



SEPTEMBER 2006

September 28 Meeting in Shrewsbury

Upcoming League Meetings

- Thursday, September 28, Membership Meeting, 7:30 pm, Shrewsbury
Thursday, October 26, Membership Meeting 7:30 pm, Town & Country
Thursday, November 16, Membership Meeting, 7:30 pm, Site TBD
Saturday, November 18, Legislative Breakfast, 9:00 am, Sheraton Westport

The first League meeting of the fall will be held at 7:30 pm on Thursday, September 28 at the Shrewsbury City Center, 5200 Shrewsbury Ave. (Directions: From Highway 40 exit at Hanley Rd. southbound. This will change to Laclede Station Rd. After crossing under I-44, turn left on Wilshusen and another quick left onto Murdoch. Go east on Murdoch to a traffic light at Shrewsbury Ave. Turn

right and follow it to the City Center. A map will be sent with the mailing to mayors, board chairmen and chief administrative officers.)

Program: A citizen petition has been submitted to amend the State Constitution by severely limiting eminent domain. At the current time it is not anticipated to be on the November ballot.

But there is a likelihood that it could re-surface in future years. Municipal Attorney Tom Cunningham, with the firm of Cunningham, Vogel and Rost, will discuss the serious implications of this proposed amendment and why local government leaders need to be alert to future attempts to place it on the ballot.

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Legislative Affairs Committee Begins Discussions

The Legislative Affairs Committee has begun meeting to develop recommendations to the membership for the League's Legislative priorities for 2007.

If any member has suggestions for the committee to consider, please contact the League office.

Committee members are: Councilman Tom Schneider, Florissant, Chairman;

Mayor Conrad Bowers, Bridgeton; Mayor Scott Douglass, Clarkson Valley; Mike Herring, City Administrator, Chesterfield; Mayor John Hunzeker, Sunset Hills; Councilman Randy Jotte, Webster Groves; Councilman Dave Kreuter, Creve Coeur; Councilman Mike Lynch, Kirkwood; Mayor Rich Magee, Glendale;

Mayor Norm McCourt, Black Jack Councilwoman Gina Mitten, Richmond Heights; Mayor Mike Moeller, Maryland Heights; Mayor Julie Morgan, Rock Hill; Councilman Terry Salfen, Hazelwood; Mayor Maria Unger, Lakeshire; Mayor Kyra Watson, Berkeley; Mayor Walt Young, Ballwin.

State Treasurer's Investing & Cash Management Conference

The State Treasurer's Office in partnership with the Institute of Public Policy, University of Missouri-Columbia invites local officials to the 10th Annual State Treasurer's Investing and Cash Management Conference to be held September 26, 2006 at the Lodge of the Four Seasons, Lake of the Ozarks, MO. The fee is \$140. Room reservations can be made directly with the hotel by calling 1-888-265-5500.

This important conference is designed for both elected and

appointed local government public officials who have an interest in cash management issues.

Communities in our region may be particularly interested in these sessions:

- Alternative Infrastructure Financing
- Communicating Financial Information Effectively
- Ethical Decision-Making
- Short Term Investing

The keynote speaker will be Thomas Hoenig, President of

the Federal Reserve Bank of Kansas City who will provide an overview of trends at the Fed. Other featured speakers are Gary Thayer, Chief Economist for AG Edwards, and Dr. Jack Strauss of Economics Professor at St. Louis University who will discuss U.S and state economic trends.

For copies of the registration form contact the League office at 314-726-4747 or the Institute of Public Policy (toll free) at 1-866-621-0033.

Lewis & Clark's Return to be Celebrated at Fort Belle Fontaine

League members are invited to share in the festivities when Lewis and Clark re-enactors make a triumphant return to St. Louis County in mid-September at Fort Belle Fontaine County Park.

A special preview event will be held from 1:00 to 4:00 on Sunday, September 17 and will feature living history reenactors along with historical demonstrations and artifacts from digs done at the park.

