

IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS, MISSOURI

CITY OF ST. LOUIS
and PAUL PAYNE,

Plaintiffs,

v.

ST. LOUIS BOARD OF POLICE
COMMISSIONERS and BRAD
ARTEAGA, DON BROWN, SONYA
JENKINS-GRAY, EDWARD McVEY,
and CHRIS SARACINO in their official
capacities as members of the St. Louis
Board of Police Commissioners, and

Case No.

Serve: Police Headquarters
1915 Olive St.
St. Louis, MO 63103

STATE OF MISSOURI,

Serve: Office of Attorney General
207 High Street
Jefferson City, MO 65102

Defendants.

PETITION

Plaintiffs City of St. Louis (the “City”) and Paul Payne state as follows:

INTRODUCTION

1. In 1980, Missouri voters approved the Hancock Amendment, a “constitutionally-rooted shield” designed to rein in government taxation and spending. *Breitenfeld v. Sch. Dist. of Clayton*, 399 S.W.3d 816, 826 (Mo. banc 2013). In the decades that followed the amendment’s adoption, taxpayers have routinely called upon Missouri Courts to strike down “unfunded mandates”—legal obligations imposed by the State of

Missouri on its political subdivisions without a corresponding appropriation of State funds to pay the cost of fulfilling the obligation.

2. In this lawsuit, the Court is charged, yet again, with fulfilling Missouri voters' express intent "to keep the public burden of taxation under control." *Keller v. Marion Cnty. Ambulance Dist.*, 820 S.W.2d 301, 304 (Mo. 1991). Recent budgetary demands by the State of Missouri—via the newly established state board of police commissioners (the "Board")—that the City of St. Louis issue a blank check to fund a police force that the City neither operates nor controls is the archetypal unfunded mandate that Missouri courts have a constitutional duty to strike down.

3. Not only are the Board's recent budgetary demands untethered to the fiscal realities of the City of St. Louis; they are untethered to Missouri law. This outcome is not altered by the 2024 adoption of Amendment 4, which voters approved for the express purpose of amending the Hancock Amendment to authorize an increase in funding for the Kansas City Board of Police Commissioners at a time when the St. Louis Board of Police Commissioners did not yet exist, because Amendment 4 does not apply in the context before the Court or authorize the unfunded mandates imposed on the City of St. Louis by the recently enacted state takeover law.

4. As set forth herein, this Court should declare that, as applied to the City, the provisions of House Bill Number 495 of the 103rd General Assembly ("HB 495"), which relate to the governance and control of the St. Louis Metropolitan Police Department ("SLMPD") by the Board ("State Takeover Law") are unconstitutional in that they are an unfunded mandate in violation of Article X, Section 21 of the Missouri Constitution.

PARTIES

5. Plaintiff City of St. Louis is a constitutional charter city organized and existing under the Missouri Constitution.

6. Plaintiff Paul Payne (“Payne”) is a resident and taxpayer of the City of St. Louis and the State of Missouri.

7. Defendant State of Missouri is a sovereign political body organized and existing under the Missouri Constitution and the United States Constitution.

8. Defendant St. Louis Board of Police Commissioners is a newly established agency of the State of Missouri with its place of operation in the City of St. Louis.

9. Brad Arteaga is a current member of the Board and a resident of the City of St. Louis.

10. Don Brown is a current member of the Board and a resident of Missouri.

11. Sonya Jenkins-Gray is a current member of the Board and a resident of the City of St. Louis.

12. Edward McVey is a current member of the Board and a resident of the City of St. Louis.

13. Chris Saracino is a current member of the Board and a resident of the City of St. Louis.

JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction under article V, section 14 and article X, section 23 of the Missouri Constitution and Section 527.010 of the Revised Statutes of Missouri.

15. Venue is mandated in this Court pursuant to Section 84.095 of the Revised Statutes of Missouri and otherwise is appropriate under Sections 84.015 and 508.010.2(1).

FACTUAL ALLEGATIONS

16. From the Civil War era to September 1, 2013, the SLMPD was under the control of a state board of police commissioners pursuant to a series of Missouri statutes in effect throughout that period.

17. In November 2012, Missouri voters passed an initiative authorizing the City of St. Louis to establish its own police force and for the SLMPD to be transitioned to local control.

18. On September 1, 2013, the City of St. Louis established a municipal police force and, in so doing, “accept[ed] responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners.” RSMo. § 84.344 (2012); City of St. Louis Ordinance No. 69489.

19. When the City of St. Louis established its municipal police force, the only political subdivision of Missouri with a police force under the control of a state board of police commissioners was Kansas City, and the Kansas City Police Department (“KCPD”) has continually operated under state board control from the Civil War era to the present.

20. For more than a century, the Missouri statutes governing the SLMPD and KCPD required the City of St. Louis and Kansas City to appropriate the funds that their respective state boards estimated were necessary to meet the police forces’ expenses.

21. This arrangement of the State requiring the City of St. Louis and Kansas City to fund the state board-controlled police forces at the amounts estimated by the state boards is an “unfunded mandate.”

22. Prior to December 4, 1980, such unfunded mandates imposed by the State upon its political subdivisions were not expressly prohibited by the Missouri Constitution.

23. On November 4, 1980, the people of Missouri amended the Missouri Constitution effective December 4, 1980, to, among other things, prohibit the State from imposing new unfunded mandates on political subdivisions or increasing the level of then-existing unfunded mandates. *See* Mo. Const. art. X, § 21. The amendment is part of what is colloquially referred to as the “Hancock Amendment.”

24. The Hancock Amendment had the effect of establishing a ceiling on the amount of money the City could be lawfully required to appropriate to fund the old and now defunct board of police commissioners. *See State ex rel. Sayad v. Zych*, 642 S.W.2d 907, 911 (Mo. 1982) (holding “[i]t would be unconstitutional for the Police Board to require the City to appropriate any more than \$66,634,713, the budget certified as of the effective date of the Hancock Amendment.”).

25. On August 6, 2024, the Missouri primary election ballot included proposed Amendment 4 with the following ballot title and fiscal summary:

Shall the Missouri Constitution be amended to authorize laws, passed before December 31st, 2026, that increase minimum funding for a police force established by a state board of police commissioners to ensure such police force has additional resources to serve its communities?

