



New Officers Installed - MUNI Awards Presented

JUNE 2017

Upcoming League Meetings

- The next membership meeting will be on September 28

Inside this issue:

Training Program on Parliamentary Procedures/ Page 2

Legislative Recap/ Page 2

Land Use and the Law / Page 3

Park Commission Offers Grants / Page 4

Legislative Affairs Committee to Meet / 4

League members gathered at the Sheraton Hotel in Westport Plaza on May 31 to install new officers and board members and to present the Annual MUNI Awards

The officers and board members are:

- President – Councilmember Chuck Caverly of Maryland Heights; Vice President – Mayor Norm McCourt of Black Jack Finance Chairman – Mayor Matt Robinson of Hazelwood New Board Members – Mayor Terry Briggs of Bridgeton and Councilmember Cindy Pool of Ellisville.

- Policy Initiative to Maryland Heights for operational and staffing assessments of its police department; Public Safety to Vinita Park for the creation of the North County Police Cooperative; Sustainability to the City of Creve Coeur for their efforts to promote environmental consciousness. The Buzz Westfall Award for Excellence in Local Government was presented to Florissant Mayor Tom Schneider for his lifetime of services

and in particular his leadership in last year's efforts to retain the out-of-state auto sales tax.



Clarkson Valley Mayor Scott Douglass (L) swears in the League's officers along with the new and re-elected board members

MUNI Awards were presented in the following categories:

- Citizen Engagement to the City of Crestwood for its "Christmas in Crestwood" program; Collaboration to the St. Louis Area Insurance Trust (SLAIT) for creating a local insurance pool;



State Senator Jill Schupp presents a resolution to outgoing League President Barry Glantz (L) as new President Chuck Caverly looks on.

June 22 Training Program on Parliamentary Procedures

The next Municipal Officials Training Academy program is set for **Thursday, June 22** from Noon to 1:15 p.m. The program is entitled “**Parliamentary Procedure: Fair, Efficient Decision Making for Governmental Bodies.**” It will be presented by Joshua Katz, a registered parliamentarian, and attorneys from the Cunningham, Vogel and Rost law firm..

Officials are invited to attend via Webinar or in person at Frontenac City Hall. Click [HERE](#) to register for the webinar.

Contact the Municipal League office at staff@stlmuni.org for in-person attendance. Space is limited to the first 25 registrants.

The cost is \$20 per person unless the city has an annual subscription. Please make checks payable to and mail to the Municipal League of Metro St. Louis. Registration by Tuesday, June 20 is encouraged to ensure that all materials are emailed to registrants prior to the Webinar.

Due to the subsidized and focused nature of the Academy, persons attending must be authorized to attend on behalf of a Missouri municipality or political subdivision. Additionally, registrants will need to state the jurisdiction that has authorized the attendance of the registrant on its behalf upon registration. Approval for persons not attending on behalf of a specific municipality will be subject to the discretion of the Municipal League of Metro St. Louis and Cunningham, Vogel & Rost, P.C on a class-by-class basis and such approval may be denied.

Legislative Wrap Up

The legislative session concluded on May 12 with only 59 non-budget bills being passed. Bills of interest to local officials include:

[SB 49](#) (Walsh) and [SB 283](#) (Hegeman) - both authorize a sales tax of up to 1/8 cent in St. Louis City and County for improvements to the St. Louis Zoo. The Zoo would remain free but outside visitors could be charged for any newly built attractions.

[SB 111](#) (Hegeman) - Political subdivisions with an unenhanced bond rating of AA+ or higher shall issue such debts through a competitive process unless such political subdivision employs the services of a municipal advisor as defined in the act. Such political subdivisions may use a negotiated or competitive process. This requirement shall not apply when the bonds are sold to a government entity, when the principal amount of the bonds issued does not exceed \$12,500,000, or to bonds issued for refinance. Municipal advisors engaged by a political subdivision with respect to a particular issue of securities shall be independent.

[SB 112](#) (Schatz) - Authorizes a public safety sales tax for certain 4th class cities including Rock Hill, Pacific and Eureka. The bill also re-

quires the State Department of Revenue to notify any political subdivision failing to submit its annual financial report under section 105.145. Non-compliant entities shall have 30 days to submit the report or face a \$500 per day fine.

[SB 128](#) (Dixon) - Defendants must be given a date and time to appear on court for minor traffic violations at the time of the citation. Failure to provide the information shall void the citation.

[SB 182](#) (Onder) - Prohibits political subdivisions from requiring project labor agreements for public works projects.

[HB 451](#) (Austin) - Specifies that a change in population shall not remove a city, county, or political subdivision from the operation of a law.