The following weekend will

feature the landing of the Corps of Discovery on Friday, September 22. They will depart for downtown St. Louis the next day, but festivities and reenactments will continue on the Saturday the 23rd and Sunday the 24th.

Visitors will be able to witness a black powder shoot and walk through the historic encampment and traders' row where numerous re-enactors in full costume will portray the life of the early 19th century and

demonstrate crafts. You can listen to the music of the Boonslick Strings and nibble on mountain man snacks. There will be hawk-knife throws, a Native American Village, activities for kids of all ages and guides throughout the area to answer questions.

To get to Fort Belle Fontaine Park exit I-270 at Bellefontaine Road and turn left (north). The park is approximately 4 miles north at the end of Bellefontaine Road.

HB 209 Ruled Unconstitutional

In August the Missouri Supreme Court ruled that HB 209, the Telcom Utility Tax Bill, was unconstitutional. This is a major victory for local governments and we hope it will lead to the development of a fairer system of taxation for cell phones.

Cities have tried to negotiate tax issues with cell phone companies for 5 years but have been challenged in court by the

companies. The court rulings consistently favor cities, yet most companies still fail to pay the tax. Courts have said that cellular service is "phone" service. Cell calls go to a tower and then use regular land lines to continue the call to a home, business or to another cell phone tower at the end of the call. Yet cell phone companies try to argue that they are a radio

system, like CB radios, and therefore should not be taxed like phones.

Also many customers are dropping land line phones as they switch to cell phones, causing municipal revenues to decrease.

We believe all phone companies should be equally taxed to avoid special treatment for one industry.

AT&T Seeks Agreement to Offer Cable TV

Most phone and cable companies now desire to offer a triple play of services - phone, internet and TV. Federal cable TV laws require that cities not limit the local cable TV franchise to just one company, such as Charter. Therefore, AT&T or any other company has been able to offer TV for years. (The main reason that companies need a franchise or agreement is because they use other people's land to run their wires. This right-of-way needs to be governed fairly and safely by local governments.)

AT&T does not want the franchise conditions available to the local cable company and has asked for numerous exceptions. If these exceptions are granted, cities will likely be sued by the cable company. Legal bills will be substantial and must come out of the taxpayers' pocket. AT&T has been reluctant to indemnify cities, which is paramount to asking cities to subsidize AT&T.

Cities would like to see more competition in hopes that citizens not only have a choice for cable TV, but also in hopes of keeping up with the rest of the world in high speed internet. Some reports indicate that the U.S. has fallen to about 20th internationally in terms of high speed internet.

AT&T has proposed the following:

1. That only high volume areas of each city be connected to the new system. Cable companies had to wire the entire city, so this is a significant exception to most ordinances and is a request that concerns most officials. If

permission is granted to use the public rights-of-way for wiring just part of the city, many residents would be without competitive cable TV service. Those with competition will no doubt receive lower rates than those without. In addition, high speed internet service will lack competition. In such cases, high speed service will likely not improve and the US will not compete well with other advanced countries.

2. Emergency alert signals not be required on every station. Currently this is required of the cable company. Given the potential for dangerous storms or other types of disasters, local officials feel they have a responsibility to protect the public safety of citizens by requiring emergency alerts on every channel. Requiring it of one company and not another is legally problematic. In addition, citizens may think they have such protection and they may fail to take precautions if not warned.
3. They pay taxes on some revenues but not on the same basis as the cable company. This appears to be highly discriminatory. Also, as citizens switch the cable company to AT&T, city revenue would decline.
4. A special arrangement be made for public, educational and government (PEG) channels that cover city council and school board meetings, offer classes to college students, etc. It does not seem logical to make all companies send out camera crews to

each meeting, but each company should help fund such efforts. Many citizens watch the proceedings of local boards and over 26,000 students take televised courses.

Because cities desire competition for high speed internet and cable TV, the League has recommended that cities work together to address the exceptions requested by AT&T, with the goal of creating an agreement that will be fair and not result in hundreds of thousands of dollars in litigation that taxpayers must underwrite.

