

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
21st JUDICIAL CIRCUIT
STATE OF MISSOURI

CITY OF JENNINGS

PETITIONER,

v.

TERRY WILSON,
ALLAN STICHNOTE,
NADIA QUINN,
JANE BROWN, and
JEANNINE ROBERTS

RESPONDENTS

Serve at: 2120 Hord Avenue
St. Louis, MO 63136

PETITIONER'S MOTION FOR DECLARATORY JUDGMENT

COMES NOW PETITIONER, City of Jennings, by and through its City Attorney, Shira Truitt, and files its motion for Declaratory Judgment. As and for its motion, Petitioner states as follows:

PARTIES AND SERVICE

1. Petitioner, the City of Jennings, is a third-class city, located in St. Louis County, Missouri.
2. Defendants, Terri Wilson, Allan Stichnote, Nadia Quinn, Jane Brown, and Jeannine Roberts are members of the Jennings City Council.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. This Court has jurisdiction over Plaintiff because Plaintiff is a third-class city under Chapter 77 of the Revised Statutes of Missouri and a political subdivision situated wholly within St. Louis County, State of Missouri.
5. Respondents are City Council members of the City Council of Jennings. The City Council is the legislative arm of the municipal government.

FACTS SUPPORTING DECLARATORY ACTION

6. On or about August 9, 2023 Petitioner called a meeting of the City Council. The meeting notice was sent to all council members and posted as required under RSMo §610.020.1. **See Ex. 1.**
7. There are eight (8) members of the Jennings City Council. All eight (8) council members were present for the August 9, 2023 meeting.
8. Following the open session on the agenda, pursuant to RSMo §610.021(3), the city council meeting moved to a closed session.
9. During the closed session, a motion was brought forward recommending the termination of three (3) people. During a roll call vote for each council person, with all council members present, four (4) council people voted yea, three (3) voted nay, and one person abstained.
10. During the closed session, a motion was brought forward to hire seven (7) people. During a roll call vote for each council person, with all council members present, eight council people voted to approve the recommendations for hire, with no abstentions.
11. The meeting was adjourned and voted upon by a roll call vote, with no member opposing nor abstaining. The meeting lasted a total of eighteen (18) minutes, with no member objecting to form, irregularity, or posing any further question for discussion. **See Ex. 2.**
12. On or about August 16, 2023, the City Clerk for the City of Jennings gave a three (3) day notice of resignation, effective August 18, 2023. **See Ex. 3.** Her resignation was accepted. **See Ex. 4.**
13. On or about August 17, 2023, a quorum of the City Council called an emergency board meeting for August 18, 2023. Three of the board members were not contacted prior to the decision being made about another board meeting. Moreover, they were not allowed to participate in the discussion with members of the quorum that lead to the August 18, 2023 meeting.
14. Notice of the meeting was sent to all council members and posted pursuant to RSMo §610.020.1. **See Ex. 5.**
15. The notice contained several defects that rendered it in violation of RSMo §610.020.1 because it was not reasonably calculated to advise the public of the matters to be considered. For example,
 - a. What improper meeting and votes occurred on August 9, 2023?
 - b. What made the meeting improper?
 - c. Who declared the meeting improper? When? By what authority has this been done?
 - d. Where are the notice and the minutes from the meeting at which this declaration was made?

e. If the council votes to approve the motion, who, then, is doing the declaring that is the subject of the motion?

