



APRIL 2016

Congratulations to All New and Re-elected Officials!

Upcoming League Meetings

April 28 Meeting at Wild Acres Park in Overland

- Wednesday, April 27, Newly Elected Officials Seminar, 4:30 pm, Maryland Heights
- Thursday, April 28, Membership Meeting, 7:45 pm, Overland
- Thursday, May 26, Muni Awards & Installation Dinner, 6:30 pm Greenbriar Country Club

The next League meeting will be held at 7:45 p.m. on Thursday, April 28 at Wild Acres Park in Overland, 2500 Ashby Rd at Midland Blvd. [Map](#) (Directions: from I-270 exit at Page Ave. eastbound. Travel about 3 miles east to Ashby Rd. and turn left (Steak & Shake on the corner). The park will be on the right about 3/4 mile north of Page. From I-170, go west on Page about 2 miles and turn

right on Ashby). Please note that refreshments will be served prior to the meeting beginning at 6:45 pm. The meeting will be promptly at 7:45.

Program: The Board of the East-West Gateway Council of Governments has appointed long-time employee Jim Wild as its new Executive Director. Mr. Wild will attend the League meeting to dis-

cuss Gateway's role in the region and how local governments can utilize the many services offered by the organization.

The main agenda items for the meeting will be the election of officers and board members for the 2016-17 year. The report of the Nominating Committee will be sent out with the meeting packets.

Inside this issue:

Attorneys' Corner: SB 5 Case Sent to Supreme Court

March Meeting Synopsis 2

Newly Elected Officials Seminar April 27 2

April Training Academy - Parliamentary Procedures 2

Legislative Update 3

Muni Award Nominations Deadline Extended 4

The following was prepared by Attorney Carl Lumley from the Curtis, Heinz, Garrett & O'Keefe law firm.

Contrary to media hyperbole, SB5 has not been "gutted", nor have any of the municipal court reforms directed by that Bill been changed. The recent judgment does not impact municipal court improvements.

On March 28, 2016, the Cole County Circuit Court held that Section 67.287 of SB5 violated the Missouri Constitution as both a special law and an unfunded mandate under the Hancock amendment. This statute established various minimum local government requirements largely concerning finances and police departments, in-

cluding the requirement of CALEA or MACP certification. The Court also held that a separate Mack's Creek percentage of 12.5% for St. Louis County was an unconstitutional special law. Finally, the Court ruled that the statutory requirement of reporting Mack's Creek revenues to the auditor was an unconstitutional unfunded mandate.

The State has announced plans to appeal these rulings. The statutes may be reinstated during appeal. If a city faces a compliance deadline involving transmittal of funds before final resolution, legal consultation as to preservation of rights would be appropriate.

(Continued on page 4)

March Meeting Synopsis

At the March meeting, MSD Executive Director Brian Hoelscher presented information on MSD's two ballot issues that were approved by the voters April 5. Proposition Y authorized the sale of bonds to fund required sanitary sewer improvements. MSD has plans to spend \$4.7 billion on 600 projects over 23 years to meet EPA clean water guidelines. With the passage of Proposition Y, \$1.5 billion in projects will be initiated over the first four years using bond funds. Rates will increase gradually from an average of \$42 per month to \$75 per

month. Without bonds, rates would have increased to an average of \$95 per month.

Proposition S equalizes stormwater taxes across the district and allows work to be done district-wide. Currently, there is no stormwater work authorized in the district's annexed area, which is generally west of I-270. With the approval of Proposition S, rates in the annexed area will increase by an average of \$47 per year, while in the City of St. Louis and near North County suburbs rates will increase by 62 cents per year. There will be a decrease of \$22 per year in the central part of

the County up through parts of Florissant and Hazelwood. If Proposition S had failed, there would have been no changes to the current tax structure and no stormwater work improvements in the annexed area.

Following the presentation the membership voted unanimously to support both Propositions S and Y.

Thanks to Mayor Norm McCourt and the officials and employees of the City of Black Jack who hosted the meeting.

Newly Elected Officials Seminar on April 27

The League will hold its Annual Seminar for Newly Elected Officials at 4:30 pm Wednesday, April 27 at the Maryland Heights City Hall, 11911 Dorsett Rd., approximately 3/4 mile east of I-270.

The cost is \$30 which includes materials and a buffet dinner.

We hope all of our newly elected officials will join us for an informative introduction to municipal government presented by municipal attorneys from the Curtis, Heinz, Garrett & O'Keefe law firm.

Topics that will be covered include:

- Understanding Mayor/Council Powers,
- Roberts Rules of Order

- Open Meetings Law
- The Authority of Boards and Commissions
- Conflict of Interest/Ethics
- Legal Issues/Zoning Decisions

While the program is designed for new officials, experienced officials are welcome as well. The deadline for reservations and cancellations is Tuesday, April 26.

Invitations and registration materials have been sent to all newly elected League members and to all municipal clerks. You can also contact the office directory at 314-726-4747 or staff@stlmuni.org.

April 28 Training Program on Parliamentary Procedures

The next Municipal Officials Training Academy program is set for Thursday, April 28 from Noon to 1:15 p.m. The program is entitled "Parliamentary Procedures" The presenter will be Florissant City Clerk Karen Goodwin.

Content includes:

- Overview of Parliamentary Procedures Focusing on Roberts' Rules of Order;
- Best Practices for Running a Meeting Using Roberts' Rules of Order;
- Common Mistakes and Pitfalls in Parliamentary Procedure;
- Basic Overview and Understanding of the Principles and Practice of Democratic Decision-making

The session is designed for city clerks, elected officials, city administrators/managers, municipal attorneys and municipal staff

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, April 27 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. The session will be held at the Frontenac City Hall, 10555 Clayton Rd., 63131.

