

Street Light Maintenance District Guidebook

for Street Light Maintenance District
Boards of Directors and Interested
Citizens in St. Louis County, Missouri



St. Louis County Department of Planning

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St. Louis County, Missouri
**Street Light Maintenance
District Guidebook**

Though not a legal document, this guidebook is intended to help the boards of directors of street light maintenance districts and interested St. Louis County residents understand the issues surrounding the establishment and operation of street light maintenance districts.

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Table of Contents

Purpose of Street Light Maintenance Districts	5
How to Establish a Street Light Maintenance District.....	6
<i>Protesting and Amended Petitions.....</i>	<i>9</i>
Protesting Petition.....	9
Amended Petitions.....	9
Board of Directors.....	10
<i>Preliminary Board Issues</i>	<i>10</i>
Electing & Appointing a Board of Directors	10
Oaths of Office.....	10
Surety Bonds.....	10
Attendance Fee.....	10
Quorum	10
Official Seal	11
Filling Vacancies	11
Failure to Fill Vacancies	11
<i>Powers Granted to a Board of Directors.....</i>	<i>12</i>
<i>Taxation</i>	<i>14</i>
<i>Board Officers.....</i>	<i>15</i>
Chair’s Roles.....	15
Treasurer’s Roles	15
Secretary’s Roles	16
Board Meeting Statutory Requirements.....	17
<i>Announcements and Preparation.....</i>	<i>17</i>
<i>Quorum</i>	<i>17</i>
<i>Protocol.....</i>	<i>18</i>
Suggested Board Meeting Guidelines.....	19
<i>Agendas.....</i>	<i>19</i>
<i>Ground Rules</i>	<i>19</i>
New Street Lights: District Tips	20
<i>Step 1: Have a Plan</i>	<i>20</i>
<i>Step 2: Consider Installation Costs</i>	<i>20</i>
<i>Step 3: Consider Recurrent Costs.....</i>	<i>20</i>

<i>Step 4: Consider Funds Available</i>	20
<i>Step 5: Contact Impacted Owners</i>	20
<i>Step 6: Set Up an Account</i>	21
How to Modify a Street Light Maintenance District	22
<i>Expansion</i>	22
<i>Exclusion of Certain Property</i>	22
<i>Dissolution</i>	23
<i>Annexation</i>	23
Appendices	24
<i>FAQs</i>	25
<i>Key Contacts</i>	30
<i>Templates and Forms</i>	32
Sample Petition	33
Sample Oath of Office	36
Sample Agenda	37
Sample Meeting Notices	38
Sample Ballot Questions.....	42
Annual Financial Statement Form	43
Annual Tax Rate Certification Form	44
Election and Proposition Forms.....	53
<i>Sample Calendar</i>	57
<i>Statute 235</i>	60
<i>Statute 610 (610.010-610.030)</i>	77
<i>Sunshine Law Top 10</i>	95
<i>District-specific Information</i>	97

Purpose of Street Light Maintenance Districts

In unincorporated St. Louis County, street lights are provided and paid for in three ways: by escrow at the time of subdivision; by individuals; or by street light maintenance districts. Organization of a street light maintenance district, authorized by state statute (RSMo 235), is a means of providing for the installation, operation, and maintenance of street lights in unincorporated St. Louis County. A street light maintenance district encompasses a specific geographic area and is administered by a three-member board of directors. Street light maintenance districts are political subdivisions under Missouri state law and, as such, have certain legal obligations. (See RSMo 235.020)

If a community lies completely within unincorporated St. Louis County, has at least 100 voting residents, and would benefit from the addition of street lights, then it may consider organizing a street light maintenance district. The most commonly cited benefit of adding street lights is improved safety at night.

How to Establish a Street Light Maintenance District

1. Make sure that the proposed area is eligible to become a street light maintenance district.

An area is eligible if it:

- Is contiguous;
- Contains only land in unincorporated St. Louis County; and
- Is home to at least 100 voters.

(See RSMo 232.020)

2. Contact the St. Louis County Planning Department (recommended).

The St. Louis County Planning Department can help districts get organized and understand the basic rules and regulations that govern the creation and operation of the districts, plus the Department can provide technical assistance with mapping, tax calculations, etc.

3. Contact the district's County Council representative (recommended).

Not only will the County Council representative sponsor the ordinance to incorporate the district, but also he/she can guide the district through other steps that require Council involvement and can help the district understand timetables for action.

4. File a petition with the St. Louis County Clerk.

A petition for incorporation of a street light maintenance district must be signed by at least one hundred voters in the proposed district, must be accompanied by a \$100 filing fee, and should include the following:

- Proposed name of the street light maintenance district;
- An estimated number of residents in the district;
- The assessed valuation of the taxable tangible property, including real estate and automobiles, located in the district (St. Louis County Planning can help);
- The estimated annual cost of the operation of the district and initial rate of taxation;
- A general description of the boundaries of the district;
- The names of three voters who shall constitute the first board of directors; and

- Any other data and information that may be useful to the County Council in determining the necessity for the district.

The petition must be filed with the County Clerk for consideration by the County Council. A sample petition form can be found in the Appendices section of this Guidebook. (See RSMo 235.030)

5. Support the petition at a public hearing.

The County Council will set a public hearing 30 to 60 days from the time the initial petition is filed. The hearing will be advertised and open to the public. Following the public hearing, the Council will decide for or against the petitioned district. If the Council passes an ordinance in favor of the district's establishment, the voters in the proposed district will have the opportunity to cast their votes for or against the district during the next general election. (See RSMo 235.050, 235.070)

6. Vote for the district. If the County Council favors creation of the district, then the question of the district's creation will be subject to a referendum of voters in the district during the next general election. A majority of votes cast in favor of the district shall cause the Council to declare the establishment of the district final through an ordinance. Sample ballot language can be found in the Appendices section of this Guidebook. (See RSMo 235.070)

7. Vote for the district tax. If the County Council favors creation of the district, then the question of whether or not to allow a tax for the district will be subject to a referendum during the same general election as the vote on the district itself. The tax rate, which may not exceed \$0.40 per \$100 assessed valuation, will be either approved or disapproved by the voters. A majority of votes cast in favor of the district tax will cause the Council to declare the establishment of the district tax. If both the district and the tax are approved by voters, the Council will then submit its findings to the Recorder of Deeds within 30 days of its final order. Sample ballot language can be found in the Appendices section of this Guidebook. (See RSMo 235.175)

8. Retain an attorney (recommended). It is recommended, though not required, that newly created districts retain an attorney upon establishment. Though this Guidebook and St. Louis County employees can offer helpful assistance, a new district can benefit greatly from professional guidance through the complicated regulations that govern the operations of public boards of directors, particularly during the district's initial organization stage. After a district has been established for a few months, an attorney's services will be needed less frequently.

Checklist

- Make sure that your community is eligible to become a street light maintenance district.
- Contact the St. Louis County Planning Department (recommended).
- Contact the district's County Council representative (recommended).
- File a petition with the St. Louis County Clerk.
- Support the petition at a public hearing.
- Vote for the district.
- Vote for the district tax.
- Retain an attorney (recommended).

Protesting and Amended Petitions

Protesting Petition

There is a formal process to protest the creation of a proposed street light maintenance district. One or more qualified voters of the proposed district may sign a petition protesting the creation of the district and file it with the County Clerk. The filing of the protesting petition must occur after the original petition is submitted, but prior to its public hearing. The petition must specify the reasons why the purposes stated in the original petition will not be met, why the creation of the district is not justified, or other facts that may be useful to the County Council when they consider the original petition. (See RSMo 235.060)

Amended Petitions

If there are defects in a petition proposing to create a street light maintenance district, the County Council may permit the petition to be amended to correct the facts, such as an error in the description of the boundaries. Additionally, similar petitions may be filed revising the boundaries of the proposed district, or recommending another chosen name for the district, or recommending other voters for the first board of directors. Similar petitions may be filed any time before a hearing is held on the original petition. The County Council will consider similar petitions with the first petition placed on file. (See RSMo 235.040)

Board of Directors

Preliminary Board Issues

Electing & Appointing a Board of Directors

The first board of directors are appointed by the County Council from among those identified on the petition to establish the district. One of the three original directors will serve two years, one will serve four years, and one will serve six years—term assignments to be specified by the petition. After the original appointments, directors will be elected to six-year terms. If only one person files for election, then an election will not be held—the single candidate will simply fill the open position. (See RSMo 235.070, 235.140)

Oaths of Office

After election or appointment to office, directors must recite their oaths of office in the presence of a notary public and file them with the County Clerk. A sample oath of office can be found in the Appendices of this Guidebook. (See RSMo 235.090)

Surety Bonds

After taking their oaths of office, and before conducting any official business, directors must be bonded for the amount fixed by the County Council. Bond coverage can be acquired from any of a number of local insurers. Confirmation of the bonds must be submitted to the County Clerk. (See RSMo 235.090)

Attendance Fee

The board must pay themselves an attendance fee not to exceed \$50 per person per meeting. Board members must attend the meeting in order to receive the attendance fee that they have granted themselves. The board is to be paid for a maximum of one meeting per month—the board may not receive an attendance fee for the second meeting or subsequent meetings in a single month. (See RSMo 235.120)

Quorum

The board must have two directors present to satisfy a quorum. A quorum must be present in order for the board to hold a meeting or to conduct any official business. (See RSMo 235.130)

Official Seal

After the initial board takes their oaths of office and files their bonds, it must adopt a seal that will be applied to all official district paperwork. The official seal will need to be purchased (see “Seals—Notary and Corporation” in the local phone book for companies that provide this equipment). (See RSMo 235.100)

Filling Vacancies

If any of the directors leaves office before his/her term is complete, the remaining board member(s) appoint an interim replacement for each vacant seat. An interim board member will serve only until the next biennial election at which board members are elected. The elected replacement of an interim board member finishes the six-year term or, if the interim member’s appointment lasted through the end of the six-year term, the elected replacement serves a full term. (See RSMo 235.130)

Failure to Fill Vacancies

If the board of directors fails to fill a vacancy within 30 days, the County Council will appoint an interim director for each unfilled vacancy on the board’s behalf. (See RSMo 235.130)

Powers Granted to a Board of Directors

A board of directors has the following powers:

1. Perpetual existence.

The district and its board of directors exist continually unless the district is formally dissolved by process of petition and referendum.

2. Corporate seal.

The board must have and use a corporate seal. A corporate seal is used to imprint official documents from the board.

3. Sue and be sued.

The board may sue and be sued, and be a party to suits.

4. Enter into contracts.

The board may enter into contracts, franchises, and agreements with any person, partnership, association, or corporation, public or private, affecting the affairs of the district.

5. Acquire property.

The board may acquire, dispose of, and encumber real and personal property and any interest therein, including leases and easements.

6. Control district affairs.

The board has the right to management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements.

