

MISSOURI MUNICIPAL POLICY GUIDE

2015-2016

The Missouri Municipal Policy Guide serves as the statement of policy relating to the authority, responsibility and financing of municipal government and to federal and state laws and administrative regulations affecting local government.

The crafting of the annual Policy Guide is a very important function of MML. The primary process is that four appointed policy committees meet each summer to discuss and debate policy issues facing Missouri cities.

The result is new or amended policy recommendations that are reviewed and finalized by the Resolutions Committee. These final policy recommendations are presented to the general membership for adoption at the Annual Business Meeting during the MML Annual Conference each fall. Members may modify or offer new policies during the Business Meeting for adoption by the general membership.

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ECONOMIC DEVELOPMENT POLICIES

ACCESS TO CAPITAL

The MML supports public and private efforts to provide access to seed and venture capital for viable projects by Missouri entrepreneurs. The state of Missouri, in conjunction with its communities, shall make an effort to assist new and expanding businesses with access to competitively priced financing.

MISSOURI WORKS PROGRAM

The MML supports "Missouri Works," a program that combines the Development Tax Credit Program, the Rebuilding Communities Tax Credit Program, the Enhanced Enterprise Zone Tax Credit Program, and the Missouri Quality Jobs Program and rolls their functions into one



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LIFE SCIENCES AND BIOTECHNOLOGY

The MML supports state efforts to promote life sciences/biotechnology investments in Missouri.

MARKETING EFFORTS

The MML supports an increased emphasis on marketing the state of Missouri as a location for business expansions. Marketing efforts should be expanded to include additional emphasis on high tech companies, manufacturing, agriculture and service operations. A coordinated effort between The Missouri Partnership, all appropriate state agencies and between state and municipal groups promoting business, industry, agriculture, animal science and tourism should be fostered in promoting the resources already available in Missouri. The state of Missouri must continue to assist businesses in reaching new markets for their products and services, including an increased awareness of international opportunities and new technologies.

stream-lined program to promote business retention, expansion and attraction in Missouri for job creation and capital investment. The state should consider establishing additional and separate funding for rural, micropolitan and metropolitan statistical district projects for the retention and expansion of existing businesses at a community level.

CONFIDENTIAL NEGOTIATIONS

The MML supports changes to Chapter 610 RSMo to allow economic development projects to be negotiated in closed session similar to the exemption that currently exists for real estate.

DOWNTOWN REVITALIZATION AND ECONOMIC ASSISTANCE FOR MISSOURI PROGRAM (DREAM)

The MML supports the concept of downtown revitalization and reinstating the funding and expanding of the DREAM program due to prior success.

ECONOMIC INCENTIVE PROGRAMS

The state of Missouri should maintain basic economic incentive programs including but not limited to: 1) Community Development Block Grants, 2) taxable and tax-exempt financing programs, 3) various tax credits, 4) the Missouri Linked Deposit Program, 5) Environmental Improvement and Energy Resource Authority, 6) Missouri Industrial Development Loan Guarantees, 7) enterprise zones, and 8) Missouri Works. All such programs should be maintained at existing or increased levels.

INDUSTRIAL REVENUE BONDS

The MML supports the extension and expansion of the dollar limit on tax-exempt industrial revenue bonds to provide financing for business expansions.

SUPER TAX INCREMENT FINANCING CAPS

The MML urges the General Assembly to increase the existing fiscal cap on the super Tax Increment Financing (TIF) program.

MISSOURI TECHNOLOGY CORPORATION

The MML supports full utilization of the Missouri Technology Corporation and support of its goals and objectives.

STATEWIDE SPORTS COMMISSION

The MML urges the state of Missouri to consider the economic benefits of a statewide sports commission with the responsibility for assisting in the recruitment and support of regional sporting efforts.

TAX ABATEMENT

The MML supports the preservation of Chapter 353 RSMo, the urban redevelopment law, including the option of tax abatement without unwarranted restriction by other governmental units.

TAX CREDIT PROGRAMS

The MML opposes subjecting the tax credit program to the appropriations process as this puts Missouri at a competitive disadvantage. MML supports the retention, and funding of these tax credit programs:

- a. Low Income Housing Tax Credits
- b. Tax Credit for Contributions Program
- c. Neighborhood Assistance Program Tax Credits
- d. Historic Preservation Tax Credits
- e. Brownfields Jobs and Investment Tax Credits

- f. Missouri Build Tax Credits
- g. Film Production Tax Credit
- h. New Markets Tax Credits
- i. Investment Credit Tax Programs

TAX INCREMENT FINANCING

The MML opposes legislation to exempt any governmental entity from being required to contribute to the tax increment financing (TIF) allocation fund. The MML opposes any attempt to change the purpose or types of development permitted under current TIF statutes. The MML supports legislation that clearly requires all applicable taxes, pre- and post- adoption, to be subject to the TIF.

