

AGENDA

I. Call to Order

II. Pledge of Allegiance

III. Approval of the Agenda

IV. Regular Business

- A. Discussion: Charter Discussion Review – Holly Dodge, City Attorney, Lauber Municipal Law (in attendance)
- B. Second Reading and Consideration for Approval of Ordinance No. 9125: An Ordinance Approving the Historic Downtown Monett Redevelopment Plan
- C. Reading and Consideration for Approval of Resolution No. 9138: A Resolution Authorizing the City Council of Monett Missouri to Engage in a Contract for Clearing and Grubbing a Portion of Lowes Lane North
- D. Discussion: Fire Recovery Program
- E. Discussion: Changing of City Fee Structure for Inspections to Reflect Administrative Costs

V. Council Comments

VI. Closed Session Notice: Council will convene into closed session pursuant to Section 610.021, RSMo., Subsections (1), (2), and (3) to discuss legal matters, real estate, and personnel matters.

VII. Adjournment

Monett City Government – Commission Form of Government

RSMo. §78.010 to §78.400

Comparison of 3rd Class City (RSMO §§78.430-78.630) to Constitutional Charter City (Home Rule)

Initiation of Process

Charter:

1. Two options:
 1. Petition by voters to initiate Charter .
 2. City Council passes an ordinance or resolution for a vote.
2.
 - a. Both ask the question “Shall a Commission be chosen to frame a charter?”
 - b. Must also elect candidates (13) for the Charter Commission to draft the charter for vote.
3. Election regarding the question and elect the Charter Commission.

3rd Class City Manager/Council

1. Petition to initiate change to 3rd class City Manager/Council.
2. Mayor proclaims to submit the question to an election of “Shall the city of Monett organize under sections 78.430 to 78.640, RSMo, providing for the city manager form of government?”
3. Election regarding the question.

Petition Required

Charter:

Petition by voters to initiate Charter - Two options as to when to vote:

1. General Election (April) - 10% of qualified electors of city of total number of electors voting at last preceding general city election (April 2024)
2. Special Election (when called) - 20 % of qualified electors of city of total number of electors voting at last preceding general city election (April 2024)

3rd Class City Manager/Council

Petition to initiate change to 3rd class City Manager/Council form: 25 % of votes cast for all candidates for mayor in last preceding election. (April 2024)

After the Vote of the Question

Charter: Charter Commission meets to draft the charter and decide what to present to voters. The Council then chooses the Charter or various parts of the Charter to put to the voters within a year. The City votes on the Charter.

3rd Class City Manager/Council: Clerk transmits to Secretary of State and County Clerks certified copies of the question. Then City nominates candidate and election of councilmen Election of councilmen shall be held at next municipal election following the date of adoption.

Next Step

Charter: The City begins the transition to implement the charter.

3rd Class City Manager/Council: The City begins the transition to City Manager Council form.

Status of current boards and elected and beginning of term

Charter: The City Charter determines this.

3rd Class City Manager/Council: Term begins the first Monday after election. Terms cease.

Requirements of Government

Charter: The City Charter determines this.

3rd Class City Manager/Council: 5 elected members of the Council for 3 year terms.

1st Council must be based on highest votes – 2 for 3 years, 2 for 2 years and 1 for year

At Large Representation or Districts

Charter: The City Charter determines this.

3rd Class City Manager/Council: Must be at large.

Election format

Charter: The City Charter determines this.

3rd Class City Manager/Council: Must have primary election unless Council opts out.

Presider and Power of Presider

Charter: The City Charter determines this.

3rd Class City Manager/Council: The Council annually elects the Mayor and Chairman Pro Tem for a one-year term. Mayor has a vote but not veto power.

City Manager

Charter: The City Charter determines this.

3rd Class City Manager/Council: Council appoints a suitable person as administrative head of the city. Duties determined by Law. Subject to the direction and supervision of the council. Holds office at pleasure of the Council or employed for a 1-year term. Manager prepares and files with council monthly itemized statements of receipts and expenditures of the city and summary of business transacted for the month preceding. Every 3 months unpublished reports shall be published in pamphlet form and printed copies provided to the city library, various newspapers in the city and citizens.