Legislative Convenes - Numerous Local Government Bills Introduced

Much of the priority legislation has passed each chamber and bills are now being heard in the chamber. Municipal officials can receive the newsletter and regular updates by email. Send us your email address if you are interested.

(S) support; (O) Oppose (NP) No position

Sales Tax - Two bills have been filed at the League's request to implement recommended changes to the sales tax system. [SB 1123](#) (Schupp) and [HB 2676](#) (Adams) - would authorize a 1/4 cent countywide sales tax for police service for St. Louis County government. If voters approve the tax, the County would then become a point-of-sale entity and give up the annexation adjustment for the one cent and 1/4 cent taxes. The County would receive about \$25 million in new revenue. All municipalities would see a sales tax increase of about \$18 per capita. The sharing of the 1/4 cent would end so cities levying this tax would retain 100% of the revenue generated. HB 2676 was heard in the Local Government Committee on April 5 (S)

[HB 1561](#) (Leara) - In St. Louis County, establishes a base year 2014 one cent sales tax and if future years are higher, pool cities would keep 50% of the amount generated over the base year generated amount. A 1/2 cent public safety sales tax for unincorporated St. Louis County was added to this bill.

[SB 788](#) (Schatz) would allow 40% retention and does not have the County tax. Both bills are on their respective Perfection Calendars.

[HB 2299](#) (Burns) - Authorizes the 1/2 cent sales tax in St. Louis County for public safety noted above. Heard in the Local Government Committee on 2/16. The Senate version, [SB 834](#) (Sifton), was heard in the Local

Government Committee February 24. (NP)

Court Fines - [SB 572](#) (Schmitt) - The House has made several amendments to the bill relating to court fines:

- The bill treats nuisance violations the same as traffic violations in SB 5; this greatly impedes a community's ability to hold nuisance violators responsible;
- Maintains the \$300 the maximum allowable fine for traffic and municipal ordinance violations for abatement of debris on property and, weeds and trash violations;
- Expands to include nuisance violations in the percentage cap on revenues as defined in SB 5;
- If the city collects too much court revenue, the bill lowers the percentage vote on disincorporation from sixty percent to a simple majority.
- Adds disincorporation language for ALL municipalities throughout the state requiring 25% of voters for petition and simple majority for passage.

SB 572 has passed the Senate and was heard in the House Civil & Criminal Proceedings Committee on March 16. Contact Representatives to urge opposition. (O)

Gas Tax - [SB 623](#) (Libla) - Raises the state gas tax by 5.9 cents and is subject to a statewide vote. It passed the Senate on April 7. (S)

TIF - [HCS HB 1434 & 600](#) (Koenig) - If countywide TIF commission in St. Louis area rejects a proposal but the city approves it, TIF funds can only be used for demolition of build-

ings and the clearing and grading of land. The bill passed the House and was heard in the Senate Local Government Committee on April 13. The Senate version, [SB 805](#) (Onder), is on the Perfection Calendar. (O)

Elections - [HB 2111](#) (Eggleston) - Increases population limit from 1000 to 2000 for cities eliminate elections when the number of candidates equals the number of seats to be filled. Passed the House February 29 and was heard in the Senate Election Committee on April 11. (S)

Vehicle Tax - [HB 2140](#) (Hoskins) - Extends to 2018 the deadline to submit out-of-state auto taxes to voters. The Senate amended the House version so the bill is back in the House for consideration of the Senate changes. (S)

Police Issues - [SCS/SBs 661, 726 & 741](#) (Dixon) - Changes law regarding use of deadly force by police officers. It is on the Senate 3rd Reading Calendar.

Limits on Municipal Class Action Suits - Several bills have been introduced to limit cities' ability to join class action suits over the collection of taxes. [HB 2242](#) (Cornejo) was perfected in the House on May 4. The other bills on the perfection calendar are [HB 2243](#) (Cornejo) and [SB 1003 & SB 1004](#) (Onder).

St. Louis County Municipal League
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The April 28 League meeting will be at Wild Acres Park in Overland.

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www.stlmuni.org*

SB 5 Court Case (continued)

(Continued from page 1)

If these rulings stand, cities in St. Louis County will be subject to the same reduced Mack's Creek cap of 20% as the rest of the state. Excess revenues will still have to be transmitted to DOR for distribution to schools. And some type of reporting to the auditor may still be required, as there is as yet no court order regarding auditor reporting rules.

There is also quite a bit of legislative activity in this area this session, which will likely require further analysis if bills are passed.

While the Court presumably followed recent (2006) Supreme Court direction regarding the evaluation of special laws, the Supreme Court also

has indicated that the City of St. Louis can be the subject of special laws and that laws passed before 2006 should be subjected to a less stringent review. Further, in the SB5 decision, the Court noted that the State failed to offer any evidence of substantial justification for the special treatment of St. Louis County. Accordingly, the "sky is falling" claims of those dismayed by the Court's SB5 ruling are unfounded. Older statutes that single out St. Louis County would have to be evaluated on their own merits. And hopefully the Legislature will heed the Supreme Court and stop making unbridled use of population limits to pass laws patently customized to penalize (or benefit) a single community.

Muni Award Nominations Extended to April 29

There is still time to submit a Muni Award nomination for your city or a group within your city for achievement in one of the following categories: Arts & Culture; Citizen Engagement; Collaboration; Parks, Recreation & Wellness; Public Safety and Sustainability & Preservation. Send a letter to the League office with your nomination by Friday, April 29 and plan to attend the Installation and Muni Awards on May 26 at Greenbriar Country Club in Kirkwood.