To accomplish this goal, the League Board has authorized the creation of a consortium of our members to develop the agreement. The law firm of Curits, Heinz, Garrett and O'Keefe, which has many municipal clients, has agreed to provide the legal expertise to the consortium. Letters of invitation were sent to all member municipalities in late August and several city councils, boards of aldermen, and boards of trustees will be considering joining the consortium during the month of September.

The consortium fee for municipalities which are not clients of the Curtis Heinz firm are \$500 for those under 5000 population; \$1000 for those 5000 to 10,000 population and \$1500 for those over 10,000.

If any member has questions about the consortium and the development of a model agreement, please contact the League office at 314-726-4747 or email at staff@stlmuni.org.

Police Chiefs' Association Provides Standard for Police

For several months the St. Louis Area Police Chiefs' Association worked to develop guidelines for departments to consider for police pursuits. The guidelines are printed below. We appreciate the work of the chiefs and their willingness to share this information with our members.

There are ten bullets associated with the basic CALEA standard governing pursuits. Agencies should consider these 10 principles when designing a policy for their department. A brief commentary for each is as follows:

Evaluating the circumstances. Pursuits do not occur in a vacuum. Environmental factors have a large bearing on the initiation of a pursuit. The originating officer must consider the seriousness of the offense, the volume of traffic, weather conditions, time of day, the location (residential, rural or business) and the possibility of alternate action.

Initiating officer's responsibilities. The initiating officer must evaluate the circumstances with respect to initiating a pursuit, activate their vehicle's emergency equipment, notify communications, conduct the pursuit in a safe and reasonable manner, arrest the suspect(s), complete all necessary documentation, or terminate the pursuit as ordered.

Designating secondary unit's responsibilities. The assist officer in a pursuit must also consider a variety of factors and

tasks to fulfill their responsibilities. These include: activate their vehicle's emergency equipment, notify communications of their involvement, assume radio communications and provide direction if possible, maintain adequate spacing from the lead vehicle, assume primary responsibility for the pursuit if the initiating vehicle is unable to continue, conduct the pursuit in a safe and reasonable manner, assist with any arrests and documentation, or to terminate the pursuit as directed.

Specifying roles and restrictions to other marked and unmarked vehicle involvement in the pursuit. Police behavior during pursuits must be tightly controlled. Marked vehicles not directly involved in a pursuit may be directed to strategic locations along the pursuit route to screen off other traffic from the fleeing vehicle; however they shall not directly involve themselves, form a caravan, or parallel the pursuit with their emergency equipment activated.

Unmarked vehicles, with their lower visibility, should not engage in high-speed pursuits. They may follow the suspect vehicle at a reasonable speed and keep the fleeing vehicle under surveillance until a marked unit arrives on the scene to attempt a vehicle stop. Other types of special purpose vehicles will not participate in pursuits.

Officers involved in a pursuit shall not ram or bump the fleeing vehicle, pursue the suspect vehicle the wrong way on a con-

trolled access highway. Nor shall they conduct or participate in a pursuit with anyone other than sworn personnel in the vehicle.

Assigning dispatcher's responsibilities. As with most police actions, effective communications is the key. During a high-speed vehicle pursuit the dispatcher must give priority to the pursuit units, and hold all other non-emergency traffic. All transmissions should be repeated so that other participating and supervisory units are kept abreast of the pursuit status. Marked units should be directed as necessary. Locations should likewise be given at periodic intervals. Dispatchers should notify adjoining jurisdictions of the pursuit and its progress. Finally, supervisory and command personnel should be notified of the situation.

Describing Supervisor's Responsibilities. Due to the liability issues inherent in each pursuit, patrol supervisors must seize and maintain tight control over each vehicle pursuit from its beginning through conclusion. Supervisors must direct a pursuit to be abandoned if circumstances do not justify its continuance. A supervisory decision to abandon a pursuit for safety reasons should not be subject to later review or criticism.