7. Hire people.

The board may hire and retain agents, employees, engineers, and attorneys.

8. Eminent domain.

The board may exercise the power of eminent domain, in the manner provided by law, for the condemnation of private property for public use.

9. Receive property.

The board may accept by bequest, gift, or donation any kind of property.

10. Adopt bylaws.

The board may adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of the state, necessary for the carrying on of the affairs of the board and of the district. The board refers any infractions detrimental to the district to the proper authorities. Any person violating any of the bylaws shall be declared guilty of a misdemeanor.

11. Taxation.

The board may levy a tax on all tangible taxable property in the district. Details of the board's taxation rights and responsibilities can be found in the following section.

12. Necessary, incidental, or implied rights and powers.

The board has and exercises all rights and powers necessary, incidental, or implied from the powers specifically granted to it. Specifically granted powers do not limit any power necessary or appropriate to carry out the purposes and intent of the district.

(See RSMo 235.150, 235.160)

Taxation

A street light maintenance district is granted the power of taxation, which includes the following provisions:

- The tax rate may not exceed \$0.40 per \$100 assessed valuation.
- The board has the right to see that taxes are collected by the County authorities in a timely manner.
- Tax proceeds are generally paid monthly to the district, with the largest sum arriving in January or February.
- If the taxes levied by the district are not paid, then the delinquent property will be sold as provided by Missouri state law to induce the payment of owed taxes. If the initial sale attracts no bids, then the delinquent property will be put in the custody of St. Louis County, which will in turn pay the district for owed taxes on the property.
- The board must notify the County Clerk of the tax rate they set on an annual basis, by September 1, and they may not increase the rate unless the increase is approved by referendum. The board may decrease or leave unchanged the tax rate in any year without requiring a referendum, but the rate must still be reported to the County Clerk. Also, a public hearing must be held annually regarding the setting of the district tax rate. Public notice must be made at least seven days prior to this hearing, consisting of published notice in at least one newspaper of general circulation in the district or of posted notice in at least three locations.
- A district-wide vote on the question of raising the tax rate can be initiated either by the board of directors or by a petition signed by at least five hundred registered voters in the district. A majority of votes cast in favor of the tax rate increase authorizes the board to set the tax rate at the new, higher rate. A majority of votes cast against the tax rate increase will cause the existing tax rate to remain intact. This vote can occur during any general election.

(See RSMo 235.160, 235.170, 235.175, 235.180, 235.190, 235.200, 67.110)

Board Officers

After taking their oaths and filing their bonds, at their first post-election meeting, the Board of Directors selects three officers: a chair, a treasurer, and a secretary. The treasurer and secretary need not be directors, and they may be the same person. The chair, however, must be a director. A description of each officer's roles follows below. (See RSMo 235.100, 235.110)

Chair's Roles

By statute:

- Call meetings to order;
- Call roll; and
- Call for votes.

Recommended roles:

- Facilitate meetings;
- Keep discussion on topic;
- Keep discussion on time; and
- When time limits are exceeded, suggest extending time for an agenda item or propose tabling the item, as deemed appropriate.

Treasurer's Roles

By statute:

- Record and keep in permanent records all financial transactions of the board, including payments received, gifts received, and checks written;
- Prepare annual financial statement for disclosure to the State Auditor and County Clerk (to be hand-delivered or sent by certified mail); and
- If the treasurer is not a member of the board, he/she must still be bonded at the amount set by the district board and file confirmation of the bond with the County Clerk.

Secretary's Roles

By statute:

- Maintain records of all board proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and a record of corporate acts;
- Make records available for inspection by property owners of the district, as well as to all other interested parties'
- Record attendance of directors in official minutes'
- Record time that a meeting is called to order, and time it is adjourned in the minutes'
- Record motions and seconds (including names of board members) in minutes'
- Record votes in minutes (each director's name associated with a "yea", "nay", or abstaining vote)'
- Record official actions of the board in the minutes; and
- Cause petitions and notices of public hearings to be published and filed with the County Clerk.

Board Meeting Statutory Requirements

Announcements and Preparation

According to RSMo 610, commonly known as the “Sunshine Law”, as political subdivisions, street light maintenance boards must:

- Advertise their meetings at least 24 hours in advance, not including holidays or weekends.
- In advertisements, include the time, location, contact information, and an agenda for the meeting (a sample agenda found in the Appendices section of this Guidebook includes this required information, and, if posted correctly, would suffice as a public meeting legal notice).
- Place the advertisement at the board’s office (if the board has an office), or, alternatively, at the planned meeting location in a prominent place.
- Publish meeting notices in any newspaper that requests such notice (this is also recommended in cases where no newspaper makes such request).
- Hold meetings at locations with sufficient space for the expected number of public to attend (preferably with easy access for elderly and disabled people).

Additionally, for public hearings regarding the annual setting of the district tax rate, a different set of requirements applies:

- Advertise the tax rate public hearing at least seven days in advance.
- In advertisements, include the hour, date, and place of the meeting, as well as: assessed valuation by category (personal, agricultural real property, residential real property, and commercial real property) for both the year in which the tax will be levied and the current fiscal year; tax rates levied by category (same categories as assessed valuation); and revenue provided by category (same categories as assessed valuation and tax rates).

(See RSMo 67.110)

Quorum

A quorum of the board, two or more directors, must be present for the board to convene a meeting or conduct any official business on behalf of the district. (See RSMo 235.130)

Protocol

As a public entity, the board must abide by certain protocol in order to conduct lawful meetings:

- A meeting should be formally called to order by announcement of the chair.
- A meeting should follow the agenda, unless amended by a vote of the board.
- In order to vote on an item of business, a director must first make a motion, and a second director must second that motion.
- Time is to be allotted prior to a motion for discussing the issue amongst the board, questioning experts in attendance, or fielding audience input.
- Specific motions may be discussed by the board (and no one else) after a motion and second have been made, but prior to a vote.
- Dismissal of a meeting requires a vote.

(See RSMo 610.015)

Suggested Board Meeting Guidelines

Agendas

It is recommended that a board meeting agenda should:

- List the topics to be discussed in some detail;
- Declare the amount of time to be devoted to each agenda item;
- Allow time for public comment;
- Allow time to suggest new topics for future meetings—this allows unanticipated, but important, subjects to be adequately addressed without causing the current meeting to run long; and
- Be realistic about time allocations.

A sample agenda is included in the Appendices section of this Guidebook.

Ground Rules

Agreeing on some ground rules for public meetings, and announcing them at the outset, can make the meetings go more smoothly, especially when there is a larger public turnout for a controversial agenda item. After calling the meeting to order and previewing the agenda, the chair should review the board's ground rules, which may include:

- Time during the meeting that public comment will be taken;
- Guidance on toward whom to address comments, sticking to the topic at hand, avoiding repetition, speaking on behalf of others, etc.;
- Time limits on each public comment;
- Time limits on board discussion and the authority of the chair to extend the time or table an issue; and
- Anything else, as appropriate.

New Street Lights: District Tips

When a street light maintenance district is in the process of deciding how many new lights it would like and where to place them, the board will want to consider a number of steps that can make the process more efficient.

Step 1: Have a Plan

Having an overall plan for where to place lights is usually more efficient than piecemeal installation. A good plan will: locate general areas of need, account for the district's budget, estimate desired resources and their costs, and evaluate suitability of each proposed light location by taking into account slope, tree cover, structures, etc.

Step 2: Consider Installation Costs

Installation costs can vary widely, dependent on existing lighting infrastructure, the type of surface where installation will occur, and the types of poles and lights desired. As of July 2003, according to Ameren UE, the cost of installing a wooden pole is \$1270 in dirt or \$1540 in concrete or asphalt. Spanning wire from the nearest pole costs \$155 plus \$3.20 per foot. The light itself costs nothing to install; if a lightless pole is already present and it is wired for the correct voltage, then installation of a light on this pole would be free.

Step 3: Consider Recurrent Costs

The monthly charges for street lights vary depending on the brightness desired. The most common strength of street light, 9500 Lumen, costs \$7.79 per month to operate (as of July 2003). Also consider costs associated with trimming trees and shrubs around lights.

Step 4: Consider Funds Available

The board will want to consider whether current funds available are sufficient to cover expected expenses, and whether anticipated future fund levels are appropriate for anticipated future needs. Adjustments to the tax rate may be warranted, keeping in mind that tax rate increases must be approved by voters.

Step 5: Contact Impacted Owners

When a street light pole is to be placed on private property or electric wire is to be spanned across private property, the district must obtain easements from the owners of the property.

It is recommended that the district contact impacted owners, whether an easement is needed from them or they simply live near a proposed light location, well before installing lights—working with residents early on, rather than surprising them when the lights arrive, will make the installation of street lights go more smoothly. The district should gauge levels of cooperation—people are more likely to be cooperative if warned early in the process. It is also helpful for the overall lighting plan to present an objective rationale for light placement that most residents could agree with.

Step 6: Set Up an Account

The district can call Ameren’s main customer service line at 1-800-552-7583—any customer service operator on the other end can help to set up an account. Though the district’s interest will be residential neighborhoods, Ameren refers to the type of lighting sought by street light districts as “street & outdoor lighting, company-owned”.

How to Modify a Street Light Maintenance District

Expansion

The boundaries of a street light maintenance district may be expanded under the following circumstances:

- Land to be added to the district is contiguous to the district;
- Land to be added is completely within unincorporated St. Louis County;
- A petition for inclusion is signed by at least two-thirds of the owners of real property (generally land owners) in the area of expansion and filed with the district board;
- The board's secretary publishes notice of the petition, describing the land in question, and announces a public hearing;
- Taking the petition and any written objections into account, the board decides to grant the expansion;
- The board files a certified copy of their order granting expansion with the County Clerk; and
- The County Council finalizes the expansion through an ordinance.

(See RSMo 235.210)

Exclusion of Certain Property

Territory may be excluded from a street light maintenance district under the following circumstances:

- The owners of property who would like their property to be excluded from the district file a petition with the district board stating their wishes;
- The board's secretary publishes notice of the petition, describing the location of the properties in question, and announces a public hearing;
- Taking the petition and any written objections into account, the board decides to grant exclusion of the properties in question from the district;
- The board files a certified copy of their order granting exclusion of certain properties from the district with the County Clerk; and

- The County Council finalizes the exclusion of certain properties from the district.

(See RSMo 235.220)

Dissolution

A street light maintenance district may be dissolved under the following circumstances:

- A petition requesting dissolution is signed by at least one hundred voters within the district and filed with the County Clerk;
- The County Council decides, based on the petition and public input, that it is in the best interest of those in the district that the district be dissolved; and
- A referendum, to be held during the next general election at which a board member is elected, results in the majority of votes cast in favor of dissolution, thereby causing the County Council to declare the district's dissolution final through an ordinance.

