

Shirley Rukcic

From: Jared Boyd
Sent: Tuesday, January 19, 2021 10:45 AM
To: Shirley Rukcic
Subject: FW: Adam Layne

From: Jeffrey St. Omer <jstomer@mickesotoole.com>
Sent: Thursday, December 10, 2020 1:58 PM
To: Jared Boyd <BoydJa@stltreasurer.org>
Cc: Rohde-Collins, Dorothy <Dorothy.Rohde-Collins@slps.org>; layneadam@gmail.com; Layne, Adam L. <Adam.Layne@slps.org>
Subject: RE: Adam Layne

Good afternoon Jared,

Thank you for the attached memorandum. As I indicated during this afternoon's brief call, the issue being raised by member of the public in the email I forwarded yesterday to Mr. Layne and followed-up on today by the Post-Dispatch reporter does not, in my opinion, implicate any SLPS Policy/procedure or Revised Statute of Missouri. As noted in the memorandum, the issue is the application of the City Charter to employment in the Treasurer's Office. Since the this is not an issue for the District to determine, and the District would like to avoid being involved in commenting any issues to Mr. Layne's employment with the Treasurer's Office. Consistent with this position, it is my understanding the District responded to today's press inquiry as follows:

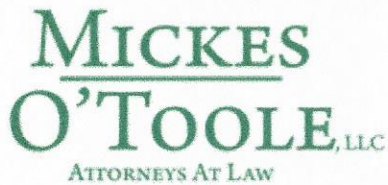
The Board of Education does not discuss the communications received from legal counsel and will not offer any comments regarding that portion of your inquiry. Regarding the issue raised in your email, the District does not have a role in determining whether a member's service on the Board of Education while employed in the Treasurer's Office conflicts with any provisions of the St. Louis City Charter and recommends you redirect the inquiry regarding clearance to the City of St. Louis.

In addition, I acknowledged receipt of the inquiry from the member of the public, but it was not my intention to provide any further response. As I discussed with you today, because this question does not implicate SLPS policy/procedure, the District will not be offering any further response to this individual. If I receive any further inquiry from this person, I will direct them to you to respond on behalf of the Treasurer's Office.

Hopefully, this will end will end the District's involvement in this matter.

Jeffrey A. St. Omer

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From: Jared Boyd [<mailto:BoydJa@stltreasurer.org>]
Sent: Thursday, December 10, 2020 12:34 PM
To: Jeffrey St. Omer
Subject: Adam Layne

Jeff,

Attached is a memorandum related the applicability of the City Charter to Adam Layne relating to his employment with the St. Louis Treasurer's Office.

Best regards,

L. Jared Boyd
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City of St. Louis Treasurer's Office
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Memorandum

To: Chuck Hatfield

From: Alix Cossette

Re: Applicability of Article VIII, Section 8 of St. Louis City Charter to St. Louis City Treasurer's Office

Date: December 10, 2020

You asked me to prepare a memo analyzing the applicability of Article VIII, Section 8 of the St. Louis City Charter to the St. Louis City Treasurer's Office and whether it bars an individual from simultaneously holding employment in the Treasurer's Office and serving on the St. Louis City School Board. **This provision does not apply to the Treasurer's Office because the Treasurer's Office is a County office. Further, it does not prohibit an individual from holding employment in the Treasurer's Office and serving on the St. Louis City School Board.**

I. Article VIII, Section 8 of the St. Louis City Charter does not bar an individual employed in the St. Louis City Treasurer's Office from holding a position on the St. Louis City School Board.

Section 8 prohibits a City officer or employee from receiving "any additional compensation for serving in any other capacity under the city while in such office or employment" and from holding "any office or employment under the state or United States except in the militia or as a notary public or as a teacher in a public educational institution."¹ This section does not prohibit an employee of the Treasurer's Office from serving on the St. Louis City School Board because this section is not applicable to county offices (which the Treasurer's Office is).

A. The Treasurer's Office is county office.

St. Louis City is unique in that it is both a city and a county.² Because of this unique status, St. Louis City has both municipal offices and county offices. The Treasurer's Office is a county office, that exists by virtue of state statute.³ Consistent with state statute, the Missouri Supreme Court has held that the Treasurer of

¹ St. Louis City Charter, Art VIII, § 8.

² Mo. Const. Art. VI, § 31.

³ See e.g. § 82.520, RSMo. (fixing salary of Treasurer of City of St. Louis).

the City of St. Louis is a county officer.⁴ Thus, the Treasurer's office is a county—not a municipal—office and is not subject to the City's charter.⁵

B. Article VIII, Section 8 of the St. Louis City Charter is only applicable to municipal offices.

Article VIII of the St. Louis City Charter is entitled “City Officers and Employees”—signaling to those reading this Article to whom the various sections of Article VIII apply. Only individuals who are city officers and employees. Providing additional context to whom this Article applies are the cases listed under the title of the Article. One such case is *Preisler v. Hayden*, holding that the license collector is a county officer not a city officer.⁶ Like the license collector, the Treasurer is a county officer, as discussed above. And St. Louis City's officers that perform duties generally associated with county officers “have been held to be county officers and subject to the general laws of the State...as distinguished from municipal officers.”⁷ It is evident that Article VIII (including section 8) does not apply to those individuals and offices classified as county officers and offices, like the license collector and Treasurer.

Further, reading Article VIII as a whole limits Section 8's applicability to municipal offices. “In statutory construction, we do not read portions of a statute in isolation, and all consistent statutes relating to the same subject matter should be construed together and read to harmonize the many parts consistently.”⁸ Read in isolation it might appear that Section 8 applies to all offices in St. Louis City—municipal or county. However, the rest of Article VIII limits its applicability to municipal offices, as discussed above. For example, Section 1 of Article VIII establishes which officers the mayor may appoint. Reading Section I, with Section 8, as we are directed to by the rules of statutory construction, it appears that Section 8 is then applicable to individuals who are appointed by the mayor pursuant to Section 1 of Article VIII and to individuals who work within those departments. In other words, municipal officers and offices. Similarly, section 2 of Article VIII imposes a residence requirement on officers and employees—requiring them to reside in the City. This residency requirement is not applicable to the Treasurer's Office. Thus, reading Section 2 with Section 8 further affirms that Section 8 is only applicable to those individuals and offices the rest of Article VIII contemplates. And it does not include the Treasurer's Office.

⁴ See *State ex inf. McKittrick v. Dwyer*, 124 S.W.2d 1173, 1174-76 (Mo. Banc 1938)(holding City Treasurer is county officer, not municipal officer); see also *State ex rel. Dwyer v. Nolte*, 172 S.W. 2d 854, 855-56 (Mo. 1943)(invalidating city ordinance fixing salary of City Treasurer, relying on McKittrick's holding that Treasurer is a county officer and not subject to City Charter.).

⁵ See *Nolte*, 172 S.W.2d at 655-56.

⁶ 309 S.W.2d 645 (Mo. 1958).

⁷ *Stemmler v. Einstein*, 297 S.W.2d 467, 469 (Mo. Banc 1956).

⁸ *Dir. of Rev. of St. Louis v. Parcels of Land Encumbered with Delinquent Tax Liens Land Tax Suit 178*, 533 S.W. 3d 816, 820 (Mo. App. 2017).