

2017-2018

MISSOURI MUNICIPAL POLICY



Growing Our Communities Together

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PREAMBLE

The member cities and villages of the Missouri Municipal League, in adopting this statement of policy, wish to call attention to the needs of Missouri municipalities and the obligations of the state and federal governments to support municipalities.

This policy statement focuses on those specific areas in which state and federal assistance is needed and in terms of the resources, powers and revenues required by the cities and villages to solve their problems. It contains the issues that municipal officials face regularly in the areas of environmental quality; human resources; government and administration; revenue and finance; and urban development with the League policies that address them. It urges that, where legislation is called for, the General Assembly or Congress meet its responsibility and enact legislation, and where administrative action is needed, the Governor initiate and ensure the action is taken. It also encourages the General Assembly to recognize those areas where legislation is not needed and to refrain from enacting special legislation that adversely affects a single municipality or group of municipalities.

The Resolutions Committee of the Missouri Municipal League plays a key role in the development of the Missouri Municipal Policy.

Policy-making is a very important function of the Missouri Municipal League. The primary process is that four appointed policy committees meet each July to discuss and debate policy issues facing Missouri municipalities.

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 Business Meeting during the Annual Conference. Alternatively, members may modify or offer new policies during the Business Meeting for adoption by the general membership.

Members of the 2017 Resolutions Committee are:

Chair, Ken McClure, *Mayor*, Springfield
Rob Binney, *Mayor Pro Tem*, Lee's Summit
Greg Burris, *City Manager*, Springfield
Adam Couch, *Mayor*, Odessa
Bryant DeLong, *Council Member*, North Kansas City
Michele DeShay, *Mayor*, Moline Acres
Bill Falkner, *Mayor*, St. Joseph
Barry Glantz, *Mayor*, Creve Coeur
J.T. Hardy, *City Administrator*, Sullivan
Brian Hasek, *Mayor*, Harrisonville
Christine Ingrassia, *Alderman*, St. Louis
Pat Kelly, *Executive Director*, Municipal League of Metro St. Louis
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Chris Lievsay, *Council Member*, Blue Springs
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Mike McDonough, *Mayor*, Raytown
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Matthew G. Robinson, *Mayor*, Hazelwood
Leesa Ross, *City Clerk*, Frontenac
Edward Rucker, *Attorney*, Osage Beach
David Slater, *Mayor*, Pleasant Valley

Bwayne Smotherson, *Council Member*, University
City

Sandra Stephens, *Asst. Dir. of Fin*, Kirkwood

David L. Willson, *Mayor*, Manchester

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ECONOMIC DEVELOPMENT AND HUMAN RESOURCES

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Errol Bush, *Alderman*, Northwoods
John Butz, *City Administrator*, Rolla
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Debra Wilkerson, *Council Member*, Malden

ECONOMIC DEVELOPMENT AND HUMAN RESOURCES

Introduction

The most important resources in our municipalities are people. The human resource development efforts of all levels of government must be directed toward the ultimate goal of improving the quality of life of people by increasing their social, economic and physical health, security and personal mobility, and by ensuring an equal opportunity in the selection of basic goods and services.

Because the ultimate responsibility for implementation of human resource and economic development policies and programs generally falls to local governments, their input to state and federal policy and program development must be considered crucial.

Municipal officials must play a key role in the partnership with state officials and the Missouri Department of Economic Development as well as the private sector in strengthening the economies of their communities. The Missouri Municipal League

(MML) recognizes economic development as more than attraction of new industry. Economic development encompasses all forms of business retention, attraction and expansions. Economic development should include *but not be limited to*: 1) deliberate and coordinated efforts in business retention; 2) expansion of existing businesses; 3) marketing and positioning of Missouri products and services within state, national and world markets; 4) promotion of Missouri and its communities for new investment, including but not limited to life sciences/biotechnology; 5) the attraction of tourism to Missouri; 6) promotion of Missouri locations for conventions; 7) funding for improvement and expansion of infrastructure; 8) funding support for applied research at Missouri's universities that can be commercialized to create jobs in Missouri; 9) support of the Missouri Community Betterment Program; and 10) workforce development.