If through referendum, the majority of district voters oppose dissolution, then the district will continue to operate as if the dissolution petition was never filed.

Other dissolution details:

- The County Council's dissolution ordinance will simultaneously declare that the district continue temporarily until all outstanding obligations are paid and all district property is disposed of, but also that the district may not incur any additional costs or obligations except those necessary for winding up the district.
- No existing contract, indebtedness, or right of the district is affected by dissolution.
- In their dissolution ordinance, the County Council will also appoint a trustee, who will subscribe to an oath and be bonded for an amount set by the Council, to liquidate the assets of the district.

(See RSMo 235.250, 235.260, 235.270)

Annexation

A municipality may annex a street light maintenance district only in its entirety—municipalities may not annex only a portion of a district. Upon annexation, the municipality assumes the district's debts, liabilities, obligations, and titles to property.

(See RSMo 235.240)

Appendices

- FAQs
- Key Contacts
- Templates and Forms
- Sample Calendar
- Statute 235
- Statute 610 (partial)
- Sunshine Law Top 10
- District-specific Information

FAQs

What is a “director”?

A director is a member of a three-member street light maintenance district board that directs the operations of a street light maintenance district. Directors are elected to six-year terms, or can be appointed on an interim basis.

Who can I call for assistance in setting up a street light maintenance district?

The St. Louis County Planning Department can help districts get organized and understand the basic rules and regulations that govern the creation and operation of the districts. The Planning Department can be reached at (314) 615-5186. It is strongly recommended that soon after incorporating, districts retain an attorney to assist with more complex details of district organization and operation.

Who pays for an election or a referendum?

The initial referenda for establishing a street light maintenance district and a tax levy are usually funded by St. Louis County. The submission of these initial referendum questions to the St. Louis County Board of Elections will be the responsibility of the County Council, after the petition for the district’s establishment receives the Council’s approval. For all elections after the first one, the district will be responsible both for funding the election and filing for election with the Board of Elections (including a list of eligible candidates for the ballot). A sample election candidacy form can be found in the Appendices of this Guidebook.

Who decides where street lights go?

The street light maintenance district’s board of directors will choose where new street lights are installed, taking into account costs, need, Ameren UE’s input, citizen input, and any other information they deem relevant. Easements from affected property owners are required in order to place poles on private property or span electric lines across private property.

How much do street lights cost?

The cost of installing street lights varies depending on the brightness of light desired, the need or lack of need for a pole, the need or lack of need for wire to be extended from an adjacent pole, the type of surface on which a pole may need to be installed, and the type of fixture desired. Installation costs can be from \$0.00 to over \$2000 per light. Ameren UE can provide an estimate for how much street light installation and maintenance will cost in a given district. Ameren UE’s main customer service telephone number is 1-800-552-7583.

How are street lights paid for?

A street light maintenance district funds its affairs with a tax assessment on tangible taxable property (real and personal) in the district. The tax rate may not exceed \$0.40 per \$100 assessed valuation.

Can the County pay for street lights in my area, in lieu of having to create a district?

No, the County does not collect taxes for nor budget for the installation and maintenance of street lights in unincorporated St. Louis County, except along County roads. Street lighting on local streets is a local responsibility.

How is a vacancy filled on a street light maintenance district board of directors?

If any of the directors leaves office before his/her term is complete, the remaining board member(s) should appoint an interim replacement for each vacant seat. If a vacancy is not filled within 30 days, the County Council will appoint an interim director on the board's behalf. If the district would like assistance with filling a vacancy, it should contact its County Council representative.

How can a street light maintenance district be expanded?

The boundaries of a street light maintenance district may be expanded under the following circumstances:

- Land to be added to the district is contiguous to the district.
- Land to be added is completely within unincorporated St. Louis County.
- A petition for inclusion is signed by at least two-thirds of the owners of real property (generally land owners) in the area of expansion and filed with the district board.
- The board's secretary publishes notice of the petition, describing the land in question, and announces a public hearing.
- Taking the petition and any written objections into account, the board decides to grant the expansion.
- The board files a certified copy of their order granting expansion with the County Clerk.
- The County Council finalizes the expansion through an ordinance.

Can a street light maintenance district raise its tax rate?

Yes, the tax rate can be increased with voter approval. The original tax rate and any increases in the rate must be approved by a referendum of the district’s voters in a general election during which a director position is also up for election.

What are the existing street light maintenance districts?

Hancock, Wheaton-Cook-Lyndhurst, Castle Point, Glasgow, and Elmwood Park are the currently incorporated street light maintenance districts.

What are the existing districts’ tax rates?

In 2002, the existing districts’ tax rates were as follows:

<u>District</u>	<u>\$ Taxed Per \$100 Assessed Valuation</u>
Hancock	0.170
Wheaton-Cook-Lyndhurst	0.115
Castle Point	0.166
Glasgow	0.150
Elmwood Park	0.10

What is a typical annual cost to taxpayers in each existing district?

<u>District</u>	<u>Tax on a \$50,000 house</u>	<u>Tax on a \$75,000 house</u>	<u>Tax on a \$100,000 house</u>
Hancock	\$16.15	\$24.23	\$32.30
Wheaton-Cook-Lyndhurst	\$10.93	\$16.39	\$21.85
Castle Point	\$15.77	\$23.66	\$31.54
Glasgow	\$14.25	\$21.38	\$28.50
Elmwood Park	\$9.50	\$14.25	\$19.00

The table above does not include taxes on personal property, such as automobiles.

Where are the existing districts?



Can a district board hold an informal meeting?

No, a district board may not hold an informal meeting—all meetings must be properly announced and be open to the public unless previously declared closed for reasons outlined in RSMo 610, the “Sunshine Law” (usually only personnel issues qualify). Any time a quorum of directors congregates and discusses any district business, even without making any official decisions, that meeting is subject to Sunshine Law provisions regarding openness to the public and public notification.

What happens if a new street light maintenance district is approved by voters, but the associated tax levy is not?

If the district were approved, but the levy rejected, the district would exist, but could effectively do nothing. In the opposite case, a tax would be authorized, but with no organization to receive the proceeds, the tax would never be collected. So, for an effective district, both the district and its associated levy need to be approved by the voters.

Key Contacts

St. Louis County Planning Department
41 S Central Ave, 5th Floor
Clayton, MO 63105
(314) 615-5186
<http://www.stlouisco.com/plan/>

Ameren UE
PO Box 66149
St. Louis, MO 63166-6149
1-800-552-7583
<http://www.ameren.com/>

St. Louis County Council
41 S Central Ave, 1st Floor
Clayton, MO 63105
(314) 615-5432
<http://www.stlouisco.com/council/>

St. Louis County Clerk
41 S Central Ave, 1st Floor
Clayton, MO 63105
(314) 615-5432

Missouri State Auditor
PO Box 869
Jefferson City, MO 65102
(573) 751-4213
<http://www.auditor.state.mo.us/saohome.htm>

St. Louis County Board of Elections
12 Sunnen Dr
Maplewood, MO 63143
(314) 615-1800
<http://www.stlouisco.com/elections/>

St. Louis County Department of Revenue
Assessment Division
41 S Central Ave, 2nd & 3rd Floors
Clayton, MO 63105
(314) 615-2555
<http://revenue.stlouisco.com/Assessment/Default.aspx>

St. Louis County Department of Revenue
Collection Division
41 S Central Ave, Street Level Floor
Clayton, MO 63105
(314) 615-5500
<http://revenue.stlouisco.com/Collection/Default.aspx>

St. Louis County Department of Revenue
Recorder of Deeds Division
41 S Central Ave, 4th Floor
Clayton, MO 63105
(314) 615-2500
<http://revenue.stlouisco.com/RecorderOfDeeds/Default.aspx>

Templates and Forms

- Sample Petition
- Sample Oath of Office
- Sample Agenda
- Sample Meeting Notices
- Sample Ballot Questions
- Annual Financial Statement Form
- Annual Tax Rate Certification Form
- Election and Proposition Forms

Note: **Bolded underlined** type in the Sample Petition and Oath of Office templates indicates sample language that would need to be replaced by language specific to the district in question. In other words, bolded underlined type indicates blanks that will need to be filled in by the district.

Sample Petition

STATE OF MISSOURI

COUNTY OF ST. LOUIS

Petition to St. Louis County Council Requesting the Establishment of the **New Haven** Street Light Maintenance District

- I. Come now, the undersigned petitioners, being at least 100 tax paying electors of the proposed district and state that they are desirous of forming a street light maintenance district under Section 235.210 of the Revised Missouri Statutes (2000), and for grounds such relief state:
 - a. That St. Louis County is a county in the State of Missouri designated as Class I and that the area hereinafter described is continuous and comprises an unincorporated area.
 - b. That the undersigned are duly qualified, taxpaying electors in the district sought to be incorporated as a street light maintenance district and such signers are registered and qualified to vote at general elections in this state and gave paid general tax on real or personal property located within the proposed street light maintenance district within the preceding twelve months.
- II. The name of the street light maintenance district shall be:
“**New Haven** Street Light District”
- III. The assessed valuation of the taxable tangible property located in the proposed street light maintenance district is **\$1,000,000.00**. The estimated number of inhabitants of the proposed street light maintenance district is **500**.
- IV. The estimated annual cost of the operation of the street light maintenance district is **\$5,000.00**.
- V. The legal description of the boundaries of the street light maintenance district is as follows:

Beginning at the point on the southwest corner of lot 32 of New Haven Resubdivision, as recorded in Plat Book 102, Page 44 of the St. Louis County Records; then proceeding east along the south line of said New Haven Resubdivision to the southeast corner of lot 10 of said New Haven Resubdivision; then

proceeding north along the east line of said New Haven Resubdivision to the northeast corner of lot 4 of said New Haven Resubdivision; then proceeding west along the north line of said New Haven Resubdivision to the northwest corner of lot 38 or said New Haven Resubdivision; then proceeding south to the point of origin on the southwest corner of lot 32 of said New Haven Resubdivision.

- VI. The following named taxpaying electors shall constitute the first board of directors of the district to serve for the terms set out:
1. **James Johnson**, until the first biennial election in November, **2005**
 2. **Elaine Davis**, until two years after the first biennial election in November, **2007**
 3. **Alison Vaught**, until four years after the first biennial election in November, **2009**
- VII. **The area included in the proposed district is well settled and developed. This lighting will be for the safety of the people using the streets and to aid in the prevention of crimes.**
- VIII. Wherefore, the undersigned, being at least one hundred in number, request the Council for the following: an order declaring the district organized and to define the boundaries thereof, under the corporate name of “**New Haven** Street Light District” and that the Council direct the Board of Elections of St. Louis County, Missouri to call and hold an election wherein the incorporation of the said street light maintenance district and the establishment of a real estate tax will be submitted, and upon the favorable vote on the propositions to incorporate said district and establish said real estate tax, the Council will enter its further order declaring said incorporation to be final and conclusive and at the same time designate the first Board of Directors set forth in petition and for such further orders and decrees as the Council may deem fit and proper.