TAX INCREMENT FINANCING (TIF) AND TRANSPORTATION DEVELOPMENT DISTRICT (TDD) REPORT FILING PENALTY

The MML supports a revision to the Tax Increment Financing (TIF) report filing law that prohibits cities from initiating a new TIF project until the annual report is filed and encourages the Missouri Department of Economic Development to be required to send an annual reminder of the annual report due date. The MML also supports legislation to cap the penalties for late filing of Transportation Development Districts (TDDs) annual reports to \$10 per day with the fine not commencing until 14 days after notice by the State Auditor of the late filing.

TECHNOLOGY TRANSFER

The MML supports funding for applied research at Missouri based educational facilities, technology transfer, and the commercialization of this knowledge to create jobs in Missouri.

TOURISM PROMOTION

The MML supports increased funding efforts for tourism promotion campaigns, including promoting the state of Missouri domestically and internationally as a visitor destination. The MML encourages the General Assembly to increase funding for arts and culture, specifically the Missouri Arts Council and the Missouri Humanities Council. The MML supports the efforts of local communities to promote its natural resources and tourism destinations. In addition, cost sharing between local and state promotional groups has proven to be a cost-effective way to increase exposure and should be expanded.

The MML supports development of art and cultural industries in Missouri.

The MML supports the preservation of Missouri's natural beauty which makes it a tourist destination.

TRANSPORTATION INFRASTRUCTURE

The MML recognizes the importance of transportation infrastructure to Missouri economic development and supports continuing reviews of the structure of the Missouri Department of Transportation (MoDOT) and of funding resources to address transportation needs that:

1. Consider the economic importance of connectivity.
2. Provide for mass transit.
3. Maintain existing infrastructure.

HUMAN RESOURCES POLICIES

AFFORDABLE HOUSING AND HOMELESSNESS

The MML urges state agencies to work in conjunction with Missouri municipalities as well as private and not-for-profit organizations to address the areas of: homelessness; affordable housing; supported living services for seniors and the disabled; and rehabilitation of existing housing. Legislative oversight committees should be established to give these issues the attention they deserve.

WORKFORCE DEVELOPMENT AND HUMAN RESOURCES

To encourage the continued implementation of job training, such as the OJT program, the MML supports:

- 1) Continued emphasis on the education and training necessary to provide a competitive work force in Missouri, including promoting higher standards for all levels of education.
- 2) Adequate state funding for preschool, primary, secondary and post-secondary public education, including new educational initiatives to ensure the availability of a Missouri work force equipped with the technical skills to compete in future decades.
- 3) Strong coordination between agencies involved in the job training, retraining and placement systems and the business sector;
- 4) More resources for centers designed to assist high school drop-outs and potential drop-outs to earn high school diplomas or equivalency certification;
- 5) Continued and increased support for state job training funds targeted for all businesses and not-for-profit organizations.
- 6) More training dollars as an economic incentive to encourage organizations to target further development of their existing workforce.
- 7) Working closely with private industry and not-for-profits to plan and implement programs that assist in adult/youth training, worker reentry, the underemployed, seniors and work reentry programs for ex-offenders.
- 8) Preserving economic development tools used to support affordable "workforce" housing.
- 9) Expand Show Me Heroes program to include incentives to attract skilled veterans.
- 10) Develop incentives to retain college graduates throughout the state.

CHILD CARE

The MML urges the state to develop education programs and incentives to ensure development of public/private partnerships to enhance and expand quality child care and early childhood education facilities, including care for infants, children with special needs, weekend and non-daytime shift workers and the adequate training of child care providers. Public and private employers should be encouraged to provide quality child care and early childhood education centers and programs through the use of tax credits or other incentives including but not limited to cafeteria plans (Section 125 of the Internal Revenue



NEEDS OF SENIORS AND ADULTS WITH DISABILITIES

The MML calls on all levels of government to recognize the needs of seniors and adults with disabilities and to help them remain independent. Further, the MML urges:

- 1) The General Assembly to provide adequate funding to the Missouri Department of Health and Senior Services (DHSS). The DHSS should in turn provide adequate funding for services such as: Medicaid meals, home delivered meals, community senior centers, transportation, and ombudsman services.
- 2) The DHSS to make readily available funding to the local Agency on Aging for information and referral services.
- 3) Local governments to encourage senior volunteerism in their communities.
- 4) The DHSS to fund and encourage development of intergenerational mentoring and outreach programs that focus on: education, quality of life, and life experiences.

Code) and flexible work schedules. Technical assistance and training must be available to local providers.

The MML urges the Department of Social Services (DSS) and the Department of Health and Senior Services (DHSS) to adequately fund services and staff to guarantee quality child care for Missouri children, particularly to ensure that funds are available for child care licensing staff to properly license and monitor family, group home and child care centers. The MML also supports the licensing of private and faith-based child care centers and encourages the DHSS and DSS to jointly develop quality incentives that would promote voluntary accreditation or other similar quality standards for all child care providers.