This would authorize a law passed in 2022 increasing required funding by the City of Kansas City for police department requests from 20% of general revenue to 25%, an increase of \$38,743,646, though the City previously provided that level of funding voluntarily. No other state or local governmental entities estimate costs or savings.

26. Missouri voters approved Amendment 4, thereby amending article X, section 21 to add subpart 2, which reads: “Notwithstanding the foregoing prohibitions, before December 31, 2026, the general assembly may by law increase minimum funding for a police force established by a state board of police commissioners to ensure such police force has additional resources to serve its communities.” Mo. Const. art. X, § 21.

27. Amendment 4 was intended to apply and does apply only to Kansas City and the Kansas City Board of Police Commissioners.

28. On March 26, 2025, the Governor signed into law HB 495, the full text of which is attached as Exhibit A and is incorporated by reference.

29. The State Takeover Law provisions of HB 495 repealed the statutory scheme that had authorized the City’s establishment of a police force and authorized the City’s control and operation of the SLMPD (the “Local Control Law”).

30. HB 495, among other things, purported to place the City’s police force, the SLMPD, under the governance and control of a new State agency known as the “Board of Police Commissioners,” i.e., the Board.

31. HB 495 took immediate effect on March 26, 2025, as an “emergency” measure.

32. On June 23, 2025, the Governor announced his appointment of the Commissioners to the Board.

33. The Board thereafter assumed control of the SLMPD.

34. The State Takeover Law was irretrievably constitutionally flawed from its inception.

35. HB 495 unconstitutionally imposes new unfunded mandates to the tune of hundreds of millions of dollars (and billions over time) on the taxpayers of the City of St. Louis in a manner that threatens to wreak havoc on the City's functionality and financial well-being.

36. HB 495 also unconstitutionally creates and fixes the powers, duties, and compensation of municipal offices and unconstitutionally fixes new duties of existing municipal offices.

37. In addition to its inherent constitutional defects, the manner in which the State Takeover Law was crafted and implemented predictably resulted in legal, financial, and practical chaos. For example, despite its enactment as a purported "emergency" measure taking immediate effect on March 26, 2025, the State took no meaningful action to implement State control for months and failed to appoint a transition director during that time as required by Section 84.325.1. As a result, the SLMPD was left to operate without any governmental oversight or direction, disciplinary proceedings effectively came to a halt, and its officers were left to wonder who, if anyone, was their employer. The same circumstance resulted when, nearly six months after the State Takeover Law's

“emergency” enactment, the Governor purported to withdraw his appointment of Board members, and the SLMPD was again left rudderless and without governmental oversight.

38. The State Takeover Law also caused chaos through its failure to adequately consider or address the full scope of State control’s impact on dozens of police lawsuits that were pending at the time of its enactment—which led to well-publicized disputes over what entity is the proper defendant in such lawsuits and confusion over whether the City’s Law Department or the Missouri Attorney General’s Office (“AGO”) would represent officers and entities in such lawsuits moving forward.

39. The State Takeover Law *did* address one aspect of its effect on then-pending police lawsuits where it clearly and unambiguously mandated that the State of Missouri assume all liabilities that existed and now exist because of the City’s prior operation of the SLMPD. Specifically, the State Takeover Law provides that “upon the assumption of control by the board of police commissioners ... *the state shall accept* responsibility, ownership, and *liability as successor-in-interest* for contractual obligations and other lawful obligations of the municipal police department.” RSMo. § 84.325.3. The Board, through the AGO, repeatedly took the position in multiple court filings that it had accepted the City’s financial liability and “stands in the shoes of the City of St. Louis as provided in Section 84.325.” But the Board later reversed course and disclaimed having accepted the City’s financial liabilities as required by law.

40. Given these predictable disputes over the State Takeover Law’s impact on pending litigation, the Board, the City and the AGO recently signed a non-binding Memorandum of Understanding (“MOU”), which expressly reserved all claims and legal

challenges including those set forth herein, to temporarily provide clarity and a requisite framework that was conspicuously absent from the State Takeover Law.

41. The chaos caused by the State Takeover Law reached its breaking point in recent weeks, during which a ripe, justiciable dispute over the Board's budget for fiscal year 2027 arose.

42. On February 25, 2026, the Board prepared an estimate of its expenses for fiscal year 2027. *See* RSMo. § 84.210.

43. The Board's estimate would balloon the SLMPD budget to more than \$250 million. The \$250-million figure certified by the Board did not include retirement costs newly mandated by the State Takeover Law, like FICA and lifetime health insurance for retired employees, which are projected to cost at least an additional \$24 million in fiscal year 2027 alone. The figure also does not include the full cost of marshals and park rangers, which will further increase the total costs by an additional \$3.6 million. In total, the Board's estimate would bring the new total cost to the City of funding the SLMPD for fiscal year 2027 to approximately \$277.8 million—a 38.9% increase from the SLMPD's budget for the prior fiscal year.

44. The estimate prepared by the Board and adopted on February 25, 2026, is wildly out of sync with what the City of St. Louis can afford without materially impacting other City departments and necessitating cuts to services like trash pickup, park maintenance, and road maintenance.

45. The Board's estimate is statutorily deficient in that it failed to "include... all reasonably anticipated revenues of such boards from all sources including, but not limited

to, grants from the federal or state governments, governmental agencies or other grantors and forfeitures of property and proceeds of forfeited property, a table of organization, line items for personnel, supplies, maintenance, repairs, services and contractual requirements, and a statement comparing receipts and expenses for the last prior full fiscal year, the current fiscal year, and the fiscal year to which the estimate pertains” as required by Section 84.210.

46. On February 27, 2026, the Board purported to certify its estimate to the President of the Board of Aldermen of the City of St. Louis, the Comptroller of the City of St. Louis, and to the Mayor of the City of St. Louis by emailing its estimate and accompanying resolution to those three officials.

47. On information and belief, it is the Board’s position that, by its February 27, 2026, email, the Board certified its estimate to the City’s “municipal assembly” as contemplated by Section 84.210 such that, in the Board’s view, the City is now mandated and “required to set apart and appropriate the amount so certified” to the Board.

48. If the City is required to fund the Board in its estimated amount as Section 84.210 purports to mandate, the City will be forced to implement mass layoffs of valued and integral City employees to compensate for the cost in a manner that would materially harm the public good and the City’s ability to provide essential services to its residents.