Insert:

[MAP OF PROPOSED STREET LIGHT MAINTENANCE DISTRICT]
(from St. Louis County Planning)

PETITION REQUESTING THE ESTABLISHMENT OF THE NEW HAVEN STREET
LIGHT MAINTENANCE DISTRICT

Description and map of proposed area are attached.

We, the undersigned owners of real property in the area described in the attached sheet, request the St. Louis County Council to establish the **New Haven** Street Light Maintenance District for the area described in the attached sheet per the requirements established under Section 235.210 of the Revised Missouri Statutes (2000).

We understand that in order to fund the purchase and maintenance of street lighting equipment, our property will be subject to a tax which can be levied at a rate not to exceed \$0.40 per \$100 of assessed valuation.

	DATE	PROPERTY OWNERS' PRINTED NAME	ADDRESS OF PROPERTY OWNED	SIGNER'S ADDRESS	SIGNATURE
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					

Sample Oath of Office

STATE OF MISSOURI

COUNTY OF ST. LOUIS

OATH OF OFFICE:
DIRECTOR OF THE **NEW HAVEN** STREET
LIGHT MAINTENANCE DISTRICT OF
ST. LOUIS COUNTY, MISSOURI

I do solemnly swear that I will support the constitutions of the United States of America and of the State of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

Director

(Name), personally appearing before me, a Notary Public for the County of St. Louis, Missouri, made the aforementioned oath on this _____ day of _____, _____, and subscribed his/her name thereto.

Notary Public

My commission expires: _____.

Sample Agenda

Tax Rate Public Hearing
New Haven Street Light Maintenance District
Wednesday, July 19th, 2003
6:30 p.m.
@ West County Community Center

- 6:15-6:25 Arrival/Coffee
- 6:30 Call Meeting to Order/Roll Call
- 6:35 Overview of District Expenses, Comparison to Previous Years (Davis)
- 6:45 Explanation of Tax Rate and Why It Was Chosen (Johnson)
- 6:50 Maps Showing Planned New Street Lights (St. Louis County Planning)
- 7:00 Public Questions and Comments (5 minute limit per person)
- 7:30 Board Discussion and Vote on Tax Rate
- 7:45 Topics for Future Meetings?
- 7:50 Adjourn

Agenda may be adjusted to allow more time for public comment, if necessary.

For more information, contact: Alison Vaught, 835 West Pine Blvd, Board Secretary @ 555-7325.

Sample Meeting Notices

Notice of open meeting

(Date and time notice was posted)

Notice is hereby given that the **(insert name of district)** will conduct a meeting at **(insert time)** on **(insert day, month, and year)** at **(insert place where meeting is to be held)**.

The tentative agenda of this meeting includes:

Representatives of the news media may obtain copies of this notice by contacting:

Name _____

Address _____

Phone _____

Notice of closed meeting

(Date and time notice was posted)

Notice is hereby given that the **(insert name of district)** having duly voted to close its upcoming meeting, as authorized by **(insert statutory authority to close meeting)** will conduct a closed meeting at **(insert time)** on **(insert day, month, and year)** at **(insert place where meeting is to be held)**.

Representatives of the news media may obtain copies of this notice by contacting:

Name _____

Address _____

Phone _____

Notice of open meeting & vote to close part of the meeting

(Date and time notice was posted)

Notice is hereby given that the **(insert name of district)** will conduct a meeting at **(insert time)** on **(insert day, month, and year)** at **(insert place where meeting is to be held)**.

The tentative agenda of this meeting includes:

The tentative agenda of this meeting also includes a vote to close part of this meeting pursuant to **(insert statutory authority for vote to close meeting)**.

Representatives of the news media may obtain copies of this notice by contacting:

Name _____

Address _____

Phone _____

Notice of public hearing regarding the setting of tax rates

(Date and time notice was posted)

Notice is hereby given that the **(insert name of district)** will hold a public hearing at **(insert time)** on **(insert day, month, and year)** at **(insert place where hearing is to be held)** for the purpose of setting tax rates for the **(insert year)** tax year. At this time, citizens may comment on the proposed **(insert year)** property tax rates for each class of taxable property.

<u>Assessed Valuation</u>	<u>(Current Year)</u>	<u>(Next Year)</u>
Agricultural Real Property	0	0
Residential Real Property	1,000,000	1,000,233
Commercial Real Property	800,000	900,000
Personal Property	1,400,000	1,500,000
	_____	_____
Total:	3,200,000	3,400,233

<u>Proposed Tax Rates</u>	<u>General Revenue</u>
Agricultural Real Property	.250
Residential Real Property	.250
Commercial Real Property	.250
Personal Property	.250

<u>Revenue Provided</u>	<u>General Revenue</u>
Agricultural Real Property	0
Residential Real Property	<u>\$(Assessed Valuation * Tax Rate)</u>
Commercial Real Property	\$(“
Personal Property	\$(“

Total:	\$

Sample Ballot Questions

For establishment of a street light maintenance district, the ballot question shall be submitted (by the County Council) to read as follows:

“Shall a street light maintenance district, to be know as the street light maintenance district, be incorporated?”

For establishment of a district tax levy, the ballot question, though not specified by statute, will be submitted (by the County Council) in substantially the following form:

“Shall the board of directors of the proposed street light maintenance district be authorized to levy a tax not to exceed forty cents per one hundred dollars assessed valuation on all taxable tangible property within the boundaries of the proposed district for the purpose of providing funds to support the district?”

For the increase of a district tax rate, the ballot question shall be submitted (by the street light maintenance district board of directors or through a petition of five hundred registered district voters) to read as follows:

“Shall the board of directors of the street light maintenance district be authorized to increase the current tax levy of cents per one hundred dollars assessed valuation to cents per one hundred dollars assessed valuation to provide funds for the support of the district?”

Yes

No

(If you are in favor of the tax levy, place an X in the box opposite “Yes”. If you are opposed to the tax levy, place an X in the box opposite “No”.)”

For dissolution of a street light maintenance district, the ballot question shall be submitted (by the County Council) to read as follows:

“Shall the street light maintenance district be dissolved?”

Annual Financial Statement Form

ANNUAL REPORT OF THE FINANCIAL
TRANSACTIONS FOR THE YEAR
_____ to _____

	General Fund	Fund	Fund	Total All Funds
A. Beginning Balance	\$ _____	\$ _____	\$ _____	\$ _____

B. Summary of Receipts

	General Fund	Fund	Fund	Total All Funds
Property Taxes	\$ _____	\$ _____	\$ _____	\$ _____
Distribution of Surtax	_____	_____	_____	_____
Licenses and Permits	_____	_____	_____	_____
Intergovernmental Receipts	_____	_____	_____	_____
Charges for Services	_____	_____	_____	_____
Fines and Forfeits	_____	_____	_____	_____
Interest Earned	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Receipts	\$ _____	\$ _____	\$ _____	\$ _____

* Include all cash or deposits in the control of the collector and all certificates, notes or other nonreserved investments in beginning and ending balances.

Annual Tax Rate Certification Form

QUESTIONNAIRE-TAX RATE SUMMARY PAGE

FOR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICTS USING HB 1150

(2003)

(Name of Political Subdivision)

(Political Subdivision Code)

(Purpose of Levy)

COMPLETE THE HIGHLIGHTED CELLS TO USE THIS TAX RATE CALCULATOR. PRINT OFF SUMMARY PAGE, IF DESIRED.

	Real Estate			Personal
	Residential	Agricultural	Commercial	Property
A. Prior Year Tax Rate Ceiling (Prior Year Line F) Revised Only if Prior Year Assessed Valuation Changed	_____	_____	_____	_____
B. Current Year Rate Computed (Form A Line 50) Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo	_____	_____	_____	_____
C. Voter Approved Increase (Form B Line 2 If Same Purpose)	_____	_____	_____	_____
D. Total (Line B + Line C)	_____	_____	_____	_____
E. Maximum Authorized Levy (If Line C > 0, Then the Greater of Prior Year Line E or Current Year Line D, Otherwise Prior Year Line E)	_____	_____	_____	_____
F. Current Year Tax Rate Ceiling (Lower of Line D or E) Maximum Legal Rate to Comply with Missouri Laws	_____	_____	_____	_____
G. Reduction Due to Sales Tax (If Applicable)	_____	_____	_____	_____
H. Voluntary Reduction By Political Subdivision	_____	_____	_____	_____
I. Allowable Recoupment Rate (Form G or H) If Applicable	_____	_____	_____	_____
J. Tax Rate To Be Levied (Line F – Lines G & H + Line I) Tax Rate Levied MUST be <= Line F	_____	_____	_____	_____
AA. Rate To Be Levied For Debt Service (Form C Line 9) For GO Bonds Outstanding Paid for by Property Taxes	_____	_____	_____	_____
BB. Additional New Rate Authorized By Voters (Form B Line 2 if a Different Purpose)	_____	_____	_____	_____

CERTIFICATION

I, the undersigned, _____ (Office or Position) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

PLEASE COMPLETE LINES G – BB AND SIGN FORM

(Send Form Directly to the State Auditor’s Office for Math Check Only)

(Date)

(Signature)

Return FINAL Completed Form to County Clerk

(Phone #)

(Printed Name)

Tax Rates to Be Entered on Tax Books by County Clerk

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

Lines: J _____
AA _____
BB _____

(County)

(County Clerk’s Signature)

(Date)

Please submit only 1 copy directly to the State Auditor’s Office—if you fax it, DON’T mail it & vice versa.

