of a merger of St. Louis City and St. Louis County;
- Any and all communications with any consultants or independent contractors engaged by you or the Municipal League of Metropolitan St. Louis to work on the issue of a merger of St. Louis City and St. Louis County;
- Any and all communications with any consultants or independent contractors engaged by you or the Municipal League of Metropolitan St. Louis to work on the proposal to establish a Board of Freeholders;
- Any and all documents and records evidencing public funds spent in connection with gathering signatures for a petition to establish a Board of Freeholders;

- Any and all communications relating to gathering signatures for a petition to establish a Board of Freeholders;
- Any and all documents and records evidencing public funds spent related to a potential merger of St. Louis City and St. Louis County;
- Any and all communications and documents relating to gathering signatures to establish a Board of Freeholders;
- Any and all communications and documents relating to opposition to a statewide ballot measure to merge St. Louis City and St. Louis County;
- Any and all documents prepared for distribution to the public regarding a merger of St. Louis City and St. Louis County, including any and all prior drafts of documents;
- Any and all communications and documents relating to the March 1, 2019 letter from the Mayor of the City of Manchester to Manchester residents (attached);
- Any and all documents and records evidencing costs associated with the creation and distribution of the March 1, 2019 letter from the Mayor of the City of Manchester to Manchester residents;and
- To the extent not included in the other requests, any electronic documents containing the following terms: "Better Together"; "Unite STL"; "Board of Freeholders"; "Missouri Mayors United for Progress"; "Pat Kelly"; "Missouri Municipal League"; "Richard Sheets."

If there are costs associated with this production, please let me know and we will make arrangements for payment. We would appreciate a response to this request as soon as possible, but in no event later than three business days. See §610.023.2, RSMo. As soon as you locate documents, please produce them. You do not have to wait until you locate documents responsive to all requests to send them to us. If you decide not to produce all or part of the records, please provide a written statement citing the grounds for your denial. See §610.023.3, RSMo.

Please contact me with any questions and to coordinate with regard to reviewing and copying responsive documents. Thank you for your assistance with this matter.

Sincerely,

Stinson Leonard Street LLP



Charles W. Hatfield

CWH:SLS

Enclosure