



November Membership Meeting in Ballwin

Upcoming League Meetings

- November 17, Thursday, Membership Meeting, Ballwin, 7:30 pm
November 29, Tuesday, Planning & Zoning Seminar, Center of Clayton, 4:00 - 7:00 pm
January 26, Thursday, Membership Meeting, Ameren UE, 7:30 pm
February 16, Thursday, Membership Meeting, 7:30 pm, Site TBD
February 22, Wednesday, Legislative Luncheon, 11:30 am, Jefferson City

The next League meeting will be held at 7:30 p.m. on Thursday, November 17 at the Pointe at Ballwin Commons, 1 Ballwin Commons Dr. (Directions: from I-270 go west on Manchester Rd. approximately 4 miles to Old Ballwin Rd. The street is at the west end of the Elco Chevrolet property. There is no traffic light, but there is a small median marking the intersection. Turn left on Old

Ballwin and proceed one mile to Ballwin Commons Rd. on the left, where the center is located.

Program: Environmental Issues

- 1) Redesigning Your Solid Waste Program - Ferguson officials and Consultant Dan Imig will describe ways to control costs while increasing the amount of recyclable goods diverted from landfills.
2) Deer and Goose Control - Several West

County municipalities worked with the Missouri Department of Conservation to develop plans to control the exploding deer population.

In addition, many municipal and subdivision lakes and ponds attract geese that too often leave droppings. The DOC also assisted with these control efforts.

Erin Shank of DOC will provide background on effective management or problem wildlife.

Planning & Zoning Workshop Scheduled

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The League and the law firm of Curtis, Heinz, Garrett and O'Keefe will be holding a Workshop on Municipal Planning and Zoning from 4:00 to 7:00 pm on Tuesday, November 29 at the Center of Clayton, 50 Gay Avenue. (Directions: from I-170, exit at Ladue Rd eastbound. Go to the traffic light at Gay Avenue and turn right, which takes you to the Center.)

The program will

feature an opening general session which will provide an overview of planning and zoning laws and practices.

Following will be two breakout sessions - one for presentations on the role of the planning commission and the second on the rules and procedures of the board of adjustment. Planning commission members and board of adjustment members are strongly encouraged to attend, along with elected offi-

cial and staff. The cost is \$15 per person, which includes materials and refreshments.

The presenters will be municipal attorneys Ken Heinz, Kevin O'Keefe, Paul Martin, and Stephanie Karr.

Registration information has been mailed to all city halls and will also be on the League's website at www.stlmuni.org under the Current Events link.

Region Receives Homeland Security Grants

Over the last two years the St. Louis region has received a number of grants from the Department of Homeland Security to help area emergency planners, first responders and the health care community equip and plan for natural disasters and terrorism. The largest grants have been from the Urban Area Security Initiative (UASI) and amounted to over \$7 million for St. Louis City and County in Fiscal Years 2003 and 2004. Some of the projects budgeted under the UASI grants include:

Personnel Protective Equipment - \$579,000
Explosive Device Mitigation Equipment - \$322,000
Detection Equipment - \$360,000

Interoperable Communications Equipment - \$936,000
Search & Rescue Equipment for Weapons of Mass Destruction - \$777,000
Decontamination Equipment - \$230,000
Physical Security Enhancement Equipment - \$24,000
Logistical Support Equipment - \$185,000
Medical Supplies and Pharmaceuticals - \$95,000
WMD Incident Response Vehicles - \$2.7 million
WMD Reference Materials - \$11,000

In addition, the following Homeland Security Grant Projects deliver products and services throughout the region to public health departments, hos-

pitals and other emergency agencies.

These include:

- The City Readiness Initiative, which permitted a full scale regional disaster response exercise last June.
- Health Resources and Services Administration (HRSA) will help hospitals prepare for emergencies.
- HRSA/Medical Communication for expansion of the communication hub of the St. Louis Area Regional Response System.
- Metropolitan Medical Response System (MMRS), which funds regional planning for coordinated medical and public health response.

All Past Presidents to Serve on League Board

At the October meeting, the membership approved an amendment to the Bylaws to allow all continuously serving past presidents to serve on the League Board, similar to the Missouri Municipal League.

Previously the bylaws allowed three past presidents, but the Board members who sub-

mitted this proposal feel that it would be beneficial to have the experience and guidance of all past presidents. The past presidents currently on the Board are: Mayor Bill Bergfeld, Warson Woods; Mayor Bert Gates, Shrewsbury; and Mayor Gerry Welch, Webster Groves.

The four past presidents who

may rejoin the Board are Mayor Virginia Bira, Vinita Park; Alderman Richard LaBore, Crestwood; Mayor Mike Swoboda, Kirkwood; and County Executive Charlie Dooley (who was Mayor of Northwoods when elected President in 1994 and remains an elected official in a member jurisdiction).