49. The Board later doubled down on its outrageous monetary demands and did so in a manner that underscores the unworkability and constitutional infirmity of the State Takeover Law.

50. On March 17, 2026, the Board outlined its position that the State Takeover Law “clearly” affords the SLMPD a fiscal year 2027 budget of **\$333.98 million**—an over \$130 million increase from its prior year’s budget. Exhibit B, St. Louis Metropolitan Police Department FY27 Budget Summary Excerpts at 4.

51. In the Board’s view, and as articulated by the Board in its Fiscal Year 2027 Budget Summary, “[the State Takeover Law] mandates that the City set aside 24% of its general revenue from the 2026-27 fiscal year for the operation of the SLMPD. Applying the 24% to the city’s general revenue of \$1.39 billion results in a SLMPD budget allocation of \$333.98 million dollars.” Exhibit B, St. Louis Metropolitan Police Department FY27 Budget Summary Excerpts at 4.

52. As more fully set forth herein, the entire funding scheme of the State Takeover Law is an unconstitutional unfunded mandate, and a recently adopted change to the Hancock Amendment does not apply to the State Takeover Law or permit the minimum funding requirements in Section 84.160.

53. Even if the newly enacted minimum funding requirements within the State Takeover Law apply to the City in this context and are constitutional, which they are not, the problem for the Board remains that its budgetary demand created an unconstitutional unfunded mandate as applied because it far exceeds the State Takeover Law’s minimum funding requirement.

54. This Petition requests that this Court hold that the entire funding scheme underlying the State Takeover Law is unconstitutional in its entirety.

55. In the alternative, and in the event the Court declines to find the State Takeover Law unconstitutional in its entirety, this Petition requests that the Court hold that the Board's budgetary demand (in the form of its certified estimate) created an unconstitutional unfunded mandate as applied because it far exceeds the State Takeover Law's minimum funding requirement.

56. Also in the alternative, and in the event the Court declines to find the State Takeover Law unconstitutional in its entirety, this Court should find that Section 84.325.3 transferred all of the City of St. Louis' responsibilities and liabilities that exist because of the City's prior operation of the SLMPD to the State of Missouri, as the City's successor-in-interest, or in the alternative, to the Board, and that such entity is the proper defendant in any litigation pending or brought against the City of St. Louis related to the City's prior operation of the police department.

COUNT I - THE STATE TAKEOVER LAW'S NEW FUNDING REQUIREMENT IS AN UNFUNDED MANDATE

57. Plaintiffs City of St. Louis and Payne incorporate by reference the allegations in the foregoing paragraphs of this Petition.

58. Article X, section 21 of the Missouri Constitution states:

1. The state is hereby prohibited from reducing the state financed proportion of the costs of any existing activity or service required of counties and other political subdivisions. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.

2. Notwithstanding the foregoing prohibitions, before December 31, 2026, the general assembly may by law increase minimum funding for a police

force established by a state board of police commissioners to ensure such police force has additional resources to serve its communities.

59. The Hancock Amendment expressly distinguishes between “a new activity or service” and “an increase in the level of any activity or service beyond that required by existing law.”

60. Prior to the time the State Takeover Law was enacted, the City had no duty to fund the now newly established state board of police commissioners.

61. The State Takeover Law purported to impose a *new* “duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners[.]” RSMo. § 84.160 (referencing RSMo. § 84.210).

62. The new “duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners” is a “new activity” mandated by the State Takeover Law.

63. The City has experienced and will continue to experience an increase in costs in performing that new activity.

64. Thus, the new “duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners” is an unfunded mandate in violation of article X, section 21(1).

65. The “duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners” is not an “increase [of] minimum funding” allowed by article X, section 21(2) because the City was under no minimum funding obligation prior to the State Takeover Law’s enactment and because this provision of the statute does not purport to “increase minimum funding.”

66. Beyond simply imposing this unfunded mandate “to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners,” the State Takeover Law also purports to impose new minimum funding requirements on the City, obligating the City to appropriate at least 22% of general revenue in 2025, 23% of general revenue in 2026, 24% of general revenue in 2027, and 25% of general revenue in 2028 and all subsequent years. *See* RSMo. § 84.160.

67. The State Takeover Law’s minimum funding requirement is not permitted by article X, section 21(2) because the City was under no minimum funding obligation prior to the State Takeover Law’s enactment, and therefore there was no minimum funding for the State Takeover Law to “increase.” The statute imposes a *new* minimum funding requirement to a newly established Board; it does not “increase minimum funding,” which is all that article X, section 21(2) exempts from the Hancock Amendment’s prohibition on unfunded mandates.

68. Additionally, the State Takeover Law does not fall within the exception in subpart 2 of the Hancock Amendment because subpart 2 only applies to “a police force

established by a state board of police commissioners,” and the SLMPD is not a police force established by a state board of police commissioners.

69. Rather, the police force that previously existed as a division of the City Department of Public Safety—i.e. the SLMPD—was “transferred” to the Board from the City of St. Louis. *See* RSMo. § 84.325.1 (stating that Board “shall **assume control** of any municipal police force established within any city not within a county during the implementation period; providing for appointment of “**transition** director” to oversee “orderly **transition** of the control of any municipal police force from any city not within a county to the board of police commissioners”; and stating that “[t]he purpose of these procedures and requirements is to ensure the **continuity of operations** of the municipal police force with minimized disruptions”); § 84.325.2 (stating that City “shall convey, assign, and otherwise **transfer** to the board title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the municipal police department . . .”).

70. Thus, the State Takeover Law is unconstitutional and invalid for the additional reason that the minimum funding requirement contemplated by subsection 2 of article X, section 21 cannot be applied to the City of St. Louis to fund the SLMPD because the SLMPD is not a police force “established” by a state board of police commissioners.

71. Therefore, Plaintiffs City of St. Louis and Payne seek a declaration that the State Takeover Law is unconstitutional and invalid in that Section 84.160 of the Revised Statutes of Missouri imposes an unfunded mandate for a new activity in violation of article X, section 21 of the Missouri Constitution because the City was under no minimum funding

obligation prior to the State Takeover Law’s enactment, and therefore there was no minimum funding for the law to “increase.”