During the course of a pursuit, the supervisor should ensure only the necessary number of units are involved. Adequate patrol coverage of the agency's jurisdiction should be maintained

Pursuit Standards (continued)

as much as possible.

In addition, the supervisor shall be required to approve the establishment of any stationary roadblock or deployment of stop sticks, tactics which should be utilized only as a last result and be directly related to the seriousness of the crime for which the fleeing suspect is wanted.

Using forcible stopping/roadblocks. A policy should be in place concerning the use of roadblocks or other devices such as stop-sticks. The location of the use of such devices should be considered so they can be safely deployed.

Specifying when to terminate a pursuit. A variety of factors should determine when a pursuit is terminated. These may include:

- when the supervisor orders the pursuit terminated for safety reasons;
- when the danger to the pursuing officer or public outweighs the necessity for immediate apprehension;
- if the officer loses visual contact with the suspect vehicle for an extended period of time;
- if the distance to the fleeing vehicle is so great that further pursuit is futile;
- when a vehicle malfunction makes continued operation dangerous; and
- if the pursuit results in an injury to an officer or citizen that requires immediate medical attention.

Engaging in inter and intrajurisdictional pursuits involving personnel from the agency and/or other jurisdictions. Pursuits are not necessarily limited to one or even several jurisdictions. As such, the supervisor will be responsible to provide proper direction to subordinates to adjust to interagency involvement. In the event a pursuit exits the jurisdiction, the supervisor will determine if another jurisdiction should assume control over the pursuit; or conversely, if a pursuit enters the agency's jurisdiction, the supervisor will determine if the pursuit meets the department's criteria for such action and if local units will join in the pursuit. At the time an outside pursuit leaves the agency's jurisdictional boundaries, the supervisor will direct all agency units to terminate the pursuit.

Requiring a written report and an administrative review of each pursuit. Each pursuit should be properly documented by an incident or investigative report, and include supporting documentation or evidence.

The report should be prepared in a timely manner and submitted to the employee's supervisor for review. The supervisor shall then be responsible to make a determination if the pursuit was conducted in accordance with agency directives and forward the report, along with his conclusions, up the chain of command. The report will then undergo further administrative review and be placed in an archive for future reference. Contingent upon the findings of the review process, disciplinary action may be administered if a violation of agency policy is deemed to have occurred.



St. Louis County Municipal League
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Please join us at our September 28 Membership Meeting in Shrewsbury.

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Final Reminder for On-Line NIMS Training for Local Officials

The League recently completed its second training course for our members in the National Incident Management Standards (NIMS) program. During 2006 over 90 officials participated in the two League sessions.

NIMS has been mandated by the federal government for all elected officials who may be involved in emergency management operations. The deadline for completion is September 30, 2006. The penalty for non-compliance is ineligibility for federal disaster relief funds in FY 2007.

The excerpt below is from a letter from the Department of Homeland Security to the nation's governors outlining the need for NIMS.

"Hurricane Katrina was a

stark reminder of how critical it is for our nation to approach incident management in a coordinated, consistent, and efficient manner. We must be able to come together, at all levels of government to prevent, prepare for, respond to, and recover from any emergency or disaster. Our operations must be seamless and based on common incident management doctrine, because the challenges we face as a nation are far greater than the capabilities of any one jurisdiction. The NIMS is our nation's incident management system, and recent events have taught us that full implementation of NIMS among all jurisdictions and all levels of government must be achieved as quickly as possible."

It is important to recognize that NIMS implementation will not end in FY 2006. The NIMS is a dynamic system, and the doctrine as well as the implementation requirements will continue to evolve as prevention, preparedness, response, and recovery capabilities improve and the homeland security landscape changes. Further, new personnel (including new elected officials) will continue to need NIMS training, and NIMS processes will still have to be exercised in future years.

NIMS Training is available online at <http://www.fema.gov/emergency/nims/index.shtml>