



NOVEMBER 2015

November 19 Meeting in University City

Upcoming League Meetings

- Thursday, November 19, Membership Meeting, 7:30 PM, University City
Thursday, January 14, Legislative Reception, 5:30 PM, Sheraton Westport, Chalet
Thursday, January 28, Membership Meeting, 7:30 PM, Brentwood

The next League meeting will be held at 7:30 pm on Thursday, November 19 at the City Hall in University City, 6801 Delmar Blvd. Map (Directions: from I-170, exit at eastbound Delmar Blvd. Continue east approximately 2 miles to City Hall on the left. Parking is available by turning left on Sgt. Mike King Dr., the first street east of the City Hall. Lots are behind City Hall.

The meeting is being held on the 3rd Thursday due to Thanksgiving.

Program: The Loop Trolley project is pro-

ceeding very well and will provide a unique pedestrian transportation option for Loop visitors and area residents. University City Mayor Shelley Welsch will provide an update on the progress and when riders can expect to hop on.

The main agenda item for the meeting will be the consideration of the Report of the Legislative Affairs Committee. The Committee has retained the general policy statements that were approved last year and has added

specific recommendations for 2016. These include: support for a gas tax increase for transportation funding; revisions to SB 5 to clarify and make the provisions easier to implement; and a revision to the distribution of the countywide one cent and local option 1/4 cent sales taxes.

The report will be sent to our email group and mailed to other mayors and chairmen prior to the meeting. Please see page 3 for a summary of the sales tax proposal.

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November 20 Training Session on Public Works Contracts

The next Municipal Officials Training Academy program is set for Friday, November 20 from Noon to 1:15 p.m. The program is entitled "Legal Requirements for Public Works Contracts." It will be presented by Erin Seele of the Cunningham Vogel and Rost law firm.

The seminar, for municipal officials and employees, will cover municipal contracts and bidding notices, legal requirements for public

works contracts and bidding documents, prevailing wage steps and required forms, and strategies to avoid common pitfalls regarding public works contracts.

Attendees will be provided a checklist for public works contracts, a summary of legal requirements for public works contracts, sample contract language document, MO DOL checklist, immigration forms, and an attorney general opinion for reference.

The cost is \$10 per person unless the city has an annual subscription. Please make checks payable to and mail to the St. Louis County Municipal League. Registration by Wednesday, November 18th is encouraged to ensure that all materials are emailed to participants prior to the Webinar. Click HERE to register for the webinar or contact the League for in-person registration.

October Meeting Synopsis

At the October meeting the membership heard a presentation from **Matt Forck, Director of Government Relations** for Ameren Missouri. Mr. Forck noted that Ameren is Missouri's largest investor-owned utility, serving over 3 million customers in 63 counties. Ameren does so with a rate that is 20% below the national average while being among the most dependable providers in the US. However, Missouri receives low grades for its electrical infrastructure. The current funding system has been in place since 1917 and energy efficiency lowers revenue to fund improvements to the electric grid. Ameren has 38,500 miles of lines and spent \$748 million for repairs and upgrades in 2014.

The increased use of air conditioning in the 1960 added to the need

for electricity and led to a large build out of the system. Therefore, many of the substations are 50 years old and need replacing. The cost is estimated at \$1.1 billion. He stressed that Missouri has not updated its regulatory policies to allow for grid upgrades and Ameren, along with other utility companies, continue to discuss this with legislators.

Mr. Forck indicated that Ameren is transitioning away from the use of coal for electricity and working on the development of wind and solar options. Nuclear power is also available, but a new facility would be quite expensive.

He said he hoped that his presentation gave local leaders a better understanding of the regulatory issues surrounding electric service.

Thanks to Ameren for hosting the meeting and particularly **Stephanie Robinson, Page Selby and Gena Hakenwerth** for all of their efforts.



Matt Forck addresses the membership.

League Plans First Legislative Reception - January 14

On Thursday, January 14, the League will hold its first ever reception for Legislators. All senators and representatives from St. Louis City and County will be invited along with League members to provide an opportunity for discussion of legislative issues for the coming session. There will be a brief presentation of the League priorities adopted at the November meeting followed by an opportunity for legislators and municipal officials to socialize.

The reception will begin at 5:30 pm and will run until 7:00. It will be held at the Sheraton Westport Chalet at Westport Plaza in Maryland Heights. The cost is \$35 per person. Legislators can attend as guests of the League.

Registration materials will be sent to all municipal clerks. We also ask that League members extend personal invitations to legislators and encourage their attendance. We hope you will be able to attend.

County Executive Proposes Police Standards

In late October County Executive Steve Stenger requested that the County Council consider enacting legislation to establish Minimum Standards for police departments. Mr. Stenger cites authority under the Health Code of the County Charter for the authority for this legislation, although others believe the County does not have this authority. As currently drafted, compliance would be required within six months. Failure to comply could result in the County mandating a municipality to eliminate its police department and contract with another city or the County.

The main provisions are:

- Conduct background checks on all new hires, including drug

screenings, background checks and psychological examinations.

- Properly license and train officers using POST training.
- Compliance with POST standards
- Notifying the MO Department of Public Safety of all new hires and terminations.
- Provide 24-hour service with at least one office and supervisor on duty.
- Establish policies for use of force and vehicle pursuits.
- Establish a policy prohibits citizen contact or detention based on race, ethnicity, gender or other characteristics.

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- Ability to accept and bond out prisoners 24 hours a day, 7 days per week
- Comply with state law regarding traffic stops.

League officials have met with Mr. Stenger and staff to discuss these standards. The League stressed that that most departments comply with the proposed policies. The League's main concern is the legal question as to whether the County has the authority to mandate policies and procedures for municipal police departments.