16. Additionally, the notice contained action items for which the board completely lacked authority. For example, the board does not have the authority to rescind a resignation tendered by an employee; only that employee may resend his/her resignation.
17. Because the City Clerk had given her resignation with a three day notice, and a quorum of City Council members called an emergency meeting with a 24 hour notice, there was no time to train the assistant city clerk on the duties and functions required under MO Rev Stat § 77.410 and §610. Moreover, the assistant city clerk was off duty prior to the start of the August 18, 2023 meeting.
18. Because the City Clerk resigned with an effective date of August 18, 2023, the assistant city clerk was not properly trained and was unavailable, and no other person had been trained to properly discharge the duties of the City Clerk pursuant to the procedures in Jennings and the laws of the State of Missouri, Mayor Johnson was forced to cancel the August 17, 2023 meeting.
19. Since no clerk was available and no other person could correctly discharge the duties of the city clerk, Mayor Johnson alerted the city council members that no meeting would occur. Additionally, Mayor Johnson alerted the police that Jennings City Hall was closed and that no meeting would occur. Further, Mayor Johnson posted signs at Jennings City Hall closing city hall and canceling the August 18, 2023 meeting.
20. Despite emails and posted signs advising that city hall was closed and no meeting would occur, the quorum of the city council members arrived at city hall for the 5:00 p.m. meeting.
21. The City Clerk, whose resignation became effective at 5:00 p.m. on August 18, 2023 unilaterally decided to remain on premises without authority or permission and discharge the duties of the City Clerk for the August 18, 2023 meeting.
22. Because the City Clerk resigned, and her resignation was accepted and communicated to her as well as the press and the public, the former City Clerk, Ms. Deletra Hudson, was without authority to act as City Clerk for the City of Jennings for the August 18, 2023 meeting because the meeting began after the close of the regular business day after her resignation became effective. Further, she had neither permission nor authority to engage in the duties of the City Clerk on behalf of the City of Jennings after her resignation became effective.

23. Because the quorum of city council members met, and took action, with the full knowledge that the former City Clerk was not empowered by the City of Jennings to discharge the duties of the City Clerk, a Declaratory Judgment is necessary to resolve the legal uncertainty created by actions taken at the August 18, 2023 meeting.

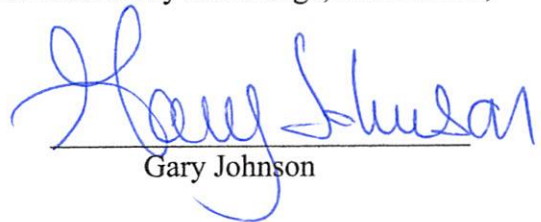
REQUEST FOR DECLARATORY JUDGMENT

24. Petitioner alleges that a justiciable controversy that presents a real, substantial, and presently-existing controversy exists that would be terminated by the granting of this declaratory judgment.
25. Petitioner alleges that the City of Jennings has a legally protectable interest at stake, including the ability to receive meeting notices calculated to advise the public of matters to be considered within the meaning of RSMo §610.020.1; to have a city council that operates within the bounds of its authorized jurisdiction; and to have a City Clerk who is duly trained and fully employed by the City of Jennings to discharge the duties of the City Clerk on behalf of the City of Jennings within the meaning of MO Rev Stat § 77.410 and §610.
26. Petitioner alleges that the aforementioned controversy is ripe for judicial determination because, among other reasons, the actions taken by the quorum on August 18, 2023 cast doubt upon the employment status of current employees of the City of Jennings.
27. Petitioner alleges that there's an inadequate remedy at law because there's no provision within the law or the ordinances of the City of Jennings to nullify the August 18, 2023 meeting.
28. It is in the interests of justice that a declaratory action nullifying the August 18, 2023 meeting occur.

WHEREFORE, Petitioner requests this honorable court to invalidate the August 18, 2023 meeting and all actions taken therein, and for any such remedies the court deems just and appropriate in the cause.

VERIFICATION

I, Gary Johnson, being first duly sworn, on oath, state that I have read the foregoing Petition for Declaratory Judgment, and that the same is true and correct to the best of my knowledge, information, and belief.



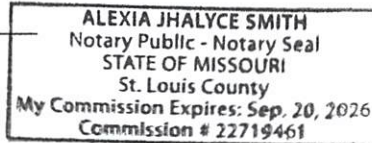
Gary Johnson

STATE OF MISSOURI)
) ss.
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me this 25 day of August, 2023.



Notary Public

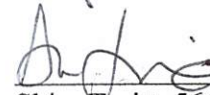


My Commission Expires: 09/20/2026

Respectfully Submitted,

The Truitt Law Firm, LLC

by:



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