COMMUNITY EDUCATION

The MML strongly supports the use of state funds for community education programs that are proactive and/or rehabilitative. Examples of these include, but are not limited to programs that prevent or address issues such as:

- substance abuse;
- gambling addiction;
- juvenile delinquency;
- gang activity;
- child abuse;
- teenage pregnancy and the education of teenage parents (including prenatal and postnatal care);
- parenting skills;
- drop-out prevention programs;
- reduction of unemployment/underemployment;
- and development of adequate and available recreation facilities and programs.

FINANCE AND TAXATION COMMITTEE

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Jerry Mills, Council Member, Kirksville
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Dan Smith, Finance Director, Creve Coeur
Shonte Young, Alderman, Moline Acres

E-COMMERCE TAXATION

The MML urges Congress and the state of Missouri to define that all sales and use tax on sales of tangible property be treated fairly and equitably whether the sales take place over the counter, by phone, by mail order, by internet or by any other electronic means. The MML urges Congress to enact legislation that redefines nexus to include economic nexus as well as physical nexus so that out-of-state mail order sales and internet sales are treated the same as sales within the same state.

PROPERTY TAX HEARING

The MML supports streamlining the process by changing the deadline for setting the municipal property tax levy as required in Section 67.110 RSMo to 30 days after receiving from the county the assessed valuation of all property located within the municipality.

TAX RESTRUCTURING

The MML opposes the use of a higher sales tax rate to replace the corporate and individual income taxes. Missouri's cities rely upon sales taxes for general fund and enterprise fund operation. If the state sales tax rate is dramatically increased, municipalities would be crippled in seeking voter approval of new sales taxes and Missouri businesses would lose retail sales to adjoining states and the Internet.

BUSINESS AND OCCUPATION LICENSES

The MML supports legislation to authorize municipalities to license, tax and regulate the occupation of merchants, manufacturers and all businesses, avocations, pursuits and callings and to, by ordinance, base such licenses on gross receipts, square footage, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method of measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities.

EXEMPTIONS FROM LOCAL OPTION SALES TAX

The MML strongly opposes the exemption of any further items from the local option sales tax and encourages a thorough review of current exemptions to examine their validity. Also, the MML continues to oppose state-mandated sales tax holidays that do not provide a local option on participation or nonparticipation in the holiday. Should the General Assembly approve additional sales tax holidays, the MML requests that all future sales tax holidays include an opt in provision while still allowing the municipality the option to opt out in future years.

FEE COLLECTIONS ON ANNUAL PROPERTY TAX BILLS

The MML supports legislation authorizing an entity that collects the property tax for itself or for other taxing jurisdictions to also collect any other tax or fee that it authorizes or is authorized by another taxing jurisdiction.

LOCAL EARNINGS/INCOME TAXES

The MML favors local control of decisions regarding levels and types of municipal taxation and believes it sets a bad precedent to allow voters throughout the state to overrule local voters' decisions to approve rates and methods of taxation to support essential local services such as police and fire protection.

PROPERTY TAX RATE CAP

The MML urges the General Assembly and the electorate to raise the caps by 25 cents respectively imposed on municipal property tax rates by Article X, Section 11(b) Missouri Constitution and Chapter 94 RSMo.

ROAD AND BRIDGE TAXES

The MML supports legislation to require that the percentages stated in the various statutes on road and bridge taxes be spent for road and bridge projects in incorporated cities rather than such expenditures being discretionary on the part of counties and road districts.

TAX ON HOTEL/MOTEL GUESTS

The MML urges the General Assembly to adopt legislation authorizing all cities to levy a tax on hotel guest rooms with approval of said tax by the voters. The legislation should also require the Department of Revenue to collect the tax if requested to do so by a city enacting the tax.

CABLE AND VIDEO FRANCHISING

The MML vigorously opposes any federal legislation and regulations that would alter or completely eliminate the ability of local governments to enter into and enforce local cable franchise agreements unless such legislation requires the payment of local franchise fees, compliance with local rights-of-way regulations, payment in lieu of in-kind services, operational grants and consumer protection provisions.

PRESERVATION OF PEG ACCESS TELEVISION

The MML supports the Community Access Preservation Act (CAP) which removes use restrictions on public, educational and government (PEG) access fees, restores PEG revenue streams, and ends cable operators' discriminatory treatment of PEG channels. The MML urges Congress to enact the CAP Act in order to preserve local PEG channels.

REGULATION OF MUNICIPAL BROADBAND

The MML opposes any state or federal legislation that regulates, restricts, or prohibits municipalities from providing municipal broadband services.

TAXATION OF CELL PHONES, VoIP AND OTHER COMMUNICATION SYSTEMS

The MML supports legislation to impose or maintain local gross receipts taxes on cellular, land-line and VoIP telecommunications providers and other types of personal communications technology. The MML also supports legislation that allows wireless devices to be taxed while holding harmless the cities and counties that have enacted sales taxes to address 911 funding issues.