A MODEL CHARTER FOR MISSOURI CITIES

A GUIDE FOR CITY CHARTER COMMISSIONS IN MISSOURI

By James E. Westbrook



Growing Our Communities Together

Price: \$20

MISSOURI MUNICIPAL LEAGUE

1727 Southridge Drive, Jefferson City, Missouri 65109

FOREWORD

In 1875, Missouri became the first state to adopt a constitutional home rule provision. The prime purpose of the provision was to overcome the traditional "delegation of powers" theory. However, the Constitution stated that any charter adopted must be "consistent with and subject to the Constitution and the laws of the State." Subsequently, 15 Missouri municipalities operated under home rule charters.

The Missouri Municipal League supported the idea of maximizing local self-determination through the extension of municipal home rule to allow smaller cities to benefit from the advantages of home rule in the solution of their local problems. Because of the restrictions and limitations that evolved during the first half of this century, the League believed it should be the prerogative of municipal governments of the State to have control and full responsibility for local concerns without undue interference by the state.

On October 5, 1971, the voters of Missouri overwhelmingly adopted a proposed amendment to the Constitution that broadened the home rule provision of Article VI, Section 19. It now authorizes cities of 5,000 or more population to adopt or frame a charter, and the powers of a constitutional charter city now are defined as "all powers which the general assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State, and are not limited or denied either by the charter as adopted, or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law."

With the passage of the 1971 home rule amendment, many of the prior inadequacies and restrictions no longer hold true. Now that we have a clearer grant of home rule power, many more Missouri cities have shown interest in becoming constitutional charter cities. In 1994, there are 32 home rule cities, and several cities currently are in various stages of preparing charters for voter approval.

Realizing the importance of providing assistance to city charter commissions and local home rule study groups, the Board of Directors of the Missouri Municipal League authorized the staff to undertake preparation of so-called model charters for the two most common forms of government in Missouri, mayor-council and council-manager.

The League was fortunate in being able to secure the services of James E. Westbrook, Professor of Law at the University of Missouri-Columbia, in drafting the model charters. Professor Westbrook is eminently qualified to undertake this task, both in terms of training and experience in this field.

This edition includes not only suggested charter provisions, with options, but also detailed commentary by the author that describes the alternatives and options available in many of the subject areas charter commissions must consider. Obviously, questions of policy are involved in the drafting of charter provisions and the author has included a discussion of many of these issues. As Professor Westbrook has stated in the Introduction, "the use of the word model is inappropriate because this work is intended to be used as a guide..."

While members of the League staff have coordinated the project and, on a number of occasions, have had the opportunity to discuss the content, this publication reflects the author's judgment or opinion and does not represent an official position of the Missouri Municipal League or necessarily the views of the staff on any one of the provisions. It is hoped that this guide will serve equally well for charters incorporating the mayor-council or council-manager form of government or the many modifications possible in either form. As a matter of long-established policy, the League has not nor does it endorse

one particular form of government as superior to another. Realizing that each municipality is unique, with its own traditions, problems and administrative needs, the form of government adopted should be the one best suited to a municipality's particular needs and conditions.

The League objective in the preparation of this publication is to provide a guide for charter commissions in drafting a workable legal document which will clearly set forth the powers, duties and responsibilities of the citizens and municipal officials and employees. The adoption, by the citizens, of a good city charter should not only help achieve a good government, but it also will provide the legal framework within which a truly effective government may be maintained.

Gary S. Markenson
Executive Director

November 2000

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INTRODUCTION

Important changes were made in Missouri's constitutional home rule provisions by an amendment adopted October 5, 1971. The amendment represented an important step forward for Missouri municipalities. But as is true of all important changes in the law, the adoption of the amendment caused many questions to be asked. One of the most persistent and important questions is whether the provisions of the new amendment make it either desirable or necessary to draft the home rule charter differently. This question is especially important because the amendment made more cities eligible for home rule status by reducing the required population from ten to five thousand,¹ and several cities now are either considering the calling of an election on choosing a charter commission or actually drafting a charter. This situation, coupled with the fact that a model charter has never been prepared for Missouri cities, prompted the preparation of this model charter.

