

BILL NO. 13-508

ORDINANCE NO. 13-508

AN ORDINANCE AUTHORIZING THE CHAIRMAN OF THE VILLAGE OF UPLANDS PARK'S BOARD OF TRUSTEES TO EXECUTE AN AGREEMENT WITH AN ATTORNEY TO SERVE AS SPECIAL COUNSEL

WHEREAS, the Board of Trustees of the Village of Uplands Park, State of Missouri ("Village") finds and declares that it is in the best interests of its taxpayers and residents to formally retain Rufus Tate as Special Counsel.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES AS FOLLOWS:


Section 1. Attached hereto as Exhibit A is a copy of a petition filed by Village Trustee Henry Iwenofu, initiating a lawsuit in the Circuit Court of St. Louis County, State of Missouri ("Lawsuit").


Section 2. The Board of Trustees of the Village hereby approves and agrees retain attorney Rufus Tate as special counsel to represent the Defendants in the Lawsuit and to have the Village pay him two hundred-fifty dollars (\$250.00) an hour for his services.

Section 3. This ordinance shall not be published in the Village's Code of Ordinances.

PASSED and APPROVED this 14th day of January, 2013.


Birdie McKee
Village Clerk


Johnetta Williams
Chairman, Village of Uplands Park


Elkin L. Kistner, Village Attorney

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF UPLANDS PARK, MISSOURI, THIS 14th DAY OF JANUARY, 2013.

IN THE TWENTY-FIRST JUDICIAL CIRCUIT
COUNTY OF ST. LOUIS
STATE OF MISSOURI

STATE OF MISSOURI, ex. rel.,
HENRY IWENOFU
Petitioner

Cause No.
Division No.

vs.

CARMEN MCCLENDON-ROBERTS
Village Trustee

Village of Uplands Park, Missouri
Serve at: 6500 Glenmore
St. Louis, MO 63121
Respondent

AND
JOHNETTA WILLIAMS

Village Trustee

Village of Uplands Park, Missouri
Serve at: 6504 Glenmore
St. Louis, MO 63121
Respondent

Shirley Martin
Serve: 3670 Manola Ave.
St. Louis, MO 63121
Respondent

Cause No:

Division:

42

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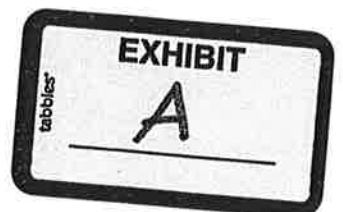
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JOAN M. GILMER
CIRCUIT CLERK

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CIRCUIT COURT
OF
ST. LOUIS
COUNTY

12SL-CC04433



PETITION FOR DECLARATORY JUDGMENT AND INJUNCTION

Comes now the Petitioner and states:

The Petitioner is duly elected member of the Board of Trustees of the Village of Uplands Park, Missouri.

1. That Petitioner is the duly elected Chairman of the Board of Trustees of the Village of Uplands Park.
2. That the Respondent's have in the past, are now and threaten to in the future usurp the office of chairman of the board of trustees of Uplands Park, and to interfere with and prevent the Petitioner from exercising the powers of the office of chairman of the board of trustees of Uplands Park.
3. That said Respondent's as a minority of two out of five members of the board, without and authority in law, enacted an ordinance by which they purported to remove the Petitioner from the office of the chairman of the board.
4. Section 80.120, RSMo fixes the term of office for the chairman of the board
5. to coincide with the two year term of office to which he or she was elected to office and nowhere in Chapter 80 or any other statutes or the constitution of the state of Missouri is there a provision for the removal of

a chairman from the office of trustee prior to the end of his term by members of the board of trustees for any cause.

The court entered a declaratory judgment in the above styled cause declaring, inter alia;

A declaratory judgment is entered in favor of Plaintiff Henry Iwenofu and against Defendants Carmen McClendon-Roberts and Johnetta Williams in their official capacities as trustees of the Village of Uplands Park, Missouri at this time.