UTILITY TAXES

The MML strongly opposes any legislation capping the rate or reducing the amount of utility taxes imposed by municipalities.

STATE/FEDERAL MANDATES

The MML urges members of the General Assembly and Congress to work with local officials to determine how to limit the fiscal and other burdens of mandates on the operation of municipal government.

Further, the MML supports an assessment of current state and federal programs, regulations and policies to determine the extent of adverse cost, structural and intergovernmental impacts on cities.

OTHER POST-EMPLOYMENT BENEFITS (OPEBS)

Accounting standards, GASB (Governmental Accounting Standards Board) Statements 43 and 45, require all state and local governmental agencies to report costs and obligations for other post-employment benefits in their financial statements. While GASB Statements 43 and 45 do not require that governmental entities actually fund other postemployment benefits (OPEB), those that do not are in danger of lowered credit ratings, and may be subject to less favorable discount rates in calculating total unfunded OPEB liabilities or mandated revenue stream diversions. The MML urges the Governor and General Assembly to give municipalities the ability to fund OPEB to ensure that local governments are able to adequately meet future obligations.

PUBLIC DEPOSITS AND INVESTMENT OF IDLE FUNDS

The MML supports passage of legislation that would repeal the archaic laws governing depositories for funds and clarify the investment authority of statutory cities.

Such legislation, at a minimum, should include authority for statutory municipalities to choose one or more depositories for public funds under conditions and terms determined by the municipality, including the choice of facilities outside the city. It should also clearly permit investment of municipal funds in obligations of the state; obligations issued by the United States; obligations fully insured or guaranteed by the United States or a United States government agency; repurchase agreements secured by United States Treasury securities; obligations of any corporation of the United States government; prime bankers' acceptances; and deposits, time deposits, certificates of deposit (negotiable or non-negotiable), shares, share accounts or other interest bearing accounts in depository institutions chartered by this state or by the United States. The MML further supports a standardization of collateralization requirements for depository institutions. Collateral should not be required of any depository institution for that portion of the municipality's deposits covered by insurance of any federal agency.

TRANSPORTATION NEEDS

While the MML strongly supports appropriate funding for transportation purposes in Missouri, the MML opposes the use of sales taxes by the state of Missouri as the primary source to raise revenue for meeting the needs of the state's highways, roads and transit systems. The MML urges the General Assembly and Missouri Department of Transportation (MoDOT) to devise a comprehensive plan to increase the needed revenue for meeting Missouri's transportation needs and securing federal matching funds. Such plan should dedicate sufficient funding to provide quality mass transit services throughout the state. This should include funds for systems that serve the elderly, handicapped and low-income residents.

MUNICIPAL ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS COMMITTEE

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Brenda Cirtin, City Clerk, Springfield

Adam Couch, Mayor, Odessa

Barry Glantz, Mayor, Creve Coeur

Bruce Harrill, City Administrator, Waynesville

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Andy Morris, City Manager, Moberly

John Morris, City Manager, St. John

Russell Rost, City Administrator, Union

Ron Scheets, City Administrator, Cabool

Thomas Schneider, Mayor, Florissant

Mahesh Sharma, City Administrator, Raytown

Michael Spurgeon, Dir of Admin, St. Charles

Everett Thomas, Mayor, Northwoods

A.J. White, Council Member, Black Jack

BLIGHT/EMINENT DOMAIN

The MML vigorously opposes efforts to prohibit the use of eminent domain to rehabilitate blighted areas and other essential public uses that benefit the health, safety, and general welfare of the municipality. MML also opposes any effort that would negatively impact nuisance abatement programs. The MML should work with utilities, businesses, developers, and other groups to inform the public of the benefits of eminent domain and nuisance abatement programs.

Eminent domain is indispensable and is most often used as a last resort for revitalizing local economies, creating much-needed jobs and generating revenue that enables cities to provide essential services. Eminent domain is a powerful tool; its prudent use, when exercised in the sunshine of public scrutiny, helps achieve a great public good that benefits the entire community. Economic policies and incentives supported by the Governor and adopted by the General Assembly will have little effect in encouraging business to expand or relocate in Missouri to support the economic vitality of the state if land cannot be assembled through the power of eminent domain if necessary. The MML supports changes in the law to further ensure fair treatment and just compensation of property owners, but any such changes should be carefully drafted to permit use of eminent domain for economic development purposes when necessary.

POSTING OF LEGAL NOTICES IN NEWSLETTERS OR ON WEBSITES

The MML strongly supports legislation to allow for publication of legal notices including but not limited to financial statements, land use and election notices in municipal newsletters and on websites in lieu of the unfunded mandate for newspaper publication to help keep the

public apprised of local affairs in a much more cost effective method.