Legislative Priorities Approved

One of the most important functions of the League is to represent our members' interests in Jefferson City. Each year our Legislative Affairs Committee meets to review past legislative issues and recommend new policies and a number of main priorities for the coming session.

The membership approved

the entire legislative package and established five priorities at the October meeting.

These priorities are:

- Authority for Public Safety Sales Tax
- Clarifying Condemnation for Community Renewal
- Telecommunications Act, Franchise Authority and Taxes

- Improving Fire District Governance
- Setting Variable Property Tax Rates.

These priorities were presented to legislators from St. Louis City and County at the Legislative Breakfast.

Visit the League website, www.stlmuni.org under Current Events to see the report.

Park Commission to Review Grant Applications

The Municipal Park Grant Commission has begun the review of grant applications received prior to the October 28 deadline. 31 cities requested funding.

The Commission will evaluate each according to the factors outlined in state statute: population, recreational need, previous funds received, and intergovernmental cooperation.

To address the issue of population, the commission has established six population groups so that municipalities compete for grants with others of similar size.

The second factor,

recreational need, is evaluated by requiring applicants to provide a list of all parks and recreation facilities in the community, including those owned by St. Louis County or the state.

To factor in previous funding, the commission considers per capita revenue received in previous grant rounds. For example, if two cities received \$100,000 previously, the one with the higher population will receive more points because the per capita amount will be lower. These per capita amounts are adjusted after every funding cycle to reflect new grants

awarded.

The last factor is intergovernmental cooperation. Cities can join with neighboring cities, school districts, St. Louis County, the state or other governmental units to submit applications. Arrangements of this type receive additional points, based on the level of financial participation.

\$3.7 million is expected to be awarded. Successful grantees will be notified in December or January. Since the tax was approved in 2000, \$10 million has been awarded for 98 projects in 54 municipalities.

League Participates in Amicus Brief

The County League has joined an amicus brief that has been filed in a significant personnel case, *Kunzie v. City of Olivette*.

The case is important to cities as it concerns the issue of sovereign immunity. The Eastern District's opinion holds that personnel decisions—specifically the act of firing an employee—are categorically not protected by sovereign immunity, thus exposing municipalities to huge damage claims for wrongful dis-

charge.

Our attorneys believe this holding is in error and reverses previous court decisions. Municipalities are generally protected from tort claims by sovereign immunity. The broad language of the Eastern District's opinion could also be used as a potential springboard to fashion actionable torts for other municipal decision-making. This becomes a slippery slope that could be very expensive for local governments.

By accepting transfer of the case, the Missouri Supreme Court has already recognized the significant policy issue at stake and its potential effect on government employers. An amicus brief will emphasize to the Court the concerns felt by other municipalities and the reasons why local governments should not be sued for large amounts for personnel matters.

League to Provide Weekly Legislative Updates

During the upcoming legislative session that begins in January, the League will provide E-mail and fax updates to our members every Friday. The reports show the status of bills of importance to local governments and provides information for timely contacts with senators

and representatives.

The reports track bills in each committee, hearing schedules, and anticipated floor debate.

Currently our reports are sent to each city hall that has E-mail and is faxed to those that do not. We would like to in-

crease our effectiveness by adding other interested officials to the E-mail list. If you wish to be added to the Friday legislative update list, please contact the League office at 314-726-4747 or by e-mail at staff@stlmuni.org.

St. Louis County Municipal League
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Clayton, MO 63105

**We hope to see you at the November
17 meeting in Ballwin.**

*Serving Municipalities in St. Louis County
since 1918.*

*See our website at
www.stlmuni.org*

October Meeting Synopsis

At the October League meeting the membership amended the League Bylaws and adopted the Legislative Affairs Committee report. (See related stories.)

Thanks to the City of St. Ann for hosting the meeting.

The featured speaker was Richard Ward from Development Strategies, Mr. Ward had been invited to discuss the history and uses of eminent domain and TIF. He indicated that eminent domain is the power to take private property for public use, while condemnation is the action of doing so. These differences are often misunderstood.

He suggested that there is a continuum of justification for the use of eminent domain that has been upheld by the courts. These are:

- Clear public uses;
- Private uses addressing clear public objectives;
- Slum and blight removal;
- Redevelopment; and
- Economic development and job creation.

State laws vary on the use of eminent domain, with most requiring a declaration of blight before the process can begin. It also requires a plan adopted by the governing body, and in many cases, a determination that the project would not proceed "but for" the use of eminent domain.

Mr. Ward supports the use of eminent domain in developed areas to assemble land for redevelopment and to limit urban sprawl.

He offered suggestions on how to modify laws to address public concerns, while maintaining its

viability for use by local governments. His ideas are to:

- Establish standards, procedures and practices, including measures and criteria for blight, along with standards for just compensation involving fair market value plus a premium on property purchases.
- Modify the system used by local government to encourage more competitive responses from developers.
- Create a national database of successful economic development projects. This could be done at that state or local level as well so citizens understand the many improvements that would not have been done without eminent domain.