A Summary of the Legal Status of Constitutional Charter Cities

In order to understand the legal consequences of adopting a constitutional charter, one must understand the basic principles incorporated in Article VI, Sections 19, 20, 21 and 22 of the Missouri Constitution, especially the changes made by the 1971 amendment. It already has been pointed out that the amendment lowered the population requirement. The other changes can best be described by considering three basic issues: (1) the scope of power of home rule cities in the absence of an express constitutional or statutory prohibition or authorization; (2) whether statutes or local enactments prevail when there is a conflict; and (3) the legal status of the home rule charter. In seeking answers to the questions raised by these three issues, the best indication of the intent of those who drafted the amendment and of the General Assembly in submitting the amendment to the electorate is the *Report of the Governor's Advisory Council on Local Government Law*.² The amendment was drafted by the home rule subcommittee of the Governor's Advisory Council. That section of the REPORT dealing with the home rule amendment was distributed to all members of the General Assembly by the Missouri Municipal League at the time the amendment was being considered. It is reasonable to assume, therefore, that the REPORT will be an important aid in the construction of the new amendment.³

The first issue is the scope of power of home rule cities in the absence of an express constitutional or statutory prohibition or authorization. The first goal of the original proponents of home rule was to alter the traditional rule that municipalities have no power except that which is delegated to them by the state legislature. They wanted to secure a broad grant of power directly from the Constitution to municipalities. As the Missouri home rule provisions were construed through the years, the scope of home rule power became clouded. The courts stated that home rule cities had powers related to proprietary functions and to governmental functions that paramountly concern local

¹ V.A.M.S. Const. Art. VI, Section 19.

² *Missouri Local Government at the Crossroads: Report of the Governor's Advisory Council on Local Government Law*, 1968. (Distributed by the Missouri Department of Community Affairs and hereinafter referred to as REPORT.) The REPORT prompted the introduction of the amendment in the General Assembly.

A March 25, 1986, decision of the Missouri Supreme Court en banc, in *Cape Motor Lodge, Inc., et al. v. City of Cape Girardeau*, 706 S.W. 2d 208 is a ringing endorsement of the authority of home rule cities to act unless the city is limited by a specific state statute. Missouri city attorneys representing home rule cities are delighted with this decision. Those who seek to claim that a home rule city does not have the authority to do some act will be severely challenged to overcome the language of this decision. The opinion in *Cape Girardeau* is reprinted as Appendix II, infra.

³ It was stated in *Rathjen v. Reorganized school Dist. R-11 of Shelby County*, 365 Mo. 518, 284, S.W. 2d 516 (1955), that the fundamental purpose in construing a constitutional provision is to ascertain and give effect to the intent of the framers and of the people who adopted it.

matters. The problem with these terms was that they did not indicate clearly what was and what was not a permissible exercise of power in the absence of express statutory authorization. The courts in Missouri and other states were unable to draw a clear line between local matters and matters of statewide concern. The amendment dealt with this problem by eschewing the effort to delineate separate areas of municipal activity and state activity. It provided that constitutional charter cities have "all powers which the General Assembly of the State of Missouri has authority to confer upon any city,"⁴ The result of this change should be clarification of the scope of home rule power. In the absence of a constitutional or statutory prohibition or limitation, a constitutional charter city should have the power to levy an earnings tax, enter the community television antennae business, or build and shoot a rocket to the moon. The role of the courts in defining municipal power should be lessened.⁵

The second issue is whether statutes or local enactments prevail when there is a conflict.⁶ Another way of stating this issue is to ask whether there are limits in the home rule provisions of the Missouri Constitution on the power of the General Assembly to override or restrict the exercise of power by constitutional charter cities. Prior to the amendment, state legislative enactments dealing with matters of "purely municipal concern" could be overridden by conflicting ordinances or charter amendments. But this is no longer true. The same problem existed regarding this issue as existed with respect to the first issue. It was impossible to ascertain with any precision what was a matter of "purely municipal concern" and what was a matter of "statewide concern." The tendency was to label most matters as being of statewide concern whenever there was a conflict. The framers of the amendment decided to give up the illusory advantage in areas of conflict in exchange for a broad grant of power in the absence of constitutional or statutory prohibition or limitation.⁷ The *Report of the Governor's Advisory Council on Local Government Law* put it this way:

"Under the proposed amendment, conflicts between local enactments and state statutes would become a matter of statutory construction, since it would be assumed that the legislature could override any substantive provision in a charter or ordinance. The emphasis, therefore, would be on whether a conflict actually existed, and what was intended by the legislature, rather than whether a given function was of local or statewide concern."⁸

It seems likely that the most difficult and persistent legal issues in the future will revolve around this issue. It is here that the courts will continue to play an important role.⁹

The third issue, the legal status of the charter, probably is the most important for purposes of deciding upon the appropriate form of the charter under the new amendment. This issue is discussed in some detail in the Commentary on Article II. Briefly, however, the amendment changed Missouri charters from instruments of grant to instruments of limitation. Before the amendment, constitutional charter cities were required to specify their powers in the charter. As a result of the amendment, there is

⁴ V.A.M.S. Const. Art. VI, Section 19(a).