GENERAL ASSEMBLY TERM LIMITS

The MML strongly supports legislation to initiate an amendment to the Missouri Constitution to lengthen or modify term limits for members of the General Assembly.

SELF GOVERNANCE

The MML continues its strong support for self-governance for all municipalities and the right contained therein of municipal self-determination. The MML urges the General Assembly to refrain from enacting legislation in areas that can be better dealt with by local government. Additionally, MML supports the elimination of the minimum population requirement to achieve constitutional charter city status.

MODERNIZATION OF LOCAL GOVERNMENT STATUTES

The MML urges the repeal or revision of contradictory and/or arcane provisions of the statutes that create barriers to efficient administration of local government. Further, the MML supports legislation that permits the use of electronic and digital archiving of public records.

LABOR RELATIONS

The MML supports legislation to resolve issues from the Independence NEA v. Independence School District Missouri Supreme Court decision. Such legislation must preserve traditional management rights, the fiscal integrity of the city, the delivery of services to the taxpayer and the role of the duly elected representatives of the people as the final decision-makers on contract provisions. Also, the MML Board is urged to appoint a committee to study potential new MML services in support of local officials in the collective bargaining process.

MUNICIPAL PERSONNEL POLICIES

The MML strongly opposes legislation that would interfere with municipal authority to determine personnel policies or merit system rules and regulations, for example, the recent legislation that creates a disparity between police chiefs and other municipal employees.

STATE MANDATES

The MML urges the Governor, the General Assembly and state agencies to oppose unfunded mandates and provide for reimbursement to cities for direct costs of compliance with state laws, policies, regulations and standards that impose additional costs and responsibilities on

local governments, pursuant to the Missouri Constitution (Article X, Section 21) commonly referred to as the "Hancock Amendment."

FINES IN MUNICIPAL COURT

The MML supports legislation to standardize the maximum fine for violation of city ordinances at \$1,000 for statutory municipalities.

PREVAILING WAGE

The MML supports legislation to clarify the existing prevailing wage law to define exemptions from the law for de minimus work on public projects including work involving repair and maintenance of public facilities.

REGULATION OF MUNICIPAL RIGHTS-OF-WAY

The MML supports the authorization of local governments to impose reasonable nondiscriminatory fees for the use of the public rights-of-way and opposes any legislation that limits municipalities' authorities to manage rights-of-way for the public interest and/or transfer the cost of relocation of utilities from private industry to public entities.

DEREGULATION IN THE NAME OF "RELIGIOUS FREEDOM"

While the MML supports free exercise of religion, the MML opposes legislation to further erode, under the guise of religious freedom, local authority to protect the health, safety and welfare of all people, including but not limited to municipal zoning, building codes, sign regulations, child care regulations and all other applicable local ordinances.

PHOTOGRAPHIC ENFORCEMENT OF TRAFFIC VIOLATIONS

The MML supports cities' right to use automated cameras to enforce traffic ordinances and opposes any efforts to restrict cities' use of photographic enforcement for traffic violations.

CONCEALED WEAPONS IN MUNICIPAL FACILITIES

The MML supports language to clarify the concealed carry law (Section 571.107 RSMo) to permit local governments to adopt ordinances to prohibit the carrying of concealed weapons in all city facilities and parks.

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TAXPAYERS BILL OF RIGHTS (TABOR)

The MML opposes efforts by any group to impose further restrictions on state revenues and spending through the so-called Taxpayers Bill of Rights (TABOR) or similar initiatives.

PRIMARY SAFETY BELT

The MML supports legislation to change Missouri's secondary seat belt law to a primary seat belt law by allowing law enforcement officers to stop drivers for failing to wear their seat belts.

ORDINANCE VIOLATIONS BUREAU

The MML supports legislation that would eliminate the requirement that municipal prosecutors review and file charges in cases where a defendant pleads guilty and pays a fine in a municipal ordinance violations bureau.

OPPOSITION TO PREDATORY LENDING PRACTICES AND THE PROLIFERATION OF PAYDAY LOAN OPERATIONS

The MML supports legislation that would impose stricter regulations, with penalties, on lenders who engage in unfair and deceptive lending practices. The legislation should give the Missouri Attorney General the increased responsibility to investigate and take legal action against predatory lenders.

In addition, the MML supports legislation that would allow cities to impose limits on the number and locations of payday loan companies or similar loan companies or, if desired by the community, to ban these operations entirely.

GROUND EMERGENCY MEDICAL TRANSPORT (GEMT)

The Missouri Municipal League strongly supports a state statute that enables public EMS agencies to recoup a portion of the costs of providing uncompensated prehospital medical care and EMS ambulance transport from the Federal Government. MML supports a new statute establishing a Ground Emergency Medical Transport program. The statute also should require consistent accounting and cost recording guidelines.