72. Plaintiffs City of St. Louis and Payne further seek a declaration that the State Takeover Law is an unfunded mandate in violation of article X, section 21 of the Missouri Constitution in that the law does not fall within the exception for increases of minimum funding set forth in subpart 2 because the Board “assumed control” of the SLMPD and continued its operations; therefore, it is not a police force “established” by a state board of police commissioners.

WHEREFORE, Plaintiffs City of St. Louis and Paul Payne request, this Court enter its Order and Judgment in their favor and against Defendants:

- a. declaring that Section 84.160 of the Revised Statutes of Missouri is unconstitutional because it violates article X, section 21 of the Missouri Constitution; and
- b. declaring that the State Takeover Law is unconstitutional because it violates article X, section 21 of the Missouri Constitution.

COUNT II (IN THE ALTERNATIVE TO COUNT I) - EVEN IF MINIMUM FUNDING REQUIREMENTS ARE CONSTITUTIONAL WITH RESPECT TO THE CITY AND APPLY TO THE CITY, THE AMOUNT CERTIFIED BY THE BOARD IS IN EXCESS OF THE MINIMUM FUNDING REQUIREMENT AND RSMO. 84.210 AND RSMO. 84.160 ARE THEREFORE UNCONSTITUTIONAL AS APPLIED.

73. Plaintiffs City of St. Louis and Payne incorporate by reference the allegations in the foregoing paragraphs of this Petition.

74. The State Takeover Law purports to mandate that the City appropriate a minimum sum equal to a percentage of the City's general revenue every fiscal year in perpetuity and also purports to mandate that the City appropriate *any amount that is certified by the Board* - even if such amount exceeds the minimum funding requirement purportedly authorized by Section 84.160 and subsection 2 of the Hancock Amendment.

75. In other words, the State Takeover Law effectively requires the taxpayers of the City of St. Louis to fund the City's provision of a metaphorical "blank check" to a State agency it does not control and does so without regard for the devastating impact such a mandate would have on the provision of critically important city services where, as here, the Board's certified estimate is so wildly out of sync with what the City can afford.

76. Section 84.160.3 states:

It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners, in the manner provided in section 84.210; except, pursuant to subsection 2 of Section 21 of Article X of the Missouri Constitution, such municipal assembly or common council shall appropriate a minimum sum equal to the following percentages of the city's general revenue:

- (1) Twenty-two percent for the period ending December 31, 2025;
- (2) Twenty-three percent for the period beginning on January 1, 2026, and ending on December 31, 2026;
- (3) Twenty-four percent for the period beginning on January 1, 2027, and ending on December 31, 2027; and
- (4) Twenty-five percent beginning on January 1, 2028, and for all subsequent years.

RSMo. § 84.160.3.

77. The designated periods set out in the State Takeover Law that dictate the applicable percentage of general revenue for Board expenses are not aligned with, and therefore conflict, with the City's fiscal year, which commences on July 1 each year pursuant to City of St. Louis Code Ch. 5.14.020.

78. As a result, it is not clear whether the City's putative minimum funding requirement is 23%, 23.5%, or 24% for fiscal year 2027.

79. 23% of the City's general revenue is, at most, \$176,603,615.63.

80. 23.5% of the City's general revenue is, at most, \$180,442,824.67.

81. 24% of the City's general revenue is, at most, \$184,282,033.

82. The budget estimate certified by the Board for fiscal year 2027 is \$250,000,000. If the City's minimum funding requirement is 23% of the City's general revenue for FY 2027, then the Board's budget estimate exceeds it by at least \$73,396,384.37.

83. If the City's minimum funding requirement is 23.5% of the City's general revenue for FY 2027, then the Board's budget estimate exceeds it by at least \$69,557,175.33.

84. If the City's minimum funding requirement is 24% of the City's general revenue for FY 2027, then the Board's budget estimate exceeds it by at least \$65,717,966.30.

85. In attempting to calculate the City's minimum funding requirement, the Board errantly included various funds that are not properly included within "general revenue," including but not limited to funds that are restricted by state law, restricted

funding from federal grants, City reserves saved over the years for solvency, bonding, and credit purposes, and funds from the settlement with the Rams currently invested in a Missouri Securities Investment Program.

86. The Board's errant inclusion of the City's reserves and Rams settlement fund in its general revenue calculation would, if accurate and enforceable, result in a rapid and severe depletion of the City's reserves and Ram's settlement fund that would be detrimental to the City's financial well-being.

87. The Board's erroneous calculation led to its outrageous post hoc position, first announced on or about March 17, 2026, that "[a]pplying the 24% to the city's general revenue of \$1.39 billion results in a SLMPD budget allocation of \$333.98 million dollars."

Exhibit B, St. Louis Metropolitan Police Department FY27 Budget Summary Excerpts at 4. The Board maintained for weeks thereafter that it is "clearly" statutorily entitled to a fiscal year 2027 budget allocation of **\$333.98 million**—which would be an over \$130 million increase from its prior year's budget.

88. The Board only recently revised its position to concede that a few fund items should be excluded from general revenue such that, on information and belief, the Board's current position is that it is statutorily entitled to approximately \$320 million for fiscal year 2027 - which remains shockingly beyond what the City can afford and would be an over \$120 million increase from its prior year's budget.

89. Notwithstanding the Board's position that the City is obligated to allocate approximately \$320 million dollars to the Board for fiscal year 2027, and in apparent recognition of the absurdity and unworkability of that position, the Board certified an

estimated budget in the amount of \$250 million. But even the \$250 million amount certified by the Board is on its face *at least* \$65,717,966.30 million in excess of the statutory minimum for fiscal year 2027.

90. The amount certified by the Board for payment by the City of St. Louis exceeds the minimum funding requirement set forth in Section 84.160 and is therefore in violation of Article X, section 21 of the Missouri Constitution.

91. Accordingly, Plaintiffs City of St. Louis and Payne, in the alternative to Count I, seek a declaration that:

- i) to the extent the amount certified exceeds the minimum funding requirement set forth in Section 84.160.3, it is an unfunded mandate in violation of article X, section 21 of the Missouri Constitution; and
- ii) the City is not required to set apart and appropriate any amount in excess of the minimum funding requirement.