⁵ A more detailed discussion of the matters dealt with in this paragraph can be found in REPORT pages 1-2, and Westbrook, "Municipal Home Rule: An Evaluation of the Missouri Experience," 33 Mo. L. Rev. 45 (1968).

⁶ For a more detailed discussion of the matters covered in this paragraph, see Westbrook, *supra* note 5, at 59-66, 74-79.

⁷ REPORT, p. 3.

⁸ *Ibid.*

⁹ In *Frech v. City of Columbia*, 693 S.W. 2d 813 (Mo. banc 1985) the Supreme Court held that a home rule city could by ordinance authorize its municipal court to issue administrative search warrants. Plaintiffs claimed that extensive state statutes and court rules regulated issuance of search warrants and thereby excluded other types of search warrants. The court disagreed because state statutes and court rules "neither expressly nor implicitly prohibit what the city sought to do."

no need to specify powers in the charter, because the city has all powers not limited or denied by the Constitution, the statutes, or the charter itself. For example, prior to the amendment the Missouri Supreme Court held in *Carter Carburetor Corp. v. City of St. Louis*,¹⁰ that any taxes levied by a constitutional charter city had to be specifically named in the charter. The *Report of the Governor's Advisory Council on Local Government Law* stated expressly that the amendment would overrule cases such as *Carter Carburetor Corp.*¹¹ It now is possible for a constitutional charter city to levy a tax without specific authorization in its charter. The changed status of the charter makes it possible to draft charters that are less detailed than some of those previously in use in Missouri. Indeed, one purpose of the research that led to the drafting of a model charter was to ascertain what parts of typical Missouri charters are no longer necessary.

Principal Differences Between Missouri Model and Pre-1971 Missouri Charters

The most obvious difference between pre-1971 charters and the Missouri model is in Article II. While Section 2.1 deals with the powers of the city in one sentence, the current Kansas City charter lists 65 categories of powers. These provisions and the case annotations construing them take up 183 pages in the Kansas City charter. This change is a direct result of the new legal status of charters. The principal advantage of the new approach is that there is no danger of losing a particular power by failing to specifically list it in the charter. Concomitantly, the addition of a power in a charter presumably will not strengthen the city's claim that it has that particular power.

Section 3.1 deals with the powers of the city council in two sentences. In contrast, many charters presently in use in Missouri list council powers in detail.¹²

Section 5.1 provides that the administrative organization of the city shall be set out in an administrative code adopted by the council. Pre-1971 charters devoted a great deal of space to the various departments of the city and the powers and duties of their directors.¹³ Because there is no legal reason a city must deal with these matters in detail, the decision on whether such matters are dealt with in the charter or by ordinance can be made on the basis of policy consideration. The assumption underlying the Missouri model is that details of administrative organization should be subject to change by the city council rather than charter amendment.

Section 5.2 provides for the adoption by the council of a personnel code providing a comprehensive personnel system for the city. Although the typical charter in most Missouri cities goes into detail on the personnel system,¹⁴ the only substantive requirement stated in Section 5.2 is that the personnel code shall provide that all appointments and promotions shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. Again, the decision was to opt for flexibility rather than comprehensiveness.

Article VI deals with financial procedures. While it goes into some detail, it is considerably more concise, and consequently more flexible, than the comparable provisions in use in pre-1971 charters.

The differences summarized above result in a charter that is shorter than many currently in use. A workable charter could be drafted, however, that would be even more concise than the Missouri model. Some provisions were included as a means of calling certain issues to the attention of charter

¹⁰ 356 Mo. 646, 203 S.W. 2d 438 (1947).

¹¹ REPORT, p. 3.

¹² See the Commentary on Section 3.1.

¹³ See the Commentary on Article V.

¹⁴ Ibid.

draftsmen. Whether or not they are included, they should at least be considered. Of course, the charter commission's goal is not to see how short it can make the charter. Its goal is to draft a workable document that strikes a balance between the need for flexibility and the sometimes competing need for enough detail to deal with all matters most appropriately handled in the charter.