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE COMPLIANCE WITH ARTICLE X, SECTION 22 AND
 SECTION 137.073 RSMo (2003)

(Name of Political Subdivision)	(Political Subdivision Code)			(Purpose of Levy)		Prior Method of Calculating Tax Rates
** - Mandatory Required Fields to Complete						
	(a)	(b)	(c)	(d)	TOTAL	
	Residential	Real Estate Agricultural	Commercial	Personal Property		
1. **Current Year (2003) Assessed Valuation Include the current locally assessed valuation obtained from the County Clerk, Assessor, or comparable office <u>finalized by the local board of equalization.</u>	_____	_____	_____	_____	_____	_____
2. **Assessed Valuation of New Construction & Improvements 2(a) (b) & (c) – May be obtained from the County Clerk or Assessor. 2 (d)=[Line 1(d) - 3(d) - 5(d) + 6(d)] If negative, enter zero	_____	_____	_____	_____	_____	_____
3. **Assessed Value of Newly Added Territory Obtained from the County Clerk or Assessor	_____	_____	_____	_____	_____	_____
4. Adjusted Current Year Assessed Valuation (Line 1 – Line 2 – Line 3)	_____	_____	_____	_____	_____	_____
5. **Prior Year (2002) Assessed Valuation Include prior year locally assessed valuation obtained from the County Clerk, Assessor or comparable office <u>finalized by the local board of equalization.</u>	_____	_____	_____	_____	_____	_____
6. **Assessed Value in Newly Separated Territory	_____	_____	_____	_____	_____	_____
7. ** Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year	_____	_____	_____	_____	_____	_____
8. Adjusted Prior Year Assessed Valuation (Line 5 – Line 6 – Line 7)	_____	_____	_____	_____	_____	_____

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22
 AND SECTION 137.073 RSMo

(Name of Political Subdivision)	(Political Subdivision Code)			(Purpose of Levy)		
** - Mandatory Required Fields to Complete						
	(a)	(b) Real Estate	(c)	(d) Personal Property	TOTAL	Prior Method of Calculating Tax Rates
	Residential	Agricultural	Commercial			
9. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [Line 4 (Total) – Line 8 (Total)/ Line 8 (Total)] * 100	_____	_____	_____	_____	_____	_____
10. Increase in Consumer Price Index Certified by the State Tax Commission	_____	_____	_____	_____	_____	_____
11. Adjusted Prior Year Assessed Valuation	_____	_____	_____	_____	_____	_____
12. Prior Year Tax Rate Ceiling (Tax Rate Summary Page Line A)	_____	_____	_____	_____	_____	_____
13. Revenue Permitted from Prior Year from property that existed in both years [(Line 11 * Line 12)/100]	_____	_____	_____	_____	_____	_____
14. Permitted Reassessment Revenue Growth (Lower of Line 9, Line 10, or 5%) This % should not be less than 0 or greater than 5% Note: If Line 9 is negative, enter 0 here	_____	_____	_____	_____	_____	_____
15. Additional Reassessment Revenue Permitted (Line 13 * Line 14)	_____	_____	_____	_____	_____	_____
16. Total Revenue Permitted from property that existed in both years (Line 13+Line 15)	_____	_____	_____	_____	_____	_____
17. Adjusted Current Year Assessed Valuation (Same as Line 4)	_____	_____	_____	_____	_____	_____

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22
 AND SECTION 137.073 RSMo

(Name of Political Subdivision) ** - Mandatory Required Fields to Complete	(Political Subdivision Code)			(Purpose of Levy)		Prior Method of Calculating Tax Rates
	(a)	(b) Real Estate	(c)	(d) Personal Property	TOTAL	
	Residential	Agricultural	Commercial			
18. Current Year Rate Calculated Using Prior Method Tax Rate Permitted Calculated Pursuant to Article X, Section 22 and Section 137.073 (Prior to HB 1150) (Line 16/Line 17*100)						
19. Limit to the Prior Year Maximum Authorized Levy (Lower of Line 18 or the Prior Maximum Authorized Levy)						
Calculating Blended Rate						
20. Tax Revenue [(Line 1 * Line 19) / 100]						
21. Total Assessed Valuation (Line 1 (Total))						
22. Blended Rate [[Line 20 (Total) / Line 21] * 100]						
23. Revenue Difference due to to HB 1150 [Line 20 (Total) – Line 20 (Prior Method)]						
24. Rate(s) to be Revised (If Line 23 < or > 0) [If Line 23 < 0, Then Line 19 If Line 19 < Line 19 (Prior Method), Otherwise Line 19 If Line 19 > Line 19 (Prior Method)]						
25. Rate Difference Due to HB 1150 [If Line 24 > 0, Then Line 19 (Prior Method) - Line 24, Otherwise 0]						
26. Relative Ratio of Difference [Line 25 / Line 25 (Total)]						
27. Revenue Difference Allocated Based on Relative Ratio [Line 26 * Line 23 (Total)]						

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22
 AND SECTION 137.073 RSMo

(Name of Political Subdivision)	(Political Subdivision Code)			(Purpose of Levy)		Prior Method of Calculating Tax Rates
** - Mandatory Required Fields to Complete						
	(a)	(b)	(c)	(d)		
		Real Estate		Personal Property	TOTAL	
	Residential	Agricultural	Commercial			

Check for Revenue Limitations for Rate(s) that Would Generate a Windfall of Revenue

28. Limit the Difference to the Maximum Revenue Each Levy Could Generate (Line 20 if Line 27 > 0)	_____	_____	_____	_____	_____	
29. Revenue Difference to be Re-Allocated to Other Rate(s) [(Line 27 – Line 28) if Line 27 > 0]	_____	_____	_____	_____	_____	
30. Revised Rate(s) [If Line 29 > 0, Then (Line 19 + Line 25), Otherwise Line 19]	_____	_____	_____	_____	_____	

Limit Addition to Rate(s) to the Revenue Generated from Maximum Authorized Levy

31. Maximum Authorized Levy from Input Area (If Line 27 < 0)	_____	_____	_____	_____	_____	
32. Revenue Allowed from Maximum Authorized Levy [(Line 31 * Line 1) / 100]	_____	_____	_____	_____	_____	
33. Additional Revenue Allowed to Increase Rate(s) to the Maximum Authorized Levy (If Line 32 + Line 27 < 0, Then (Line 32 – Line 20), Otherwise 0)	_____	_____	_____	_____	_____	
34. Total Difference to Be Allocated to Other Rate(s) [Line 27 (Total) + Line 29 (Total) + Line 33 (Total)]	_____	_____	_____	_____	_____	
35. Revised Rate(s) (If Line 33 > 0, Then Line 31, Otherwise Line 30)	_____	_____	_____	_____	_____	

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22
 AND SECTION 137.073 RSMo

(Name of Political Subdivision) _____ (Political Subdivision Code) _____ (Purpose of Levy) _____

**** - Mandatory Required Fields to Complete**

	(a)	(b)	(c)	(d)	TOTAL	Prior Method of Calculating Tax Rates
	Residential	Real Estate Agricultural	Commercial	Personal Property		

Calculating the Re-Blended Rate

36. Tax Revenue [(Line 1 * Line 35) / 100]	_____	_____	_____	_____	_____	_____
37. Total Assessed Valuation [Line 1 (Total)]	_____	_____	_____	_____	_____	_____
38. Re-Blended Rate [(Line 36 (Total) / Line 37) * 100]	_____	_____	_____	_____	_____	_____
39. Revenue Difference due to HB 1150 [Line 36 (Total) - Line 20 (Prior Method)]	_____	_____	_____	_____	_____	_____
40. Rate(s) to be Revised (If Line 35 < or > 0 still) [(If Line 39 < 0, Then Line 35 If Line 35 < Line 19 (Prior Method), Otherwise Line 35 If Line 35 > Line 19 (Prior Method)]	_____	_____	_____	_____	_____	_____

Relative Ratio Used to Re-Appportion the Rate(s) to be Revised

41. Rate Difference Due to HB 1150 [If Line 40 > 0, Then Line 19 (Prior Method) – Line 40, Otherwise 0]	_____	_____	_____	_____	_____	_____
42. Relative Ratio of Difference [Line 41 / Line 41 (Total)]	_____	_____	_____	_____	_____	_____
43. Revenue Difference Allocated Based on Relative Ratio [Line 42 * Line 39 (Total)]	_____	_____	_____	_____	_____	_____
44. Tax Rate Revision [(Line 43 / Line 1) * 100]	_____	_____	_____	_____	_____	_____
45. Revised Tax Rate (Line 35 – Line 44)	_____	_____	_____	_____	_____	_____

QUESTIONNAIRE – FORM A FOR POLITICAL SUBDIVISION OTHER THAN SCHOOL DISTRICTS USING HB 1150
 COMPUTATION OF REASSESSMENT GROWTH AND RATE FOR COMPLIANCE WITH ARTICLE X, SECTION 22
 AND SECTION 137.073 RSMo

(Name of Political Subdivision) _____ (Political Subdivision Code) _____ (Purpose of Levy) _____

**** - Mandatory Required Fields to Complete**

	(a)	(b)	(c)	(d)	TOTAL	Prior Method of Calculating Tax Rates
	Residential	Real Estate Agricultural	Commercial	Personal Property		

46. Limit Rate(s) to Prior Year
 Maximum Authorized Levy
 if Applicable (Lower of Line
 45 or the Prior Maximum
 Authorized Levy) _____

Calculate Final Blended Rate

47. Tax Revenue [(Line 1 *
 Line 46) / 100] _____

48. Total Assessed Valuation
 [Line 1 (Total)] _____

49. Final Blended Rate [(Line
 47 / Line 48) * 100] _____

50. Tax Rate(s) Permitted
 Calculated Pursuant to
 Article X, Section 22 and
 Section 127.073 RSMo.
 (Line 45) Enter Rate(s)
 on Line B of the Tax Rate
 Summary Page. _____

For Informational Purposes Only

51. Revenue Calculated Using HB
 1150 [(Line 50 * Line 1) /
 100] _____

52. Revenue Calculated Using the
 Prior Method [(Line 19
 (Total) * Line 1) / 100] _____

53. Revenue Differences Using
 the Different Methods
 (Line 51 – Line 52) _____

54. Percent Change (Line 53/
 Line 52) _____

QUESTIONNAIRE – FORM B NEW BALLOT(S) APPROVED BY VOTER OR POLITICAL SUBDIVISIONS OTHER THAN SCHOOL DISTRICT (2003)

(Name of Political Subdivision) (Political Subdivision Code) (Purpose of Levy)
**** - Mandatory Required Fields to Complete** (if your district had a recent voter approved tax rate or tax rate increase).

Since the prior year tax rate computation, some school districts may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

- 1. ****Date of Election** _____
- 2. ****Amount of Increase Approved by Voters** (An “increase of”) _____
OR
****Stated Rate Approved by Voters** (An “increase to”) _____

- 3. ****Ballot Language**
Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

- 4. ****Election Results** _____ (YES) _____ (NO)

- 5. ****Expiration Date**
If this tax rate expires at a later date, enter the last year the levy will be in effect. _____

Enter the amount of increase approved by the voters shown on Line 2 above on Line C of the Tax Rate Summary Page (if it is an increase of an existing rate) or Line BB of the Tax Rate Summary Page (if it is an additional rate or replaces a rate that has expired).

HASH TOTAL (To be computed and used by the State) _____

 (Name of Political Subdivision) (Political Subdivision Code) (Purpose of Levy)

**** - Mandatory Required Fields to Complete** (For General Obligation Bonds Paid for by Property Taxes).

.....
 The tax rate for Debt Service will be considered valid if, after making payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments. Since the property taxes are levied and collected on a calendar year basis (January – December), it is recommended that this levy be computed using calendar year data.