That despite the court's declaration that Petitioner is the chairman of the board of trustees of the Village of Uplands Park, the defendants and others who act by or through defendants have usurped or attempted to usurp, interfered or attempted to interfere, in the past , now and in the future with the Petitioner's exercise of the powers of Chairman of the Board of Trustees for the Village of Uplands Park, as provided by Chapter 80, RSMo and ordinances enacted by the Village of Uplands Park, including but not limited to changing the locks on the doors to municipal hall, calling meetings of the board, chairing or attempting to chair said meetings, supervising or attempting to supervise, giving or attempting to give orders to, directing or attempting to direct, employees of the Village of Uplands

Park who are under the supervision, direction of control of the Chairman of the Board.

6. That the Petitioner will suffer irreparable harm from the acts and omissions of the Respondent set forth above.
7. That there is no adequate remedy at law.

WHEREFORE, the Petitioner prays that this Honorable Court declare that the Petitioner is and remains the Chairman of the Board of Trustees for the Village of Uplands Park, issue a permanent injunction against the Respondents enjoining them from in anywise interfering with Petitioner's exercise of the office of Chairman, Board of Trustees, Village of Uplands Park and powers vested in Petitioner as Chairman of the Board under Chapter 80, RSMo and the ordinances of the Village of Uplands Park, and ordering them to personally pay the costs for these proceedings including attorney's fees and expenses.

Respectfully submitted,



**Henry Iwenofu
Chairman
Village of Uplands Park
6930 Natural Bridge Road
Uplands Park, MO 63121
Telephone: 314-239 6487**

AFFIDAVIT _____

PRO SE
HENRY IWENOFU
3629 PINE GROVE AVENUE
SAINT LOUIS, MO 63121


STATE OF MISSOURI,
COUNTY OF ST. LOUIS, SS.

Comes now Henry Iwenofu being lawful age and after being duly sworn, states that affiant has read the foregoing Petition, and that the facts therein are true and correct according to the affiant's best knowledge and belief.



Affiant

Subscribed and sworn before me, the undersigned Notary Public on this 21th day of November, 2012.



My Commission Expires: October 8, 2016

Notary Public

TOM H. SZELAG
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
Commission Number 12837114
My commission expires October 8, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was provided by hand-delivery Carmen McClendon-Roberts and Johnetta Williams, individually and as Trustees of the Village of Uplands Park, and by depositing same, postage pre-paid, with the United States Postal Service, this 21st day of November, 2012, to:

Carmen McClendon-Roberts
6500 Glenmore Avenue
Uplands Park, MO 63121

A copy of the same is also being deposited, postage pre-paid, with the United States Postal Service, this 21st day of November, 2012 to Johnetta Williams, as a Trustee of the Village of Uplands Park:

Johnetta Williams
6504 Glenmore Avenue
Uplands Park, MO 63121

A copy of the same is also being deposited, postage pre-paid, with the United States Postal Service, this 21st day of November, 2012 to Johnetta Williams, as a Trustee of the Village of Uplands Park:

Shirley Martin
3670 Manola Avenue
Uplands Park, MO 63121



Henry Iwenofu-Pro se

VILLAGE OF UPLANDS PARK

6390 Natural Bridge Road
Phone No. 314-383-1856

Uplands Park, MO 63121
Fax No. 314-389-3142

Regular Board Meeting
January 14, 2013
6:00 p.m,
Agenda

1. Call to Order
2. Roll call
3. Acknowledge of Visitors and Representatives
4. Acceptance of Minutes (November 12 & 20, December 10 & 28)
5. Treasurer's Report – December 2012
6. Chairman's Report
7. Village Official's Report
8. Police Report – December 2012
9. Attorney's Report
10. Old Business
11. New Business
12. Citizen's Complaint/Petition
13. Adjournment

MEETING CALLED BY CHAIRWOMAN WILLIAMS.....SECTION 610.021