WHEREFORE, Plaintiffs City of St. Louis and Paul Payne request, if the State Takeover Law provisions of HB 495 are upheld, this Court enter its Order and Judgment in their favor and against Defendants:

- a. declaring that the budget certified by the Board results in a violation of article X, section 21 of the Missouri Constitution as applied because it exceeds the State Takeover Law minimum funding requirement set forth in Section 84.160.3; and
- b. declaring that the City is not required to set apart and appropriate any amount in excess of the minimum funding requirement.

**COUNT III - LIFETIME RETIREE HEALTH BENEFITS
COVERAGE FUNDING REQUIREMENTS ARE AN UNCONSTITUTIONAL
UNFUNDED MANDATE**

92. Plaintiffs City of St. Louis and Payne incorporate by reference the allegations in the foregoing paragraphs of this Petition.

93. Before the City assumed local control of the SLMPD on September 1, 2013, state law mandated that the pre-2013 Board of Police Commissioners provide health, medical and life insurance coverage for retired officers and employees of the police department, and therefore, all SLMPD employees received lifetime insurance coverage.

94. That benefit was costly. In the leadup to local control, the cost of providing this benefit continued to balloon to unsustainable levels.

95. After the City assumed local control in 2013, all SLMPD employees hired during state control were “grandfathered in” and retained lifetime insurance coverage. By contrast, all SLMPD employees hired during local control did not receive this benefit, a change that had a substantial impact on the City’s liabilities.

96. As the proportion of uncovered employees increased and retirees passed away over the years, the City’s total liability decreased and was projected to reach zero.

97. After enactment of the State Takeover Law, the City became purportedly responsible for funding the Board’s obligation to “provide health, medical, and life insurance coverage for retired officers and employees of the police department.” RSMo. § 84.160.8(3).

98. The law further provides that “[h]ealth, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired

officers and employees of the police department who receive pension benefits pursuant to Sections 86.200 to 86.364 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living.”

99. As a result of the enactment of the State Takeover Law and the City's new duty to fund police retiree health benefit costs, the City's liabilities increased dramatically.

100. The City incurred an additional \$29.8 million in liability for 2025 alone.

101. Each subsequent year there will be an additional cost of the value of the benefit earned in that particular year plus interest on the outstanding liability. The cost is estimated at \$6.6 million in 2026.

102. The City has and will continue to experience an increase in expenditures in order to comply with the State Takeover Law's requirement to fund lifetime retiree health benefits.

103. Although the State Takeover Law contains a minimum funding requirement, “pension and retirement costs” are expressly excluded from the calculation of expenses for the minimum funding requirement. See RSMo. § 84.160.3.

104. By expressly excluding lifetime retiree health benefit costs from the calculation of expenses for purposes of the minimum funding requirement, the requirement to pay lifetime retiree health benefit costs is a separate funding requirement imposed upon the City *in addition to* the minimum funding requirement.

105. Even if subpart 2 of the Hancock Amendment authorizes the minimum funding requirement imposed on the City by the State Takeover Law, which is not the case, it certainly does not authorize the unfunded mandate that the City fund lifetime retiree

health benefit costs because such costs are expressly exempted from the State Takeover Law's minimum funding requirement such that they are outside the scope of subpart 2 to the Hancock Amendment in any event.

106. By imposing the duty to fund lifetime retiree health benefit costs and excluding those costs from the calculation of expenses, the State Takeover Law imposes an unfunded mandate on the City in violation of article X, section 21 of the Missouri Constitution.

107. The State Takeover Law requires the City to increase expenditures beyond that required by law prior to the enactment of the State Takeover Law, and it does so without a corresponding state appropriation to pay the City for its increased costs.

108. Plaintiffs City of St. Louis and Payne therefore seek a declaration that the State Takeover Law is unconstitutional and invalid in that it imposes an unfunded mandate upon the City to fund lifetime health benefits without a corresponding state appropriation to pay the City for its increased costs in violation of article X, section 21 of the Missouri Constitution.

WHEREFORE, Plaintiffs City of St. Louis and Paul Payne request, if the State Takeover Law provisions of HB 495 are upheld, this Court enter its Order and Judgment in its favor and against Defendants:

- a. declaring that Section 84.160.8(3) is unconstitutional because it violates article X, section 21 of the Missouri Constitution.

COUNT IV - THE BOARD’S CERTIFIED BUDGET ESTIMATE WAS DEFECTIVE AND STATUTORILY DEFICIENT IN THAT IT FAILED TO COMPLY WITH SECTION 84.210 AND THEREFORE NO FUNDING OBLIGATION WAS TRIGGERED

109. Plaintiffs City of St. Louis and Paul Payne incorporate by reference the allegations in the foregoing paragraphs of this Petition.

110. Section 84.210 expressly mandates that the Board’s budget estimate “shall include, but not be limited to, all reasonably anticipated revenues of such boards from all sources including, but not limited to, grants from the federal or state governments, governmental agencies or other grantors and forfeitures of property and proceeds of forfeited property, a table of organization, line items for personnel, supplies, maintenance, repairs, services and contractual requirements, and a statement comparing receipts and expenses for the last prior full fiscal year, the current fiscal year, and the fiscal year to which the estimate pertains.”

111. The Board’s estimate adopted on February 25, 2025 and purportedly certified on February 27, 2025, is deficient and statutorily defective because it did not “include... all reasonably anticipated revenues of such boards from all sources including, but not limited to, grants from the federal or state governments, governmental agencies or other grantors and forfeitures of property and proceeds of forfeited property” as expressly required by Section 84.210.

112. Any duty that the City of St. Louis might have “to set apart and appropriate the amount so certified [by the Board]” is contingent upon the Board certifying an estimate that is in compliance with Section 84.210, which the Board failed to do.

113. Because the Board certified a deficient and statutorily defective budget estimate that failed to comply with Section 84.210, no funding obligation of the City of St. Louis was triggered and no such funding obligation exists.

114. Accordingly, Plaintiffs City of St. Louis and Payne, in the alternative to Count I, seek a declaration that:

- i) because the Board certified a deficient and statutorily defective budget estimate that failed to comply with Section 84.210, no funding obligation of the City of St. Louis was triggered and no such funding obligation exists.

WHEREFORE, Plaintiffs City of St. Louis and Paul Payne request, if the State Takeover Law provisions of HB 495 are upheld, this Court enter its Order and Judgment in its favor and against Defendants:

- a. declaring that the Board’s deficient and statutorily defective budget estimate did not trigger the City of St. Louis’s funding obligation and no such funding obligation exists.