1. ****Total current year assessed valuation** obtained from the County Clerk or Assessor. _____
 (Form A – Line 1 Total)

2. ****Amount required to pay debt service requirements during the next calendar year (January 2004 – December 2004).** Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent. _____

3. **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.** Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% Line 2 above) _____

4. **Reasonable reserve up to one year's payment** – It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. This will include payments for January 2005 – December 2005. _____

5. **Total required for debt service** (add Lines 2, 3, and 4) _____

6. **Anticipated balance at end of current calendar year.**
 Show the anticipated bank balance at December 31, 2003 (account for any principal or interest due and estimated investment earning in the fund). _____

7. **Property tax revenue required for debt service** (Line 5 minus Line 6)
 Any current balance in the fund available to meet the Debt Service requirements in the next calendar year is deducted from the total revenues required for Debt Service purposes. _____

8. **Computation of debt service tax rate** [(Line 7 divided by Line 1) times 100]
 Round a fraction to the nearest one/one hundredth of a cent. See the rounding worksheet _____

9. **Actual rate to be levied for debt service purposes ***
 Enter this rate on Line AA of the Tax Rate Summary Page. _____

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.

HASH TOTAL (To be computed and used by the State) _____

Election and Proposition Forms: Certification of Candidates

CERTIFICATION OF CANDIDATES

TO: Board of Election Commissioners of St. Louis County

FROM: District: _____

Type of Election: _____

Date of Election: _____

It is hereby certified that the following persons have filed their statements for candidacy or other nominating documents on the date and the time indicated for the respective offices listed and their names are to be placed on the ballot in the order listed in this election:

PLEASE PRESENT IN EXACT FORM FOR SAMPLE BALLOT

EXACT NAME OF OFFICE AND LENGTH OF TERM	NUMBER TO BE ELECTED	CANDIDATES NAME AND EXACT TIME OF FILING	CANDIDATES ADDRESS/ZIP
--	-----------------------------	---	-------------------------------

Election and Proposition Forms: Certification of Propositions

CERTIFICATIONS OF PROPOSITIONS

TO: Board of Election Commissioners of St. Louis County

FROM: District: _____

Type of Election: _____

Date of Election: _____

Majority Required (Please Check One)

Simple _____

Two-Thirds _____

Four-Sevenths _____

It is now certified that the following propositions are to be voted on at this election and are to be placed on the ballot:

(Type Propositions exactly as they are to appear on the ballot. Include title and question).

PLEASE PRESENT IN EXACT FORM FOR SAMPLE BALLOT

Election and Proposition Forms: Publication of Legal Notices

PUBLICATION OF LEGAL NOTICES

TO: Board of Election Commissioners of St. Louis County

FROM: District: _____

Type of Election: _____

Date of Election: _____

It is hereby certified that the following legal publication of election notices are to be caused by the election authority for this election:

1. Legal publications of election notices required under Chapter 115. RSMo.

(NOTE: Designation of publication dates and certified newspapers to be made by Election Board office upon receipt of Certification of Election. Copies of affidavits of publication will be forwarded to the political subdivision after the election date).

2. Additional legal publications of election notices required by the political subdivision. Please specify dates for publications and preference, if any, of certified newspapers in St. Louis County:

Election and Proposition Forms: Attestation

ATTESTATION

TO: Board of Election Commissioners of St. Louis County

FROM: District: _____

Type of Election: _____

Date of Election: _____

It is hereby certified that the foregoing is a complete and correct listing of all candidates and/or propositions to be placed on the ballot in this election.

Signed this _____ day of _____ 20____.

SIGNATURE OF OFFICIAL

TITLE OF OFFICIAL

(SEAL)

Sample Calendar

January

- Fiscal year begins January 1
- Oaths of office for newly elected or appointed board members
- Surety bond premiums due, bond new members
- Copies of the financial statement from the previous year must be hand-delivered or sent by certified mail to County Clerk and State Auditor (the form should have been mailed to the district)

July

- Publish legal notice in at least one local newspaper (serving the entire district) that announces the opening of a director position, if any, and also the opening and closing dates for filing and the address where one may file. This is to be done prior to the opening date for filing, the thirteenth Tuesday before the election (8:00 a.m.), and only in election years

August

- Closing date for filing for election to office is at 5:00 p.m. on the ninth Tuesday prior to the election (election years only)
- File for election or referendum with the County Board of Elections (election years only)
- If a director's position is up for election, but only one person files for election, the board must send a letter to the Board of Elections at this time stating such and including an affidavit of publication from the newspaper that carried the legal notice, as well as a copy of the newspaper itself—the person who filed for the position will then fill it without an election being held
- Draft next year's budget
- Propose tax rate
- Set, advertise, and hold public hearing regarding tax rate, with public notice given at least seven days prior in a local newspaper or posted in three places
- Board votes on tax rate following the public hearing
- Send tax rate form to State Auditor (the form should have been mailed to the district)
- Send two copies of the ordinance authorizing the tax rate and two copies of the public notices to the County Clerk

September

- Board must file certification of the current year's tax rate with the County Clerk, supported by a budget statement, by September 1

November

- General election—every second year, members of the board will be elected to office at this time

December

- Fiscal year ends December 31

Statute 235

Missouri Revised Statutes
Chapter 235
Street Light Maintenance Districts

August 28, 2002

Street light maintenance districts (first class counties).

235.010. A street light maintenance district may be organized as provided in this chapter in any county of class one.

(L. 1947 V. I p. 452 § 1)

Purpose of district--location.

235.020. A street light maintenance district shall have for its purpose the maintenance and operation of the street lights on the streets of the district. Such district must be wholly within a county of class one, must consist of contiguous tracts or parcels of property, and may be contiguous to but may not include any part of any incorporated city, town or village.

(L. 1947 V. I p. 452 § 2)

CROSS REFERENCE: County planning commission powers over public improvement in class one counties, RSMo 64.010 to 64.295.

Petition for organization, contents.

235.030. The organization of a district shall be initiated by a petition filed in the office of the clerk of the county commission in the county in which the real property in the proposed district is situated. The petition shall be signed by one hundred voters of the proposed district. The petition shall set forth the following:

- (1) Proposed name of the street light maintenance district;
- (2) An estimated number of the inhabitants;

- (3) The assessed valuation of the taxable tangible property located in the district;
- (4) The estimated annual cost of the operation of the district;
- (5) A general description of the boundaries of the district or the territory to be included therein with such certainty as to enable a property owner to determine whether or not his property is within the district;
- (6) The names of three voters who shall constitute the first board of directors of the district, one to hold office until the first biennial election, one until two years and one until four years after such election;
- (7) Such other data and information as may be useful to the county commission in determining the necessity for the organization of the district.

(L. 1947 V. I p. 452 § 3, A.L. 1978 H.B. 971)

Petition may be amended--filing fee.

235.040. 1. No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the county commission may at any time permit the petition to be amended to conform with the facts, by correcting any errors in the description of the territory, or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district, revising the boundaries of the proposed district, or recommending another chosen name for the district, or recommending other voters for the first board of directors, may be filed at any time before a hearing is had on the petition, and shall, together with the first petition, be regarded as one petition, and shall be considered by the county commission the same as though filed with the first petition placed on file.

2. There shall be filed with the petition, or petitions, a filing fee in the amount of one hundred dollars to be used by the county commission to pay for publication notices in connection with the hearing and for the submission of the question.

(L. 1947 V. I p. 452 § 4, A.L. 1978 H.B. 971)

Notice to be published, when.

235.050. Immediately after the filing of such petition, the county commission shall, by order, fix a time and place not less than thirty days nor more than sixty days after the petition is filed for a hearing thereon, and thereupon the county clerk shall cause notice by publication to be made of the filing of the petition and the pendency of the action and of the time and place of the hearing.

(L. 1947 V. I p. 452 § 5)

Protesting petition.

235.060. Any time after the filing of a petition for the organization of a district and before the day fixed for the hearing thereon, a petition may be filed in the office of the county clerk protesting against the creation of the proposed district. Such protesting petition shall be signed and filed by or on behalf of one or more qualified taxpaying electors of the district, and shall recite wherein the incorporation of the district will not promote the purposes as set forth in the petition, or wherein sufficient facts have not been related to justify the incorporation of such district, and any other facts which may be useful to the commission in determining whether or not such original petition shall be allowed.

(L. 1947 V. I p. 452 § 6)

County commission to declare district organized--election to ratify organization--board of directors, how selected.

235.070. 1. If it shall appear at the hearing that a petition for the organization of a district has been signed and presented, as provided in section 235.030, in conformity with this law, and that no protesting petition has been filed, or if one has been filed, that the facts adduced in behalf thereof at the hearing are insufficient to sustain such protesting petition, the county commission shall, by order duly entered of record, declare the district organized, define the boundaries

thereof, making such changes in the boundaries thereof, making such changes in the boundary line as set forth in the petition, if any, as the county commission may deem proper, and give it a corporate name by which in all proceedings it shall thereafter be known, and thereupon the district, subject to the election provided in this section, shall be a political subdivision of the state of Missouri and a body corporate with all the powers of like or similar corporations.

2. The order of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such order, and until it shall have been assented to by a majority vote of the voters of the district voting on the question. The county commission shall order the submission of the question.

3. The question shall be submitted in substantially the following form:

Shall a street light maintenance district, to be known as the street light maintenance district, be incorporated?

4. If a majority of the voters of the district voting on such question shall have voted in favor of the question to incorporate the district, then the commission shall enter its further order declaring the order of incorporation to be final and conclusive. In the event, however, that the commission shall find that a majority of the voters voting thereon shall not have voted in favor of the question to incorporate the district, then the commission shall enter its further order declaring said order of incorporation to be void and of no effect.

5. If the commission enters an order declaring the order of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of said district from among the names of the voters who have been named in one or more petitions filed in said cause, one to hold office until the first biennial election of board members, one until two years and one until four years after such election.

(L. 1947 V. I p. 452 § 7, A.L. 1978 H.B. 971)

County commission findings and orders to be filed, where.

235.080. Within thirty days after the final order of the county commission in which said district has been declared a public corporation, the county clerk of said commission shall transmit to the recorder of deeds in the county in which the district is located copies of the findings and orders of the commission incorporating said district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations.

(L. 1947 V. I p. 452 § 8)

Board members to qualify, how--bonds.

235.090. Whenever a district has been declared duly and finally organized, the members of the board shall qualify by filing with the county clerk their oaths of office, which shall be in the form prescribed by the constitution, and such board members shall also file with the county clerk corporate surety bonds to be furnished at the expense of the district, the form and amount thereof to be fixed and approved by the county commission, and said bonds to be conditioned for the faithful performance of their duties as directors.

(L. 1947 V. I p. 452 § 9)

Selection of officers--seal--duties of secretary.

235.100. After taking their oaths and filing their bonds, the board shall choose one of its members as chairman of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person. Such board shall adopt a seal, and the secretary shall keep in a well-bound book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and a record of corporate acts, which shall be open to inspection of all owners of property in the district, as well as to all other interested parties.

(L. 1947 V. I p. 452 § 10)

Treasurer's bond--financial statement.