ENVIRONMENT, ENERGY AND SUSTAINABLE DEVELOPMENT COMMITTEE

Chair, Debi Salberg, Council Member, Webster Groves

Gerry Biedenstein, Council Member, Kirkwood

Brian Chaplin, DPW Superintendent, Hannibal

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John Taylor, Council Member, Black Jack

Ian Thomas, Council Member, Columbia

Scott Wagner, Council Member, Kansas City

Shelley Welsch, Mayor, University City

J. Bruce Woody, City Manager, St. Joseph

Mark Young, Mgr, Stormwater Utilities, Kansas City

OUTDOOR AIR QUALITY

The MML encourages all governmental jurisdictions in Missouri to initiate and support programs designed to increase public awareness and education about the air pollution issue and how pollution can be abated. The MML supports continued federal funding for those municipalities that have entered into a contract with the Missouri Air Conservation Commission to monitor air pollution sources within their jurisdictions, including point and area sources. The MML encourages all governmental jurisdictions to help foster a public concern for clean air by leading by example to demonstrate energy efficiency, the benefits of native landscaping, use of quality multi-modal transportation planning and use of low-emission and low-fuel consumption vehicles in their governmental activities. The MML requests that the state of Missouri provide adequate financial assistance to municipalities in conforming to the state standards for clean air.

The state should continue to involve local officials in the implementation of any air pollution plan or policy that may be imposed to conform to EPA pollution standards. Municipalities should support improving air quality through local policies.

INDOOR AIR QUALITY

The MML supports municipal efforts to improve indoor air quality and the air quality surrounding governmental and commercial buildings located within their boundaries, including the adoption of smoking restrictions. The MML opposes the adoption of any state law which preempts a municipality from adopting local smoking restrictions or any ordinances that are designed to improve indoor air quality. The MML supports an election on uniform statewide smoking restrictions.

WATER QUALITY

The MML encourages Missouri municipalities to attempt to meet and/or exceed their water permit requirements using watershed-based best management practices, including a strong emphasis on green infrastructure strategies, to mitigate pollutants and storm water runoff. Given the enormous costs of constructing wastewater treatment and collection facilities, MML recommends that the General Assembly appropriate sufficient funds to provide adequate technical assistance through the Department of Natural Resources (DNR) to determine the most cost effective means of meeting state and federal

standards. Further, MML urges the Clean Water Commission and the EPA to develop realistic standards based on 1) documented studies that verify potential health risks and 2) site-specific pollution impacts.

The MML strongly urges DNR to implement the storm water discharge permit program in a manner that will not impose delays on municipal and private projects. MML strongly urges the EPA and DNR to develop a more simplified and flexible approach to management of municipal storm water runoff than has been imposed on the state's larger municipalities. MML opposes any "end-of-pipe" testing requirement in storm water permits.

The MML supports all levels of government, with substantial state and federal help, collaborating as equals to insure that high levels of harmful pollutants are within reasonable limits, based on cost-benefit analysis, accurate testing, and other factors under scrutiny in the latest DNR reports. The likely use of the creek or waterway for recreation should also be a factor. Certainly, sewage from faulty infrastructure should be addressed if harmful bacteria result for any reasonable period of time. However, animal waste, certain unavoidable runoff such as that caused by treating streets for ice and snow, and similar pollutants found at relatively low levels in streams unlikely to be used for recreation should be addressed with state and/or federal funds if they require remediation.

MML urges DNR and EPA to develop flexible standards for the treatment of combined sewer overflows that will allow all municipalities to implement solutions that will meet their geographic environmental situation and recognizes financial limitations based on the point of diminishing returns. The MML opposes any state regulations that exceed the scope of the National Pollutant Discharge Elimination System (NPDES) permit program regulations.

The MML supports an increase of the NPDES fee of no more than the consumer price index, provided that DNR be prohibited from collecting fees from permit holders until permits have been brought up-to-date by DNR. The MML urges DNR and EPA to base affordability evaluations upon households at or below a community's household median income.

SOLID WASTE MANAGEMENT

MML expects the DNR and EPA to be involved in the monitoring of landfills, whether closed or active, abandoned or monitored by a responsible party; and other solid waste issues. The MML encourages municipalities to participate in a regional approach when addressing solid waste issues and urges municipalities to take an active role in the operation of solid waste management districts. Further, the MML encourages municipalities to promote efforts to reduce landfill waste; to address management of recoverable materials; to ensure access to core residential services and household hazardous waste collection in an effort to minimize illegal dumping and littering and encourage waste diversion from landfills; to establish public education on waste reduction and solid waste management for residents and businesses; and to support the implementation of programs to reduce, eliminate or divert other household and business waste from landfills.

The MML urges the state agencies and departments involved with implementation of the state's solid waste management law to coordinate their efforts with

municipal solid waste activities and initiatives. The MML encourages state leadership on policies and issues of statewide significance, including public education, product stewardship, sustainable funding, incentives for diversion goals, and research on technologies and trends.