COUNT V - THE STATE TAKEOVER LAW UNCONSTITUTIONALLY CREATES AND FIXES POWERS, DUTIES, AND COMPENSATION OF MUNICIPAL OFFICES AND EMPLOYMENT IN VIOLATION OF ARTICLE VI, SECTION 22 OF THE MISSOURI CONSTITUTION (CITY OF ST. LOUIS ONLY)

115. Plaintiff City of St. Louis incorporates by reference the allegations in the foregoing paragraphs of this Petition.

116. Article VI, section 22 of the Missouri Constitution states:

No law shall be enacted creating or fixing the powers, duties or compensation of any municipal office or employment, for any city framing or adopting its

own charter under this or any previous constitution, and all such offices or employments heretofore created shall cease at the end of the terms of any present incumbents.

117. The City of St. Louis is a city that has framed and adopted its own charter under the Missouri Constitution.

118. Section 84.330 provides that “[t]he members of the police force of the cities covered by sections 84.010 to 84.340, organized and appointed by the police commissioners of said cities, **are hereby declared to be officers of the said cities**, under the charter and ordinances thereof, and also to be officers of the state of Missouri, and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of this state or the ordinances of said cities.” (emphasis added).

119. The Missouri Supreme Court has held that, pursuant to Section 84.330 and under the old state control framework, police officers of the SLMPD are municipal officers, as well as agents of the City for purposes of vicarious liability. *Hodges v. City of St. Louis*, 217 S.W.3d 278, 281 (Mo. 2007).

120. Remarkably, the State Takeover Law provides that officers of the SLMPD are “**hereby declared to be officers of the [the City of St. Louis]**,” yet, under the State Takeover Law’s framework, the City has no say in fixing the duties, powers, or compensation of these municipal officers.

121. Instead, the State Takeover Law purports to give the State of Missouri, through the Board, exclusive authority to create and fix the powers, duties, and compensation of the municipal officers that make up the SLMPD. Article VI, section 22

of the Missouri Constitution prohibits this imposition upon the City's municipal officers and usurpation of the City's prerogatives.

122. Therefore, Plaintiff City of St. Louis seeks a declaration that, as applied to constitutional charter cities such as the City of St. Louis, the State Takeover Law is unconstitutional and invalid in that it violates article VI, section 22 of the Missouri Constitution.

123. In the alternative, Plaintiff City of St. Louis seeks a declaration that, as applied to constitutional charter cities such as the City of St. Louis, Section 84.330 of the Revised Statutes of Missouri is unconstitutional in that it creates a municipal office or employment by making police officers of the City officers of the SLMPD officers in violation of article VI, section 22 of the Missouri Constitution.

WHEREFORE, Plaintiffs City of St. Louis requests this Court enter its Order and Judgment in its favor and against Defendants:

- a. declaring that the State Takeover Law provisions of HB 495, as applied to constitutional charter cities such as the City of St. Louis, are unconstitutional because they violate article VI, section 22 of the Missouri Constitution; or
- b. in the alternative, declaring that Section 84.330 of the Revised Statutes of Missouri, as applied to constitutional charter cities such as the City of St. Louis, is unconstitutional because it violates article VI, section 22 of the Missouri Constitution.

COUNT VI - HOME RULE (CITY OF ST. LOUIS ONLY)

124. Plaintiff City of St. Louis incorporates by reference the allegations in the foregoing paragraphs of this Petition.

125. Article VI, section 19(a) of the Missouri Constitution states:

Any city which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon any city, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.

126. The City of St. Louis is a charter city with home rule powers guaranteed by article VI, section 19(a).

127. The power of a municipality to govern its own affairs necessarily includes the executive power to enforce laws.

128. Article VI, section 19(a)'s "not limited or denied . . . by statute" language refers to preemption of local ordinances by state law; i.e., it recognizes that state statutes properly may constrict the *legislative* power of charter cities.

129. This clause of Article VI, Section 19(a) does not mean that the State may, by statute, extinguish the executive powers of charter cities.

130. The Missouri Constitution expressly recognizes the City of St. Louis as both a city and a county, which should make clear that the local government powers the City of St. Louis have even greater constitutional grounding than other charter cities.

131. If the State can legislate away a constitutional charter city's executive power, then article VI, section 19(a)'s grant of home rule power to charter cities is illusory.

132. Such a result is especially suspect where, as here, state law purports to unconstitutionally mandate that the City fund the provision of a blank check to a State agency that, if not constrained by this Court, could deplete municipal funds to the point that the City's home rule authority under article VI, section 19(a) of the Missouri Constitution is effectively abrogated by state statute.

133. Therefore, Plaintiff City of St. Louis seeks a declaration that, as applied to the City of St. Louis, the State Takeover Law is unconstitutional and invalid in that it violates article VI, section 19(a) of the Missouri Constitution.

WHEREFORE, Plaintiff City of St. Louis requests this Court enter its Order and Judgment in its favor and against Defendants:

- a. declaring the State Takeover Law provisions of HB 495 are unconstitutional because they violate article VI, section 19(a) of the Missouri Constitution.

COUNT VII - THE STATE OF MISSOURI, OR IN THE ALTERNATIVE THE BOARD, ASSUMED ALL OF THE CITY'S LIABILITIES, RESPONSIBILITIES, AND OBLIGATIONS THAT EXISTED OR EXIST BECAUSE OF THE CITY'S PRIOR OPERATION OF THE SLMPD (CITY OF ST. LOUIS ONLY)

134. Plaintiff City of St. Louis incorporates by reference the allegations in the foregoing paragraphs of this Petition.

135. Should the Court uphold the constitutionality of the State's undemocratic takeover of the SLMPD, serious issues remain concerning the legal relationship between the City of St. Louis, the State, the Board, and the police officers now employed by the Board.

136. The body of law concerning the City of St. Louis' contractual, statutory, and other lawful obligations that developed during the City's 11-year run controlling and operating the SLMPD now bears on the Board's obligations under the State Takeover Law and provides guidance on clarifying the legal relationship between the City of St. Louis, the State, and the Board.

137. More than a decade ago, in 2012, a majority of Missouri voters approved Proposition A, which enabled the City to establish a locally controlled municipal police division in place of the board of police commissioners that existed at the time.