235.110. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount to be determined by the board, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk a detailed financial statement for the preceding fiscal year of the district on behalf of the board during the month of January. The fiscal year of the board shall be the same as the calendar year.

(L. 1947 V. I p. 452 § 11)

Attendance fee--expenses--power of removal.

235.120. Each member of the board shall receive an attendance fee in an amount not to exceed fifty dollars per diem for attending each regularly called board meeting, but shall not be paid for attending more than one in any calendar month. Each member of the board shall be reimbursed for his actual expenditures in the performance of his duties on behalf of the district. The county commission shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing.

(L. 1947 V. I p. 452 § 12, A.L. 1967 p. 352, A.L. 1990 H.B. 1548)

Board meetings--quorum--vacancies, how filled.

235.130. The board shall meet at the place to be designated by the board as often as the needs of the district require, on notice to each member of the board. Two members of the board shall constitute a quorum at any meeting. Any vacancy on the board shall be filled by the remaining member or members of the board, the appointee or appointees to act until the next biennial election at which

directors are elected as provided in section 235.140, when the vacancy or vacancies shall be filled by election. If the board shall fail, neglect or refuse to fill any vacancy within thirty days after the same occurs, the county commission shall fill such vacancy.

(L. 1947 V. I p. 452 § 13)

Election of new board members, when.

235.140. 1. At the general election in the year after the first full calendar year after the organization of any district and at the general election thereafter, there shall be elected by the voters of the district one member of the board to serve for a term of six years. Nominations may be filed with the secretary of the board.

2. The candidates for board member shall be elected on a separate nonpartisan ballot. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

(L. 1947 V. I p. 452 § 14, A.L. 1978 H.B. 971)

Powers--authority and privileges of board.

235.150. For the purpose of providing for the maintenance of street lighting within the district, the district and, on its behalf, the board, shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district;
- (5) To acquire, dispose of and encumber real and personal property and any interest therein, including leases and easements;

- (6) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (7) To hire and retain agents, employees, engineers and attorneys;
- (8) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;
- (9) To receive and accept by bequest, gift or donation any kind of property;
- (10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and to refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance, rules and regulations is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor;
- (11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this law.

(L. 1947 V. I p. 452 § 15)

Power of taxation.

235.160. For the purpose of providing revenue for such districts, the board shall have the power and authority to order the levy and collection of ad valorem taxes on and against all taxable tangible property within the district, and to make timely demand for any and all other taxes or allocations to which the district may be entitled.

(L. 1947 V. I p. 452 § 16)

Board to fix rate of taxation.

235.170. To levy and collect taxes as provided in section 235.160, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and the costs of the district, which rate of levy shall not exceed forty cents on the one hundred dollars assessed valuation.

(L. 1947 V. I p. 452 § 17, A.L. 1978 H.B. 1624, A.L. 1989 H.B. 197)

Increase of tax rate--election--form of ballot--maximum rate.

235.175. 1. Before the board of directors of any street light maintenance district may increase the district's current tax levy, the proposed increase must be approved by a majority of the voters voting thereon.

2. The proposition to increase the tax levy may be submitted by the board of directors or upon petition of five hundred registered voters of the district. All propositions to increase the tax levy shall be submitted at the next election permitted by section 115.123, RSMo.

3. A separate ballot containing the question shall read as follows:

Shall the board of directors of the street light maintenance district be authorized to increase the current tax levy of cents per one hundred dollars assessed valuation to cents per one hundred dollars assessed valuation to provide funds for the support of the district?

Yes

No

(If you are in favor of the tax levy, place an X in the box opposite "Yes". If you are opposed to the tax levy, place an X in the box opposite "No".)

4. If a majority of the qualified voters casting votes thereon be in favor of the increased tax levy, the board of directors shall raise the tax levy to the level approved by the voters. If a majority of the voters casting votes thereon do not vote in favor of the increased tax levy, any levy previously authorized shall remain in effect.
5. No street light maintenance district shall fix a rate of levy which exceeds the maximum tax levy authorized by section 235.170.

(L. 1978 H.B. 1624 § 2)

Effective 5-31-78

Board to certify rate of levy to county commission.

235.180. On or before the first day of September of each year, the board shall certify to the county commission of the county within which the district is located a rate of levy so fixed by the board as provided by law, with directions that at the time and in the manner required by law for levy of taxes for county purposes such county commission shall levy a tax at the rate so fixed and determined upon the assessed valuation of all the taxable tangible property within the district, in addition to such other taxes as may be levied by such county commission.

(L. 1947 V. I p. 452 § 18)

Taxes to be levied and collected as other taxes.

235.190. It shall be the duty of the body having authority to levy taxes within the county to levy the taxes provided in this law, and it shall be the duty of all officials charged with the duty of collecting taxes to collect such taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected; and when collected, to pay the same to the district ordering its levy and collection or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district. All taxes levied under this law, together with interest

thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a perpetual lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the perpetual lien of district taxes.

(L. 1947 V. I p. 452 § 19)

Property to be sold for delinquent taxes--manner.

235.200. If the taxes levied are not paid as provided in section 235.190, then the delinquent real property shall be sold at the regular tax sale for the payment of said taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at said tax sale for the property so offered, said property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town and city taxes. Delinquent personal property shall be distrained and sold as provided by general law.

(L. 1947 V. I p. 452 § 20)

Boundaries of district may be altered to include new territory --owners of two-thirds of adjoining real property may request inclusion in district.

235.210. 1. The boundaries of any district organized under the provisions of this law may be changed in the manner prescribed in this section and in section 235.220, but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; or shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had the change of boundaries not been made.

2. Two-thirds of the owners of real property in an area contiguous with a street light maintenance district organized under this law and not located within any municipality or another street light maintenance district may file with the board a petition in writing praying that the real property be included within the district. The petition shall describe the property to be annexed and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of the petition to be given and published in the county in which the property is located, which notice shall recite the filing of the petition, the names of the petitioners, the descriptions of the lands sought to be included and the prayer of the petitioners, giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted.

4. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why the petition shall not be granted shall be deemed and held and taken as an assent on his part to the inclusion of the lands in the district as prayed for in the petition.

5. If the petition is granted, the board shall make an order to that effect and file the same with the county clerk; and upon the order of the county commission, the property shall be included in the district, and thereafter a copy of the order of the board and the order of the commission shall be filed with the recorder. The county commission shall proceed to make the order including such additional property within the district as is provided in the order of the board, unless the commission shall find that the order of the board was not authorized by law or that the order of the board was not supported by competent and substantial evidence.

Boundaries may be altered to exclude certain territory, how.

- 235.220. 1. The owner or owners of any real or personal property contained within the boundaries of the district may file with the board a petition praying that such property be excluded and taken from said district. Such petition shall describe the property which the petitioners desire to have excluded.
2. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which said property is located. The notice shall state the filing of such petition, the names of petitioners, description of the property mentioned sought to be excluded and the prayer of said petitioners; and it shall notify all persons interested to appear at the office of said board at the time named in said notice showing cause in writing, if any they have, why said petition should not be granted.
3. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.
4. The board, if it deems it not for the best interests of the district that the property mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order that said petition be denied; but if it deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof, be excluded from the district, then the board may order the property mentioned in the petition or some portion thereof, excluded from the district.
5. Upon allowance of such petition, the board shall file a certified copy of the order of the board making such change with the county clerk; and upon order of the county commission said property shall be excluded from the district, and a

copy of the order of the board and the order of the commission shall be filed with the recorder.

6. The county commission shall make any such order excluding property from the district as provided in the order of the board, unless the commission shall find that such order of the board was not authorized by law, or that such order of the board was not supported by competent and substantial evidence.

(L. 1947 V. I p. 452 § 22)

Property subject to taxation.

235.230. All real property included within, or excluded from, a district shall thereafter be subject to the levy of taxes for the payment of any indebtedness of the district outstanding at the time of inclusion or exclusion; provided, however, that after any real property shall have been excluded from a district, as provided in section 235.220, any buildings and improvements thereafter erected or constructed on said excluded real property, and all machinery and equipment thereafter installed or placed therein or thereon, and all tangible personal property not in said district at the time of the exclusion of said real property from said district which shall thereafter be situate on or used in connection with said real property, shall not be subject to any taxes levied by said district.

(L. 1947 V. I p. 452 § 23)

Annexation of district by municipality.

235.240. Any provision of the law to the contrary notwithstanding, no city, town or village shall annex a part of the territory of any district; but nothing herein shall be construed so as to prevent the annexation of the whole of the territory of a district by any city, town or village. If the entire district be annexed by any city, town or village as provided by law such municipality shall assume all debts, liabilities and obligations of the district; and title to all property, real, personal and mixed, of the district shall be transferred to and vested in such municipality.

Dissolution of district, election for, when required--form of ballot.

235.250. 1. Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of this chapter shall have been filed with the county commission setting forth all the relevant facts pertaining to said district, and alleging that the further operation of said district is inimicable to the best interests of the inhabitants of said district, and that said district should, in the interest of the public welfare and safety, be dissolved, said county commission shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question which shall be submitted to the voters of the district.

2. The question shall be submitted in substantially the following form:

Shall the street light maintenance district be dissolved?

Dissolution of district, when--procedure.

235.260. 1. If the commission shall find that it is to the best interest of the inhabitants of said district * that such district be dissolved, it shall make an order reciting the same and providing for the submission of the question to dissolve such district to a vote of the voters of the district. The question shall be submitted only at the time of the general election at which a board member is elected.

Returns of the submission of the question certified to the commission.

2. If the commission finds that a majority of the voters voting thereon shall have voted in favor of the question to dissolve said district, the commission shall make a final order dissolving said district, and the order shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs,

obligations and liabilities theretofore incurred or necessary to the winding up of the district.

3. If the commission shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the question to dissolve such district, then the commission shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though said petition asking for such dissolution had not been filed.

(L. 1947 V. I p. 452 § 26, A.L. 1978 H.B. 971)

*Word "and" appears here in original rolls.

Appointment of trustee to liquidate district.

235.270. No dissolution of such district shall invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the county commission shall, under the provisions of section 235.260, dissolve any such district, the said commission shall appoint some competent person to act as trustee for the said district so dissolved, and such trustee before entering upon the discharge of his duties shall take and subscribe an oath that he will faithfully discharge the duties of his office, and shall give bond with sufficient security, to be approved by the county commission, to the use of such dissolved district, for the faithful discharge of his duties, and shall proceed to liquidate said district under orders of said commission.

(L. 1947 V. I p. 452 § 27)

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Statute 610 (610.010-610.030)

Missouri Revised Statutes
Chapter 610
Governmental Bodies and Records

August 28, 2002

Definitions.