The MML specifically encourages the state to aggressively deal with stimulation of the demand and markets for recycled materials. The MML strongly encourages the federal and state government to take an active role in developing uses for recyclable materials as well as the marketing of the products developed from recyclable materials.

The MML urges Congress to enact legislation preserving the 2007 US Supreme Court finding that allowed states and local governments to require that municipal solid waste (but not separated recyclables) be transported to municipal solid waste management facilities.

The MML urges the General Assembly to enact legislation giving municipalities greater flexibility in meeting the post-closure responsibilities for municipally owned landfills.

The MML strongly urges the General Assembly to protect the yard waste ban and any exceptions written into it, the statewide tonnage fee and the rights of local governments to develop and implement solid waste management strategies, facilities and services. In particular, MML urges the General Assembly to remove and prevent barriers for responsible and sustainable waste management best practices, including the elimination of the two-year notice requirement for local governments seeking to contract for solid waste services.

HAZARDOUS MATERIAL MANAGEMENT

The MML encourages federal and state programs that educate the public and ensure safe processing, incineration, recycling, transportation, storage and disposal of hazardous materials including newer products.

The MML supports an active investigative effort to identify sources, violators and existing sites of hazardous material. Such investigative efforts should include advance notification to municipal officials.

The MML further recommends clarification and limitations of the liabilities cities may have for unknown hazardous materials.

ENERGY

The MML endorses reasonable incentives that foster cost effective transition to alternative and renewable clean energy sources produced and delivered in the state, including but not limited to solar energy, wind power, geothermal, nuclear energy, synthetic fuels, biomass, methane gas, and the continued examination of improvement in the conservation of energy. The MML endorses policies that promote energy efficiency.

A statewide standard should not supersede local ordinances because communities differ too much in density, architectural features, history, and other neighborhood factors for one standard to address every variable in every community. The MML discourages prohibitions on renewable energy facilities that might include solar panels, wind turbines, windmills, water structures, underground heating and cooling fields and facilities yet to be defined.

The MML encourages each locality to consider appropriate policies to encourage reasonable uses. MML also encourages sustainability measures including reviewing building codes, green infrastructure, and land use.

SUSTAINABLE DEVELOPMENT

The MML supports policies, legislation and incentives that lend themselves to sustainable development. Such smart growth policies and legislation will help establish Missouri as a competitive area with cost effective public systems. It also promotes the re-use of neighborhoods with their existing infrastructure, thereby supporting the established schools, churches, firehouses and systems that promote stability. However, development outside established systems and areas should not be discouraged when existing systems can be expanded and sustained with new revenue from the new development without negatively impacting existing systems.

The MML supports a triple bottom line approach to municipal and state policy and planning efforts balancing: 1.) economic, 2.) community, and 3.) environmental factors in decision making .

COMMUNITY GROWTH INCENTIVE

The MML recommends that existing statutes be revised to require that central water service adequate for fire protection, storm water management infrastructure and state approved sewer service be provided prior to development of a subdivision and to require adequate easements for utilities.

The MML opposes any regulatory changes by the Department of Natural Resources (DNR) that would encourage the development of subdivisions with separate water supply, wastewater collection and storm water management systems developed adjacent to a municipal system. Existing regulations should be actively enforced by the DNR.

REGIONALISM

The MML continues to support regional councils and opposes efforts to repeal or weaken the enabling legislation governing regional councils and their activities. The MML further supports state funding of regional council activities.

LOCAL CODE COORDINATION

The MML urges the General Assembly to enact legislation requiring the mandatory referral of development plans by the state or its political subdivisions to the affected municipal government for compliance with local codes and coordination with municipal plans.

PREEMPTION OF MUNICIPAL LAND USE AUTHORITY

The MML strongly opposes any further preemption of municipal land use regulations by the General Assembly.

COLLECTION OF SPECIAL TAXES FOR PROPERTY MAINTENANCE

The MML urges the General Assembly to pass legislation authorizing municipalities to collect special tax

bills for property maintenance code violations in the same manner as for delinquent property taxes.

MUNICIPAL ACQUISITION OF LAND

The MML strongly opposes any attempt to limit a municipality's power of eminent domain. The MML further opposes any requirement to pay "damages" to nearby property owners when a municipality purchases or condemns land for public purposes. The MML also opposes legislation that would encourage property owners to challenge, risk free, condemnation settlements offered in good faith.

EXTRATERRITORIAL PLANNING AND ZONING POWERS

The MML supports the amendment of Sections 89.144 and 89.145, RSMo to extend to all municipalities in the state extraterritorial planning, zoning, subdivision and code enforcement powers in the surrounding unincorporated areas. Additional provisions should include mandatory representation of residents in the areas affected on planning and zoning boards during consideration of issues related to their area and the retention of the primacy of the extraterritorial powers by municipalities regardless of whether or not the respective county has adopted planning and/or zoning procedures.