Legislation that did not pass included:

[HB 656](#) (Rhodes) - small cell deployment act

[HB 608](#) (Anderson) - short term rentals (Air B&B)

[SB 105](#) (Wallingford) - streamlined sales tax

[HB 275](#) (Spencer) - Prohibition on the use of automated traffic enforcement systems

[HB 104](#) (Love) - Repeals prevailing wages laws

Land Use and the Law: Board Should Not be Limited to Landowners

By Rob & Mary Schultz

Local governments normally have many boards or commissions, for the most part comprised of appointed volunteers. For instance, a city with zoning must have a board of adjustment and a planning and zoning commission. A question local governments face, but may not give much thought to, is who can serve on these boards. Everyone should be aware that the members of certain racial, religious, or sexes cannot be forbidden from serving on government boards. But you should also be aware of another limitation: boards should not be limited to landowners.

May the members of a government board be required to be landowners? Or put the other way, can non-landowners be forbidden to serve on certain government boards? Several Missouri statutes and many local ordinances require the members of local governmental boards to be "freeholders" which is a term meaning landowner. See *e.g.*, § 65.690, R.S.Mo. (board of adjustments for townships required to be freeholders).

Until a few years ago, no one gave a second thought to requiring members of a board to be landowners. But, beginning in the 1970s, a series of cases that reached the United States Supreme Court called into question the constitutionality of a requirement that governments appoint only landowners to its boards or commissions. In those cases, the plaintiffs argued that is unconstitutional to require government board members to be landowners, a violation of the United States Constitution's Fourteenth Amendment's Equal Protection Clause. As in most areas of constitutional law there is no absolute rule. However, the United States Supreme Court declared a series of governmental boards and their actions unconstitutional and void. In 1970, the Supreme Court ruled that local school boards could not have their membership restricted to landowners. *Turner v. Fouche*, 396 U.S. 346 (1970). In 1977, the Supreme Court ruled that membership on a local airport board could not be restricted to landowners. *Chappell v. Greater Baton Rouge Airport District*, 431 U.S. 159 (1977). The Supreme Court stated that, in normal circumstances, there was no justification for discriminating against non-landowners.

Examples of this doctrine have already been applied to Missouri institutions. In 1989, the United States Supreme Court declared the "Board of Freeholders", a government body established by the Missouri Constitution to modify the government of St. Louis City or St. Louis County, void because the board's membership was restricted to freeholders. *Quinn v. Millsap*. 491 U.S. 95 (1989), The Supreme Court declared there was no valid justification for allowing only landowners to have a say in reforming government.

In 1991, the Missouri Court of Appeals, considered applying the Supreme Court decisions to the local Missouri institution of boards of adjustment. Missouri statutes commonly require members of boards of adjustment to be freeholders. The Missouri Court of Appeals reversed the trial court's dismissal of the case and remanded the case back to the trial court. *State ex rel. Koewing v. Franklin County*, 809 S.W.2d 874 (Mo. App. 1991).

With the threat of legal challenge to freeholder requirements and to the decisions of a governmental body restricted to freeholders, it is no longer wise to require members of a government board to be landowners. Of course, where a federal or state statute requires that a local board be comprised of freeholders, local governments have little choice. But, if Missouri statutes are silent, the local government should not create a problem by independently imposing a freeholder requirement upon members of boards of commissions. Not only could the local government body be declared illegal and its decisions void, but the local municipality could be required to pay its opponent's legal fees.

Both Rob Schultz and Mary B. Schultz are partners in the law firm of Schultz & Associates LLP, www.sl-lawyers.com, 640 Cepi Dr., Suite A; Chesterfield (St. Louis), Missouri 63005, (636) 537-4645. Rob Schultz and Mary B. Schultz graduated from Northwestern University Law School more than 30 years ago, in 1985, and have been practicing primarily in Missouri ever since.

This column is intended to provide general information only. It does not constitute, nor should be relied upon, as legal advice or a legal opinion relating to specific facts or circumstances.

The choice of a lawyer is an important decision and should not be based solely upon advertisements.

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Enjoy your summer. The League will not meet again until September.

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www.stlmuni.org*

Park Commission Applications On Line - Planning Grants Available

The Municipal Park Grant Commission now has Round 18 applications available on its website, www.muniparkgrants.com. This year, applications must be submitted using the on-line format. The easy to complete application allows you to begin the process, save the document, and return to it at a later time, while saving all information. The due date for applications is Friday, August 25, 2017.

In addition to the construction grants, a new round of quarterly planning grants are also available on the website. These will be due by July 21 so that they can be reviewed by the Commission at its August 3 meeting.

If you have questions about either of the Park Grant applications, please contact the Municipal League office by phone at 314-726-4747 or be email at staff@stlmuni.org.

Legislative Affairs Committee to Meet in Late Summer

Each year, the League President appoints a Legislative Affairs Committee to review the previous year's issues and to make recommendations for the coming session. If you are interested in serving on this committee, please contact the League office. The group normally

meets three times in late summer and early fall to finalize its report. The report is then presented to the board and membership for approval in October or November.

Also, if you have suggestions for issues the committee should

consider, we welcome your thoughts. Staff is pleased to compile all suggestions from the membership for presentation to the committee.