610.010. As used in sections 610.010 to 610.030 and sections 610.100 to 610.150, unless the context otherwise indicates, the following terms mean:

- (1) "Closed meeting", "closed record", or "closed vote", any meeting, record or vote closed to the public;
- (2) "Copying", if requested by a member of the public, copies provided as detailed in section 610.026, if duplication equipment is available;
- (3) "Public business", all matters which relate in any way to the performance of the public governmental body's functions or the conduct of its business;
- (4) "Public governmental body", any legislative, administrative or governmental entity created by the constitution or statutes of this state, by order or ordinance of any political subdivision or district, judicial entities when operating in an administrative capacity, or by executive order, including:
 - (a) Any body, agency, board, bureau, council, commission, committee, board of regents or board of curators or any other governing body of any institution of higher education, including a community college, which is supported in whole or in part from state funds;
 - (b) Any advisory committee or commission appointed by the governor by executive order;
 - (c) Any department or division of the state, of any political subdivision of the state, of any county or of any municipal government, school district or special purpose district including but not limited to sewer districts, water districts, and other subdistricts of any political subdivision;

(d) Any other legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

(e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds including, but not limited to, entities created to advise bi-state taxing districts regarding the expenditure of public funds, or any policy advisory body, policy advisory committee or policy advisory group appointed by a president, chancellor or chief executive officer of any college or university system or individual institution at the direction of the governing body of such institution which is supported in whole or in part with state funds for the specific purpose of recommending directly to the public governmental body's governing board or the president, chancellor or chief executive officer policy, policy revisions or expenditures of public funds provided, however, the staff of the college or university president, chancellor or chief executive officer shall not constitute such a policy advisory committee. The custodian of the records of any public governmental body shall maintain a list of the policy advisory committees described in this subdivision; and

(f) Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this state pursuant to the provisions of chapter 352, 353, or 355, RSMo, or unincorporated association which either:

a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or

b. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means,

the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation;

(5) "Public meeting", any meeting of a public governmental body subject to sections 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated, whether corporeal or by means of communication equipment. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one location in order to conduct public business;

(6) "Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting;

(7) "Public vote", any vote cast at any public meeting of any public governmental body.

(L. 1973 S.B. 1 § 1, A.L. 1977 H.B. 130, A.L. 1978 H.B. 882, A.L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095)

(1979) Springfield board of public utilities is a "public governmental body" within the meaning of the Open Meetings Act. State ex rel. Board of Public Utilities v. Crow (A.), 592 S.W.2d 285.

(1984) A single member body may be a "governmental entity" for purposes of sunshine law, which is to be liberally construed in favor of open government. McLachlan v. McNary (Mo. App.), 684 S.W.2d 534.

(1996) Official meetings of federal governmental bodies are not subject to the Missouri Sunshine Act. In Re Kansas City Star Co., 73 F.3d 191 (8th Cir.).

Liberal construction of law to be public policy.

610.011. 1. It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.028 shall be liberally construed and their* exceptions strictly construed to promote this public policy.

2. Except as otherwise provided by law, all public meetings of public governmental bodies shall be open to the public as set forth in section 610.020, all public records of public governmental bodies shall be open to the public for inspection and copying as set forth in sections 610.023 to 610.026, and all public votes of public governmental bodies shall be recorded as set forth in section 610.015.

(L. 1987 S.B. 2)

*Word "its" appears in original rolls.

Votes, how taken.

610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay"

vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.

(L. 1973 S.B. 1 § 2, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095)

Notice of meetings, when required--accessibility of meetings--minutes of meetings to be kept, content--voting records to be included.

610.020. 1. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the

notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

3. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

4. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

5. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

6. A journal or minutes of open meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

(L. 1973 S.B. 1 § 3, A.L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095)

Closed meetings and closed records authorized when, exceptions.

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public

governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy- two hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision,

the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(14) Records which are protected from disclosure by law;

- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product;
- (18) A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section;
- *(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2006;
- (20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to

such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open except to the extent provided in this section; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

(L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1995 H.B. 562, A.L. 1998 H.B. 1095, A.L. 2002 S.B. 712)

*Subsection 19 of this section expires 12-31-06

CROSS REFERENCES:

Child's school records to be released to parents, attorney's fees and costs assessed, when, RSMo 452.375

General assembly closed meetings prohibited, when, Const. Art. III, Sec. 20.

Parent's right to receive school progress reports, administrative fee to be set by school, when, RSMo 452.376

(1988) Provisions of section 610.021 relating to closed meetings and votes does not apply to disciplinary actions against license holders and subject of disciplinary action may secure records pertaining to action from licensing agency. Christiansen v. State Bd. of Accountancy, 764 S.W.2d 943 (Mo.App.).

(1991) City properly labeled as personnel records investigative reports of police officers made in contemplation of disciplinary proceedings, and the city had the authority, under Missouri state law and city ordinances to close the records from public scrutiny. Wolfskill v. Henderson, 823 S.W.2d 112 (Mo. App.).

Closed meetings, procedure and limitation--public records presumed open unless exempt.

610.022. 1. Except as set forth in subsection 2 of this section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific section of this chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

2. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of section 610.021. Such notice shall comply with the procedures set forth in section 610.020 for notice of a public meeting.

3. Any meeting or vote closed pursuant to section 610.021 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

4. Nothing in sections 610.010 to 610.028 shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter.

5. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this chapter.

(L. 1987 S.B. 2, A.L. 1993 H.B. 170, A.L. 1998 H.B. 1095)

(1993) A school board's workshop designed to improve effective communication and group interaction did not violate open meetings law because no public business was discussed. *Kansas City Star Co. v. Fulson*, 859 S.W.2d 934 (Mo. App. W.D.).

Records of governmental bodies to be in care of custodian, duties --records may be copied but not removed, exception, procedure--denial of access, procedure.

610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.

(L. 1987 S.B. 2, A.L. 1998 H.B. 1095)

Public record containing exempt and nonexempt materials, nonexempt to be made available--deleted exempt materials to be explained, exception.

610.024. 1. If a public record contains material which is not exempt from disclosure as well as material which is exempt from disclosure, the public governmental body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

2. When designing a public record, a public governmental body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public governmental body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

(L. 1993 H.B. 170)

Fees for copying public records, limitations--fee money remitted to whom--tax, license or fee as used in Missouri Constitution article X section 22 not to include copying fees.

610.026. 1. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

(1) Fees for copying public records shall not exceed the actual cost of document search and duplication. Upon request, the governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body.

Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics,

illustrations or similar audio or visual items or devices, shall include only the cost of copies, staff time required for making copies and programming, if necessary, and the disk or tape used for the duplication.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, each public governmental body of the state shall remit all moneys received by or for it from fees charged pursuant to this section to the director of revenue for deposit to the general revenue fund of the state.

4. Except as otherwise provided by law, each public governmental body of a political subdivision of the state shall remit all moneys received by it or for it from fees charged pursuant to sections 610.010 to 610.028 to the appropriate fiscal officer of such political subdivision for deposit to the governmental body's accounts.

5. The term "tax, license or fees" as used in section 22 of article X of the Constitution of the state of Missouri does not include copying charges and related fees that do not exceed the level necessary to pay or to continue to pay the costs for providing a service, program, or activity which was in existence on November 4, 1980, or which was approved by a vote of the people subsequent to November 4, 1980.

(L. 1987 S.B. 2 § 610.025, A.L. 1998 H.B. 1095)

Violations--remedies, procedure, penalty--validity of actions by governing bodies in violation--governmental bodies may seek interpretation of law, attorney general to provide.

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall

be brought in the circuit court for the county in which the public governmental body has its principal place of business.

2. Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated sections 610.010 to 610.027, the public governmental body or the member shall be subject to a civil fine in the amount of not more than five hundred dollars and the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation of sections 610.010 to 610.026.

4. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement must be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

5. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or

seek a formal opinion of the attorney general or an attorney for the governmental body.

(L. 1982 H.B. 1253, A.L. 1987 S.B. 2, A.L. 1990 H.B. 1395 & 1448, A.L. 1998 H.B. 1095)

Legal defense of members of governmental bodies, when--written policy on release of information required--persons reporting violations exempt from liability and discipline.

610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, suspended or otherwise disciplined for making such report.

(L. 1982 H.B. 1253, A.L. 1987 S.B. 2)

Governmental agencies to provide information by electronic services, electronic services defined--division of data processing may be consulted.

610.029. 1. A public governmental body keeping its records in an electronic format is strongly encouraged to provide access to its public records to members of the public in an electronic format. A public governmental body is strongly encouraged to make information available in usable electronic formats to the greatest extent feasible. The activities authorized pursuant to this section may not take priority over the primary responsibilities of a public governmental body.

For purposes of this section the term "electronic services" means on-line access or access via other electronic means to an electronic file or data base.

2. Public governmental bodies shall include in a contract for electronic services provisions that:

(1) Protect the security and integrity of the information system of the public governmental body and of information systems that are shared by public governmental bodies; and

(2) Limit the liability of the public governmental body providing the services.

3. Each public governmental body may consult with the division of data processing and telecommunications of the office of administration to develop the electronic services offered by the public governmental body to the public pursuant to this section.

(L. 1993 H.B. 170, A.L. 1998 H.B. 1095)

Injunctive relief authorized.

610.030. The circuit courts of this state shall have the jurisdiction to issue injunctions to enforce the provisions of sections 610.010 to 610.115.

(L. 1973 S.B. 1 § 5, A.L. 1982 H.B. 1253, A.L. 1998 H.B. 1095)

Sunshine Law Top 10

The following list was drafted by the Missouri Attorney General's Office to help political subdivisions, such as street light maintenance districts, understand the key points of RSMo 610, the "Sunshine Law". It can be found on the Attorney General's website: <http://www.ago.state.mo.us/sunintro.htm>

Sunshine Law Top 10

The top 10 things you should know about your Sunshine Law.

[Sunshine Law index](#)

1. When in doubt, a meeting or record of a public body should be opened to the public.
2. The Sunshine Law applies to all records, regardless of what form they're kept in, and to all meetings, regardless of the manner in which they're held.
3. The Sunshine Law *allows* a public body to close meetings and records to the public in some limited circumstances, but it almost never *requires* a public body to do so.
4. A public body generally must give at least 24 hours' public notice before holding a meeting. If the meeting will be closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.
5. Each public body must have a written Sunshine Law policy and a custodian of records whose name is available to the public upon request.
6. The Sunshine Law requires a custodian of records to respond to a records request as soon as possible but no later than three business days after he or she receives it.
7. The Sunshine Law deals with whether a public body's records must be open to the public, but it generally does not state what records the body must keep or for how long. A body cannot, however, avoid a records request by destroying records after it receives a request for those records.

- 8.** The Sunshine Law requires a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.
- 9.** When responding to a request for copies of its records, a public body can charge only the actual cost of document search and duplication.
- 10.** There are special laws and rules that govern access to law enforcement and judicial records.

District-specific Information