Economic incentive programs should provide competitive, performance based discretionary economic development tools throughout the state. The state should look for and encourage the use of new economic development tools to encourage economic growth.

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 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) enhanced 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.

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; *Science, Technology, Engineering, and Math (STEM); the arts; 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.

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 unreasonable 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, including but not limited to:

- 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

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.

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.

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. 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 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;
- development of adequate and available recreation facilities and programs
- and life skills, education and training.

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.

FINANCE AND TAXATION

Chair, Rob Binney, *Mayor Pro Tem*, Lee's Summit
Greg Camp, *City Administrator*, Festus
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Matt Harline, *City Administrator*, Centralia
Roger Haynes, *Dep. City Manager*, Mexico
Robert Hensley, *Mayor*, Velda City
Arnold Hinkle, *Council Member*, Black Jack
David Holtmann, *Int. Finance Dir.*, Springfield
Theodore Hoskins, *Mayor*, Berkeley
Conrad Lamb, *Finance Dir.*, Lee's Summit
Norman McCourt, *Mayor*, Black Jack
Marcella McCoy, *Finance Dir.*, Harrisonville
Cindy Pool, *Council Member*, Ellisville
Mark Ragar, *Alderman*, Wood Heights
Jamie Rouch, *Finance Dir.*, Branson
Nathan Schauf, *City Administrator*, Owensville
Eileen Weir, *Mayor*, Independence
Shonte Young, *Alderman*, Moline Acres

FINANCE AND TAXATION

Introduction

In many of Missouri's municipalities, annual revenues are never adequate to meet the service needs and demands of citizens. The continuing reduction of federal funds and the transfer of service delivery responsibility to the local level has caused this situation to become acute for many municipalities. Cities are particularly frustrated by state constitutional and statutory provisions that restrict or exempt sources of municipal revenue, while the state and federal governments continue to enact rules, regulations and guidelines affecting or dictating municipal services, such as the Fair Labor Standards Act, prevailing wage, workers' compensation and unemployment compensation. This combination of state restrictions on revenue sources, mandated state and federal regulations and elimination of federal support results in a reduction in essential municipal services in many municipalities.

The General Assembly is urged to give municipalities greater freedom to increase revenues without the restrictions of limiting legislation, such as earmarking revenue for special purposes, except when the revenue is generated by users of the service. This would allow the needed flexibility to meet changing conditions.

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.

Sales/Use Tax Law Simplification

The League supports the simplification of the sales/uses tax statutes to make it easier for out-of-state businesses to remit state and municipal sales/uses taxes. Any simplification of the sales/uses tax statutes shall hold municipalities harmless from revenue reductions until the U.S Congress grants states the right to require out-of-state businesses to collect and remit state and local sales/use taxes on purchases sold into their states.

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 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.

Local Earnings/Income Taxes

The MML opposes legislation repealing the local earnings tax and favor decisions regarding municipal taxation remaining at the local level.

Property Tax Rate Cap

The MML urges the General Assembly and the electorate to raise the imposed caps 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 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 opposes 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.

Public Deposits And Investments

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

Such legislation, at a minimum, should include authority for 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 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

Chair, Adam Couch, *Mayor*, Odessa
Francine Dugger, *Council Member*, Jennings
Reed Dupy, *Council Member*, Chillicothe
Barry Glantz, *Mayor*, Creve Coeur
Bruce Harrill, *City Administrator*, Waynesville
Debra Hickey, *Mayor*, Battlefield
Donald Krank, *Council Member*, Black Jack
Chris Lievsay, *Council Member*, Blue Springs
Chuck Long, *Council member*, Kirksville
Ralph McDaniel, *Council Member*, Berkeley
Mike McDonough, *Mayor*, Raytown
Derek Moorhead, *Council Member*, Raymore
Russell Rost, *City Administrator*, Union
Ron Scheets, *City Administrator*, Cabool
Thomas Schneider, *Mayor*, Florissant
Samuel Snider, *Alderman*, Willard
Everett Thomas, *Mayor*, Northwoods
A.J. White, *Council Member*, Black Jack

MUNICIPAL ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

Introduction

Missouri municipal officials are constrained in responding to citizen needs and demands for services by obsolete and restrictive statutory provisions relating to municipal government administration. There is a need to clarify the statutory powers for municipal governments. While Missouri's home rule provisions are progressive and flexible, considerable work remains to be done to authorize cities to determine their own internal structure, lift the legal barriers to adequate local taxation and moderate state controls over local government.