Some Reflections on Charter Drafting

Any person or group charged with the responsibility of drafting a charter should try to obtain a clear understanding of the place of the charter in the total legal framework within which cities operate before dealing with the details of various provisions. Not only must a decision be made as to whether the city can or should deal with a particular matter, but a decision must be made as to whether this matter is most appropriately dealt with in the charter or in an ordinance. Two basic assumptions guided the drafting of the Missouri model: (1) the municipality should have all powers available to constitutional charter cities under Missouri law, and (2) the charter should include only the essential provisions necessary to effective and responsive municipal government; unnecessary detail and matters subject to relatively frequent change should be dealt with by ordinance where possible.¹⁵ It is important to remember that while charter provisions can be changed only by a vote of the electorate, ordinances can be changed by a vote of the council. It can be difficult and expensive to amend a charter. On the other hand, some decisions about municipal government involve fundamental policy matters that should be decided by the people as a whole rather than their elected representatives on the council. It is the unenviable job of the charter commission to decide which issues should be decided by the electorate and which issues should be decided by the council. There is no quick, easy formula that can be relied upon. It would be useful, however, to ask the following questions before putting a charter in final form:

(1) What charter provisions are absolutely necessary? Included in this category would be provisions that are necessary in order to obtain home rule powers, provisions necessary to have a corporate existence as a municipality, and provisions that provide the basic ground rules necessary to operate as a governmental entity. It seems probable that no particular provision is necessary to obtain home rule powers. These powers come to the city as a result of the adoption of the charter.¹⁶ An example of a provision that is necessary in order to have a corporate existence as a municipality would be Article I, which deals with incorporation, name and boundaries.¹⁷ An example of a provision that provides one of the basic ground rules necessary to operate as a governmental entity would be Section 3.2, which establishes the number of councilmen on the city council. It would be impossible to arrange an election for the city council without knowing the number of councilmen. In point of fact, however, most of the provisions in a charter are not absolutely necessary.

(2) What provisions are very desirable in order to prevent abuse, ease difficult situations which may arise, divide internally the city's powers, and prevent problems from arising by providing answers in advance to questions that inevitably arise in all municipalities? Section 3.11, which deals with legislative proceedings, seeks to prevent abuse and to insure that interested and affected citizens have an opportunity to make an input prior to council action. This is accomplished by requiring such things as a hearing and a convenient means by which citizens can familiarize themselves with pending ordinances.¹⁸ Section 4.2 (Option A), which deals with removal of the city manager, is an example of an effort to provide in advance a procedure that may ease the difficult situation that exists when a city

¹⁵ Compare the more detailed description of assumptions that underlie the provisions of Haag and Snyder, *Guidelines for Charter Drafting* (Bureau of Public Administration, University of Maine at Orono, 1971) on pages 1 and 2 of that work.

¹⁶ See the discussion in the Commentary on Article II.

¹⁷ See the quotation from *Hannibal v. Winchester*, 391 S.W. 2d 279 (Mo. 1965), in the Commentary on Article I.

¹⁸ See the Commentary on Section 3.11.

manager and council cannot work together. Section 3.1 and Article IV, taken together, divide powers and responsibilities between the council and the chief executive of the city. The various provisions that fall into this category raise some of the most difficult policy issues that face the charter commission.

(3) What provisions are not only unnecessary but would create problems for the city if included? Provisions in this category would be those that impose rigidity where flexibility is needed, those that conflict with statutory and constitutional provisions, and those that impose unrealistic requirements in light of the particular circumstances of the city. Of course, it often will be difficult to achieve a consensus on whether a particular provision falls into this category or category 2 above. An example of a provision that has proven unrealistic for some cities is the requirement that the city attorney shall have resided in the city for a specified number of years. In some cities, the supply of attorneys willing to accept the position of city attorney has been such that it was necessary to bring someone in from another city.

(4) What provisions are unnecessary but would not create problems if included? Provisions falling into this category do no harm. At most, they lengthen the charter unnecessarily. The decision whether to include such a provision often will depend upon considerations of convenience and public relations. For example, the procedure for charter amendment is set out in the Constitution.¹⁹ The same procedure must be followed whether or not it is set out in the charter. On the other hand, there are those who believe it is useful to provide information on the procedure for charter amendment in the charter itself.

Comments on the Format of the Model Charter and the Sources Relied on in its Preparation

The model charter that follows is more a synthesis of many charters than an original creative work. Although it is not exactly like any presently existing model or municipal charter, it makes use of provisions from many sources. Whenever it was thought it would be helpful, the source of the recommended provision was given in the Commentary.²⁰ The sources used most often were the *Model City Charter* of the National Municipal League and charters presently in use in Missouri constitutional charter cities.