LOCAL GOVERNMENT BOUNDARY ADJUSTMENT

The MML urges the immediate adoption of legislation amending the annexation statutes to provide that:

- 1) The current annexation procedures be simplified and expedited to the greatest extent possible;
- 2) Publicly held land be exempt from the election requirements;
- 3) Special provisions be included for "unincorporated islands" - land surrounded by incorporated area;
- 4) Normal municipal services and their funding sources be clearly defined;
- 5) Municipalities be given the authority to enter into binding pre annexation agreements with landowners with property not contiguous to the corporate limits of a municipality.
- 6) A second election, as provided for in Section 71.015 RSMo, is not needed when two-thirds of the combined voters of the city and the area proposed to be annexed approve the annexation proposal in the first election, even if a majority of the voters in the area to be annexed fail to approve the annexation.
- 7) Procedures should be established to encourage territorial agreements between the investor owned electric system that serves the municipality and the rural electric co-op that serves the area to be annexed.
- 8) The right of a property owner to voluntarily agree to annexation shall be protected.
- 9) Municipalities be granted clear authority to annex areas along a road or highway up to two miles from their corporate limits for use in development, creation of industry or services that support growth, unless there exists opposition from one of the contiguous cities.

EXTENSION OF MUNICIPAL SERVICES INTO ANNEXED AREAS

The MML strongly opposes any legislation that restricts the ability of a municipality to extend municipal services into newly annexed areas. Further, the MML urges the repeal of current laws that restrict the extension of municipal services into annexed areas. Specifically, amend Section 247.165 RSMo to remove the six month time period after an annexation for the municipality and water district to develop an agreement to provide water service to the annexed area.

In the creation or expansion of special use districts, i.e. sewer, fire, etc., that encroach or overlap a municipal jurisdiction, the municipality should have the legal grounds to file as an "Exceptor" and be notified via certified mail of the filing of the petition.

An exceptor is a party that can file exceptions to the legal petition requesting the formation of the district.

Current state law only allows municipalities to file exceptions when water districts are created or expanded. This authority should be granted to municipalities when all special districts are created or expanded. When creating a special district the filing party should be required to notify the municipality of the petition to create the special district. The MML opposes legislation that would require cities to provide municipal services beyond municipal boundaries.

Municipalities should be given the authority to set urban service standards that apply to all providers within municipal corporate limits.

MOVING UTILITIES IN PUBLIC RIGHTS-OF-WAY

The MML strongly opposes any legislation that would prohibit or restrict a municipality's authority to require a utility company to pay the cost of relocating its facilities located in the public rights-of-way when the request is for a public purpose.

COLLECTION OF DELINQUENT UTILITY BILLS

The MML opposes the repeal of the state law authorizing municipalities to hold the property owner and tenant jointly responsible for delinquent water and sewer bills. Approximately 50 percent of Missouri's municipalities have adopted such a policy, because it is virtually impossible to sue renters who have left the municipality. Repeal of this law would cause increases in water and sewer user fees to compensate for the rise in uncollectible accounts.

Further, MML supports legislation providing clear authority to municipally owned utilities to hold the property owner and tenant jointly responsible for electric, gas, refuse collection, and other utility bills.

Utility billing polices should be left to local officials who are ultimately responsible for the proper management of municipal utilities.

RECAPTURE AGREEMENTS

The MML urges the General Assembly to pass legislation authorizing municipalities to enter into agreements with developers to construct certain public improvements or excess utility capacity that would benefit other properties not yet developed or served by

such facilities. The city would recapture a portion of the costs associated with the construction of these public improvements by requiring properties benefiting from the improvements to pay a proportional share of the installation of these oversized or expanded public improvements before connecting or using said facilities.

HEALTHIER LIFESTYLES

The MML encourages all municipal leaders and members of the General Assembly to increase access to and affordability of healthy food and beverage choices. Municipalities should maximize access and incentives to participate in safe, multimodal transportation choices, mixed used development, and affordable physical activity, both indoors and outdoors.

RECREATIONAL USE LEGISLATION

The MML urges the state of Missouri to enact Recreational Use Legislation to protect landowners from civil liability if they let their property be used by others for recreational purposes without charging a fee for profit.

MISSOURI'S LAND AND WATER CONSERVATION FUND PROGRAM

The MML supports the full funding of the Land and Water Conservation Fund, in particular, the renewed allocation of LWCF funds to each state.

PROPERTY MAINTENANCE ACCOUNTABILITY

The Missouri Municipal League urges the Missouri General Assembly to enact legislation requiring limited liability companies that own, rent or lease real property, or owns unoccupied real property to file with the municipality in which the real property is located an affidavit listing the name(s) and address of the person(s) who has management control and responsibility for the real property owned, rented or leased by the limited liability company. Further, the League urges the Missouri General Assembly to authorize municipalities to file legal action to requiring limited liability companies who fail to file an affidavit with the municipality to file such affidavit. □

*Would you like to help
shape Missouri's local
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