While the state and federal governments have an obligation to encourage and assist sound municipal management, they should adhere to the principle of home rule and maximize opportunities for local self-determination to the fullest extent possible. The importance of retaining flexible and strong municipal government must be actively communicated and pursued.

Blight/Eminent Domain

The MML 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 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 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 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

In the interest of public health and safety, the MML opposes legislation that would interfere with municipal authority to determine personnel policies or merit system rules and regulations.

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. The League opposes any further restrictions that limit fines as a proportion of general revenue. Further the League

seeks a restoration of local control of fines for traffic and nuisance violations.

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.

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.

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.

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 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.

911 Funding

In the interest of 911 funding, the Missouri Municipal League supports the imposition of fees on cell phones.

Campaign Finance Reform

The Missouri Municipal League supports efforts to address campaign finance reform.

Prescription Drug Monitoring Programs

The Missouri Municipal League supports legislation that would create a state-wide prescription drug monitoring program that would provide physicians with access to a patient's controlled substance prescription history.

Rental Property Owner Identification

The MML supports legislation that would provide municipalities with the authority to require owners of rental property to provide contact information for responding to questions or concerns about the property. This contact information at minimum must include the name, address, telephone number and emergency contact information for the owner of the property. Properties that are owned by

individuals or entities that do not reside at that location should be required to have a local contact for the property.

ENVIRONMENT, ENERGY AND SUSTAINABLE DEVELOPMENT

Chair, Michele DeShay, *Mayor*, Moline Acres
Brian Chaplin, *DPW Superintendent*, Hannibal
Melodee Colbert-Kean, *Council Member*, Joplin
Mary Calcagno, *Dir. of Utilities*, Moberly
Chad Davis, *Operation Manager*, Rolla
Kent Edmondson, *Council Member*, Blue Springs
Matt Gigliotti, *City Attorney*, Kansas City
Jerry Grimmer, *Council Member*, Bridgeton
Bob Hancock, *Mayor*, Kennett
Mary Holden, *Comm Dev Dir.*, Arnold
Nancy Luetzow, *Council Member*, Kirkwood
Stephen Meyer, *Dir. of Environ Serv*, Springfield
Margaret Reynolds, *City Clerk*, Lancaster
John Roach, *City Administrator*, LaGrange
Kathleen Rose, *Mayor*, Riverside
Ian Thomas, *Council Member*, Columbia
Scott Wagner, *Council Member*, Kansas City
Shelley Welsch, *Mayor*, University City
J. Bruce Woody, *City Manager*, St. Joseph

ENVIRONMENT, ENERGY AND SUSTAINABLE DEVELOPMENT

Introduction

To develop a community is to protect and improve the physical, economic, and social conditions and opportunities a community affords its inhabitants. The goal is the creation of a community environment responsive to and supportive of individual expression and endeavor while also protecting the health, safety and welfare of its residents.

Local governments have broad responsibilities to develop increasingly livable communities. The physical improvement and preservation of the natural environment is essential. This includes not only the provision of physical facilities and protection of natural resources for a city's population, but it also includes primary consideration for the human requirements for living within the physical confines of the city, the effect of physical development on the total community life of the city, and the effects of unfettered growth upon the environment. These responsibilities vary with the size of the community and the potential impact on the environment.

Outdoor Air Quality

The MML encourages all governmental jurisdictions in Missouri to initiate and support programs designed to increase public awareness and education about air pollution issues 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 and address public concern for clean air by leading by example in modeling energy efficiency, the benefits of native landscaping and trees, use of quality multi-modal transportation planning, as well as the use of low-emission and fuel-efficient vehicles in their governmental activities. The MML requests that the state of Missouri provides adequate financial assistance to municipalities to help them conform to the state clean air standards.

