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Regional Convention and Sports Complex Authority v. City of St. Louis

Missouri Court of Appeals, Eastern District, Division One - September 27, 2016 - S.W.3d - 2016 WL 5377882

The Regional Convention and Sports Complex Authority ("the RSA") brought suit against the City of St. Louis ("the City") seeking a declaration that Ordinance 66509 was unconstitutional and void. The Ordinance was enacted in 2002 via initiative petition and was designed to bar the City from providing financial assistance to the development of a professional sports facility without first: (1) preparing a fiscal note and making it available to the public for at least twenty days prior to action; (2) holding a public hearing allowing opportunity for proponents and opponents to be heard; and (3) obtaining voter approval for financial assistance by a majority vote of City of St Louis voters.

Appellants - residents, registered voters, and taxpayers in the City of St. Louis - filed a Motion for Leave to Intervene in the case as defendants, seeking a public hearing and public vote on whether financial assistance would be provided for the construction of a new professional sports facility pursuant to their rights as set forth in the Ordinance.

The trial court held that Appellants did not meet the burden to intervene of right, nor did they meet the requirements for permissive intervention, and therefore denied Appellants' Motion to Intervene. The Court also entered a judgment in favor of the RSA invalidating the ordinance.

"The trial court found that status as a registered voter and signatory to a referendum petition is not an interest of adequate directness or immediacy as required to intervene as a matter of right. We agree."

"The record clearly demonstrates that Appellants failed to show an adequate interest in the subject matter and failed to show that their ability to protect that interest would be impeded absent intervention."

The Court declined to rule on the merits of the trial court's decision on the validity of the ordinance, as Appellants had been denied intervention.