138. Proposition A enacted the Statutory Amendment to the Revised Statutes of Missouri Chapters 83, 84, 86, and 105, Relating to Municipal Police Force.

139. One provision of the Local Control Law required that the City "adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners." RSMo. § 84.344 (2012).

140. Accordingly, the City adopted Ordinance No. 69489, whereby "the City . . . accept[ed] responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners of the Police Department, effective September 1, 2013."

141. Pursuant to that transfer language, the City was required—as the successor-in-interest to the St. Louis Board of Police Commissioners—to step into the shoes of the board, accepting legal and financial responsibility for its contractual, statutory, and other lawful obligations. *See St. Louis Police Leadership Org. v. City of St. Louis*, 484 S.W.3d

882, 886 (Mo. App. E.D. 2016) (on September 1, 2013, City created its own police force after having first adopted ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners as required by Section 84.344).

142. As a result of the Local Control Law, the SLMPD operated as a division of the Department of Public Safety of the City of St. Louis for more than 11 years.

143. During the 11-year period of local control, the City paid, together with all other police division expenses, judgments and settlements stemming from its operation.

144. In addition, during that period, Missouri Courts routinely held that the City was responsible for paying judgments and settlements stemming from claims that arose *pre-local control* and on the State's watch. *See City of St. Louis v. State, et al.*, 699 S.W.3d 503 (Mo. App. E.D. 2024) (City not entitled to reimbursement for paying judgment in suit filed in 2016 arising from plaintiff's 2012 pre-local control arrest); *City of St. Louis v. State, et al.*, 711 S.W.3d 559 (Mo. App. E.D. 2025) (City not entitled to reimbursement for payment of settlement concerning 2017 claim alleging discovery malfeasance during pre-local control wrongful death case filed in 2012).

145. Much as the Local Control Law required the City to stand in the shoes of the now defunct old board of police commissioners, the State Takeover Law, similarly, now, requires the State to "accept responsibility, ownership, and liability as successor-in-interest for contractual obligations and other lawful obligations of the municipal police department." *See* RSMo. § 84.325.3.

146. The phrase “municipal police department,” based on its use in other subsections of Section 84.325, apparently refers to the City of St. Louis as related to the City’s operation of a municipal police department as a division of the Department of Public Safety. If it does not, then no employees or property transferred under the State Takeover Law.

147. As of the date of this filing, and despite the clear requirements of Section 84.325.3, the State and the Board have refused to accept responsibility, ownership, and liability for the City’s contractual and other lawful obligations that exist because of the City’s prior operation of the SLMPD as a division of the Department of Public Safety.

148. The Board’s obligations include, but are not limited to, the City of St. Louis’s obligations under state and federal law, to the extent any such laws are constitutional, as the prior employer all personnel employed at the St. Louis Metropolitan Police Department from September 1, 2013 to March 25, 2025; any contractual obligations associated with the City’s operation of the municipal police department, including the employment of third-party law firms to defend the City and officers in civil lawsuits; and both the duty to defend the substituted State or Board in all pending police lawsuits, and pay any relevant judgment, in past, ongoing, and future litigation that exists because of the City’s prior operation of the SLMPD.

149. In late April 2025, the AGO called a transition meeting with the St. Louis City Counselor’s Office (“CCO”), in which it communicated its position that, pursuant to Section 84.325, all of the nearly seventy pending police lawsuits (the “Police Lawsuits”) were to be defended by AGO, without regard to when the incident alleged in the lawsuit

occurred, whether the City was a party to the lawsuit, or the specific procedural posture of the case.

150. In late May 2025, CCO transferred all Police Lawsuits, totaling approximately seventy cases to AGO, with the understanding that AGO attorneys would enter on the cases on or about July 1st, 2025.

151. In June 2025, management from CCO and AGO met again to discuss the defense of the City specifically in both pending and future lawsuits, and the AGO communicated that AGO attorneys would file motions to substitute the Board for the City in all pending police lawsuits in which the City was a defendant.

152. Soon after this meeting, the Board, represented by the AGO, began filing motions to substitute the Board in place of the City in many of the Police Lawsuits. Additionally, in many cases AGO attorneys entered on behalf of other parties, including police officers and other SLMPD personnel.

153. In its motions to substitute the Board for the City, the Board stated that “all ‘responsibility, ownership, and liability’ of the St. Louis Metropolitan Police Department, as provided in Section 84.325, has been accepted by the Board, and a transfer of interest has occurred under Rule 52.13(c), warranting substitution [of the Board for the City] in this case” and that “[t]he Board now stands in the shoes of the City of St. Louis as provided in Section 84.325.”

154. Based on the Board’s acknowledgment that it had accepted responsibility, ownership and liability for the SLMPD and now stood in the shoes of the City of St. Louis,

CCO attorneys began to withdraw from Police Lawsuits following the filing of the AGO's motions to substitute.

155. Months later, in October of 2025, and in the wake of an errant and non-binding order from a District Judge in the United States District Court for the Eastern District of Missouri on a substantive issue of Missouri state law, the AGO reversed course and announced that it would no longer pursue motions to substitute the Board for the City and would be withdrawing such motion that had not yet been called for hearing or granted.

156. As a result, the City was forced to defend cases imminently set for trial on short notice, lost the opportunity to assert legitimate defenses, and lost opportunities to hold third parties accountable in cases where the City had filed suit.

157. The decision by the State and Board to reverse course and renounce the acceptance of liability, responsibility, and obligations resulted in serious consequences for the City, SLMPD officers and officials, and the tax-paying citizens of the City of St. Louis.

158. Notably, in cases where the AGO continues to represent individual police officers, the State stands to potentially receive half of all punitive damages awarded in such cases because, pursuant to Missouri law set forth in Section 537.675, half of all punitive damages awards in civil cases (after deducting fees and expenses) are to be deposited in Missouri's Tort Victims Compensation Fund.

159. On March 25, 2026, the Board, the City and the AGO, in an effort to clarify representation in matters involving the Board and its employees and employees of the SLMPD, signed a non-binding Memorandum of Understanding ("MOU"), with a non-waiver of claims including those set forth herein, to temporarily provide clarity and a

requisite framework for representation and payment of judgments and settlements that was conspicuously absent from the State Takeover Law.