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 the Environmental Protection Agency (EPA) pollution standards. Municipalities should support improving air quality through local policies.

The MML encourages the state of Missouri to remain diligent and spend the time needed to develop and implement a state clean power plan.

Indoor Air Quality

The MML encourages 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 laws which preempt a municipality's authority to adopt local smoking restrictions or ordinances that are designed to improve indoor air quality.

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 adopting green infrastructure strategies, in order to mitigate pollutants and stormwater runoff. Given the enormous costs of constructing wastewater treatment

and collection facilities, the 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, the 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 urges DNR to implement the stormwater discharge permit program in a manner that will not impose delays on municipal and private projects. The MML urges the EPA and DNR to develop a more simplified and flexible approach to managing municipal stormwater runoff than has been imposed on the state's larger municipalities. The MML opposes any point source testing requirement in stormwater permits.

The MML supports all levels of government, with substantial state and federal help, collaborating as equals to ensure 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 a creek or waterway for recreation should also be considered. Certainly, sewage from faulty and inadequate 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.

The 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 unique geographic environmental situation and while recognizing 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, while at the same time preserving local flexibility.

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.

The MML supports the concept of a voluntary Missouri water-quality trading program that provides municipalities with cost-saving mechanisms to meet their water quality requirements. Through the use of sound science, the MML agrees with the establishment of voluntary programs that are effective, efficient, and equitable for those municipalities who want to form a program or buy or sell credits within a program.

Solid Waste Management

The 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 existing and new technologies and trends.

The MML encourages the state to aggressively deal with stimulation of the demand and markets for recycled materials. The MML 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 urges the General Assembly to protect the yard waste ban and any exceptions written into it, the statewide tonnage fee, as well as the rights of local governments to develop and implement solid-waste management strategies, facilities and services. In particular, the MML urges the General Assembly to remove and prevent barriers to 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 supports and encourages federal and state programs that educate the public and ensure safe processing, incineration, recycling, transportation, storage and disposal of hazardous materials, including ones that contain 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. The MML also encourages sustainability measures including reviewing building codes, green infrastructure, and land use.

The MML supports the efforts of the Missouri Joint Municipal Electric Utility Commission to purchase long-term transmission service on the Grain Belt Express and encourages the Missouri Public Service Commission (PSC) to approve the project. The MML supports this project before the PSC.

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. Sustainable development 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, stormwater 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

stormwater management systems developed adjacent to a municipal system.

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. The MML encourages municipalities and regulatory agencies to participate in meaningful discussions with each other, along with other stakeholders, when considering regionalization as a potential solution.

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 opposes any further preemption of municipal land use regulations by the General Assembly, and seeks rather to preserve local authorities' control of best governance practices.

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 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 state

municipalities 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 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; and
- 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 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.

Management Of Public Rights-Of-Way

The MML 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.

The MML opposes any legislation that would allow for the installation of equipment, hardware, or other infrastructure in municipal rights-of-way or on municipal facilities that prohibits oversight by the municipality.

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 fifty 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, the 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 policies 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 that own 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 requiring limited liability companies who fail to file an affidavit with the municipality to file such affidavit.

Mass Transit

The MML supports an expansion of state funding for mass transit. Such funding would aid in achieving environmental, energy conservation, and clean air goals. Quality public transportation expands access to jobs, increases road safety, reduces traffic congestion, and improves public health.

2018 MML Conferences

- **Legislative Conference**
Feb. 13-14, Capitol Plaza Hotel
Jefferson City, MO
- **Elected Officials Training Conference**
June 7-8, Holiday Inn Executive
Center, Columbia, MO
- **MML 84th Annual Conference**
Sept. 16-19, Branson
Convention Center, Branson,
MO

MML Website

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Missouri Municipal League Mission Statement

“To strengthen cities through a unified voice, cooperation, effective services, and a proactive agenda.”



Growing Our Communities Together