The bill was expected to be introduced by the County Council or November 10.

Unified Approach to Preserving Local Sales Taxes on Out of State Purchases

Cities that did not have a local use tax in effect prior to August 28, 2013 that wish to preserve the reinstated local sales tax on out-of-state vehicle purchases must obtain voter approval no later than the November 2016 election. It is anticipated that a substantial number of communities in the St. Louis metro area will seek such approval at the April 2016 election.

SB 182 included sample ballot language in Section 32.087 but does not require strict compliance with that language. The statutory format would confusingly call for voters to cast a "no" vote to continue the tax. Cities should give serious thought, in consultation with their legal

counsel, to rewording the ballot language so that a "yes" vote would continue the tax. It would be highly unusual for a city to seek to educate voters to cast a "no" vote for a matter that the city has placed on the ballot. Some cities have already successfully used the "vote yes" approach in prior elections to continue this tax. However, others have successfully used the "vote no" approach. Examples of both ordinances have been sent to cities.

It is anticipated that local car dealers will be supportive of such ballot measures. Indeed, the sam-

ple ballot language references the disadvantages local dealers face as to out-of-state competition in the absence of the tax. To the extent that St. Louis area cities can use the same election date and similar ballot language to achieve continuation of the tax, it will be easier for dealers to conduct their campaign, and easier for cities to educate the public.

This article was prepared by the Curtis, Heinz, Garret & O'Keefe law firm

Sales Tax Proposal Would Benefit Cities and County

The League's Legislative Affairs Committee has recommended that the membership adopt a revision to the one cent and 1/4 sales tax distribution, along with a county-wide 1/4 cent public safety sales tax. Together these changes would benefit all residents of the County, if approved by voters.

The first component, the public safety sales tax, would be collected on a county-wide basis and would go to St. Louis County for public safety, with a commitment to provide countywide police services (not patrol or dispatching) to municipalities at no cost. This would generate \$40 million annually.

The County would then become a point-of-sale participant and give up \$12.5 million to the pool participants. Initial estimates indicate that this could generate about \$30 per capita for pool cities (from \$140 to \$170 in 2014 dollars). It should be noted that if this occurs, there are point of sale cities that would likely join the pool over time, thereby reducing pool revenue.

The County would also would forgo the annexation adjustment for the one cent and the 1/4 cent which would yield \$2.5 million to all municipalities.

The final component would end the sharing of the 1/4 cent tax so that any municipality levying the tax would received 100% of the amount generated. This would result in a small loss to the pool cities but increased revenues to those "A" cities which have the tax in place.

The bill would be written so that none of these changes would occur unless and until voters countywide pass the public safety sales tax. If the changes occurred without the County receiving authority for the sales tax, the revenue loss would be such that the County would be unlikely to be able to function.

Under this proposal, the County

would receive about \$40 million from the new but would give up about \$15 million from the one cent and quarter cent for a net to the County of about \$25 million. This would allow the County to continue to provide regular police service to the unincorporated area and specialized police services at no cost to municipalities.

The Legislative Affairs Committee asks members to review this proposal carefully before the meeting on November 19. Revenue estimates will be sent out in advance.

It will be difficult to pass this in the legislature and at the polls but it has the potential to solve the sales tax controversy for years to come.

Solid Waste Grants Available

The St. Louis-Jefferson Solid Waste Management District has notified local governments, businesses, and organizations located in the City of St. Louis, St. Louis County, Jefferson County and St. Charles County, of the availability of approximately \$2 million in grant funds to assist cities and other entities with increasing waste reduction and recycling efforts. The District is strongly encouraging cooperative efforts between groups. Waste reduction, recycling, composting, education, and household hazardous waste projects are eligible. In previous grant rounds, the average amount awarded has been approximately \$40,000, with a range of less than \$5,000 to well over \$100,000. The District requires a minimum 10 percent match, which may be either a cash or in-kind contribution. Eligible costs include equipment, consulting, salaries, education, and direct costs associated with a project. District applications are currently available online at www.swmd.net and must be submitted by 5 PM, Friday, December 18. For more information, contact the District office at (314) 645-6753.

St. Louis County Municipal League
1034 S. Brentwood Blvd.
Richmond Heights, MO 63117

The next League meeting will be on
November 19 in University City.

*See our website at
www.stlmuni.org*

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TIF Reports Required By November 16

Missouri municipalities that have created tax increment financing districts pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act") are required to submit annual reports to the State of Missouri. These annual reports must be filed online at the [Missouri Department of Revenue](#). Municipalities that previously filed annual reports online should have a personal identification number (PIN) from the Missouri Department of Revenue, which is required to use the online reporting system. Municipalities that do not receive a PIN, but need to file reports, may request a PIN by [clicking here](#). The Missouri Department of Revenue requests that these reports be filed **no later than November 16, 2015**.

Pursuant to Section 99.865.7 of the TIF Act, if your municipality fails to file this report, it will be "**prohibited from implementing any new tax increment financing project for a period of no less than five years**."

Municipalities may verify their past compliance with this [requirement](#). Please note that the Missouri Department of Revenue's online reporting system will only accept reports for 2015. Municipalities that wish to file or amend reports for prior years must submit a paper copy using this [form](#).

In addition to the report, an annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects, the amount of outstanding bonded indebtedness and any additional information that the municipality deems necessary must be published in a

newspaper of general circulation in the municipality.

Please also note that Section 99.865.3 of the TIF Act requires municipalities to hold duly-noticed hearings regarding TIF redevelopment plans and redevelopment projects every five years after their adoption. The purpose of the hearing is to determine if the applicable redevelopment project has made satisfactory progress.

The preceding article was prepared by the Gilmore and Bell law firm.