160. Notwithstanding the non-binding MOU, the City now seeks clarification regarding the responsibilities, obligations, and liabilities of the State and Board with regard to its takeover of control of the SLMPD.

161. Furthermore, because the State, through its Board, enjoys complete control of the SLMPD at present, and the City has no reliable mechanism to defend itself in cases where police misconduct is alleged and no access to SLMPD records or employees in control of the State, *see, e.g.*, RSMo. 84.012, a declaratory judgment that the State, and in the alternative the Board, be substituted as Defendant in place of the City of St. Louis in all Police Lawsuits is necessary.

162. Plaintiff City of St. Louis therefore seeks a declaration that the State, or in the alternative the Board, be substituted as Defendant in place of the City in all lawsuits, both future and ongoing, arising from the City's operation of the municipal police department.

WHEREFORE, Plaintiff City of St. Louis requests, if the State Takeover Law provisions of HB 495 are upheld, this Court enter its Order and Judgment in its favor and against Defendants:

- a. declaring that the State, or in the alternative the Board, is ordered to accept responsibility, ownership, and liability for all obligations incurred by the City of St. Louis related to its operation of the St. Louis Metropolitan Police Department, a division of the Department of Public Safety; and

- b. declaring that the State, or in the alternative the Board, is to be substituted as Defendants in the place of the City of St. Louis in any lawsuits, arbitrations, or other legal proceedings the subject of which is related to the City of St. Louis' operation of its municipal police department from 2013 to 2025; and
- c. declaring that the State, or in the alternative the Board, is obligated to pay any settlements or judgments stemming from the City of St. Louis' operation of its municipal police department from 2013 to 2025.

**COUNT VIII - RSMO. §§ 84.012 AND 84.225 ARE VOID FOR VAGUENESS
IN VIOLATION OF MO. CONST. ART. I, SECTION 10 (PAYNE ONLY)**

163. Plaintiff Payne incorporates by reference the allegations in the foregoing paragraphs of this Petition.

164. Article I, section 10 of the Missouri Constitution provides “[t]hat no person shall be deprived of life, liberty or property without due process of law.”

165. A law is void for vagueness in violation of article I, section 10 when it fails to give adequate notice of prohibited conduct to potential offenders.

166. A law is unconstitutionally vague when it lacks sufficient guidance so as to avoid arbitrary and discriminatory applications.

167. The State Takeover Law prohibits officers and employees of the City from “in any manner imped[ing], obstruct[ing], hinder[ing], or interfer[ing]” with the Board. RSMo. § 84.012.

168. The State Takeover Law imposes a monetary penalty and disqualification from public office or employment on “[a]ny officer or servant of the mayor or common

council or municipal assembly of the cities, or other persons whatsoever, who forcibly resists or obstructs the execution or enforcement of any of the provisions of sections 84.012 to 84.340 or relating to the same, or who disburses or fails to disburse any money in violation thereof, or who hinders or obstructs the organization or maintenance of the board of police commissioners or the police force therein provided to be organized and maintained, or who maintains or controls any police force other than the one therein provided for, or who delays or hinders the due enforcement of sections 84.012 to 84.340 by failing or neglecting to perform the duties by such sections imposed upon him or her[.]” RSMo. § 84.225.

169. The State Takeover Law’s penalty provisions are vague in that they fail to give adequate notice of the prohibited conduct to the City’s officials and employees, including Plaintiff Payne.

170. Board attorneys have threatened monetary penalties and disqualification from office pursuant to Section 84.225 against City of St. Louis officials in other contexts.

171. The State Takeover Law’s penalty provisions are vague in that they lack sufficient guidance to avoid arbitrary applications..

172. Therefore, Plaintiff Payne seeks a declaration that the State Takeover Law’s penalty provisions are void for vagueness in violation of article I, section 10 of the Missouri Constitution.

WHEREFORE, Plaintiff Payne requests this Court enter its Order and Judgment in his favor and against Defendants:

d. declaring Sections 84.012 and 84.225 void for vagueness in violation of article I, section 10 of the Missouri Constitution.

PRAYER FOR RELIEF

Plaintiffs City of St. Louis and Paul Payne pray that this Court enter judgment in their favor, ordering and declaring that:

(a) the State Takeover Law provisions of HB 495 are unconstitutional because they violate article VI, section 22 of the Missouri Constitution;

(b) the State Takeover Law provisions of HB 495 are unconstitutional because they violate article X, section 21 of the Missouri Constitution;

(c) the State Takeover Law provisions of HB 495 are unconstitutional because they violate article VI, section 19(a) of the Missouri Constitution;

(d) Defendants are permanently enjoined from enforcing or implementing the State Takeover Law provisions of HB 495;

(e) Defendants are ordered to return control of the SLMPD to the elected government of the City of St. Louis;

(f) If the remainder of the State Takeover Law provisions of HB 495 are upheld, then the funding requirements imposed on the City of St. Louis are stricken, and the City of St. Louis is under no obligation to fund the Board or the SLMPD so long as the SLMPD is under the Board's control;

(g) If the remainder of the State Takeover Law provisions of HB 495 are upheld, that Defendants are ordered to accept responsibility, ownership, and liability for all

obligations incurred by the City of St. Louis related to its operation of the St. Louis Metropolitan Police Department, a division of the Department of Public Safety; and

(h) If the remainder of the State Takeover Law provisions of HB 495 are upheld, that Defendants are to be substituted as Defendants in the place of the City of St. Louis in any lawsuits, arbitrations, or other legal proceedings the subject of which is related to the City's operation of the municipal police department from 2013 to 2025; and

(i) declaring Sections 84.012 and 84.225 void for vagueness in violation of article I, section 10 of the Missouri Constitution.

Respectfully submitted,

MICHAEL A. GARVIN
CITY COUNSELOR

/s/ Andrew D. Wheaton
Andrew D. Wheaton #65269
Deputy City Counselor
Erin K. McGowan #64020
Nathan S. Puckett #73417
Associate City Counselors
City Hall, Room 314
1200 Market Street
St. Louis, Missouri 63103
(314) 622-3361 (telephone)
(314) 622-4956 (facsimile)
wheatona@stlouis-mo.gov
mcgowane@stlouis-mo.gov
puckett@stlouis-mo.gov
Attorneys for Plaintiffs