The basic format of the model is to set out one or more option provisions and follow the recommended provision or provisions with commentary. An effort is made throughout the model to indicate the range of choices open to the charter commission, either by providing option provisions or by describing in the commentary the option approaches that are available. In deciding whether to deal with options by charter provisions or commentary, the choice was made by deciding which approach would be most convenient to the reader. In a very real sense, the use of the word model is inappropriate because this work is intended to be used as a guide rather than as something to be copied verbatim. The word model was used because the other titles that came to mind were even less descriptive. It is important to remember, however, that the appropriateness of any particular provision will depend upon a number of variables, including the unique problems and resources of the city for which a charter is being drafted.

In addition to giving the source of the provision, the commentary deals with some of the policy issues involved in drafting the section in question. It often describes the existing practice in Missouri and points out how the recommended provision either follows or departs from the existing practice. It also refers to cases or statutes that should be considered in drafting the provision in question. The material included in the commentary is selective rather than exhaustive. It should not be considered an

¹⁹ Article VI, Section 20, Constitution of Missouri.

²⁰ All references in the Commentary to Sections of the *Model City Charter* are to the Sixth edition, published in 1964.

adequate substitute for competent legal advice in the drafting and passage of the charter.

Appendix I is an outline of the decisions that must be made by the charter commission before the process of drafting begins. Throughout the commentary, there are references to model charters and the charters of cities both in and out of Missouri. The charter draftsman would do well to make full use of other charters because it would be a mistake to rely solely on this model in drafting a charter. The best results will be obtained by examining and comparing several charters. Since each city is somewhat unique, the ideal charter for each city will be different from that of every other city. While certain fundamentals should remain the same, each city's charter should be tailored to deal with its own particular situation.

Appendix II is the Missouri Supreme Court decision in *Cape Motor Lodge v. Cape Girardeau* 706 S.W. 2d 208 (Mo. banc 1986) in which the Court endorsed the concept of broad authority for home rule cities.

ARTICLE I

INCORPORATION, NAME AND BOUNDARIES

CHARTER OF THE CITY OF _____, MISSOURI

(Date)

In order to provide for the government of the City of _____, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of _____ adopt the following charter:

Article I

INCORPORATION, NAME AND BOUNDARIES

Section 1.1. Incorporation, Name and Boundaries.

The inhabitants of the City of _____, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of _____.

COMMENTARY ON ARTICLE I

The language of Section 1.1 was approved in *City of Hannibal v. Winchester*, 391 S.W. 2d 279 (1965). In that case the Missouri Supreme Court stated that "no valid city government could be created or valid charter adopted if the city's territorial limits existing at the time were not specifically defined and delineated somewhere; ... " (emphasis included in the court's opinion). The court made it clear, however, that the existing boundaries could be incorporated by reference rather than described in the charter itself. The court approved the language used in the Hannibal charter to incorporate existing boundaries by reference.

The language approved in *City of Hannibal v. Winchester* has been widely used by Missouri constitutional charter cities. (See, for example, Section 1.1 of the Webster Groves charter, Section 1 of the University City charter, and Section 1.1 of the Springfield charter.) An acceptable option would be to include a metes and bounds description of the boundaries of the city in Section 1.1. Section 1 of the Columbia charter and the transitional provisions of the St. Louis charter take this approach. The provision recommended was chosen because of its brevity and because it has been specifically approved by the Missouri Supreme Court. Moreover, detailed boundary descriptions in the charter increase the possibility of errors.

Although the recommended provision does not contain a comprehensive description of the municipal boundaries, such a description should be kept by some municipal official and made available for public inspection during regular office hours. Any city that wishes to include a charter requirement that the description be kept by a particular official and made available for public inspection can find a sample provision in Section 3 of the *Model Charter for Oregon Cities, Council-Manager Form of Government* (Bureau of Municipal Research and Service, University of Oregon, Eugene, 3rd rev., 1967).

Article VI, Section 19 of the Missouri Constitution requires the filing of a copy of the charter with the Secretary of State. Section 71.040, RSMo 1986, requires notification of the Secretary of State whenever a city changes its name.

ARTICLE II

POWERS

Section 2.1. Powers.

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2. Construction.

The powers of the city shall be liberally construed. The specific mention of a particular power in this charter shall not be construed as limiting the powers of the city.

COMMENTARY ON ARTICLE II

This article, which simply repeats the language of the home rule provision in the State Constitution with slight changes necessary to fit it into the charter context, may strike one as being entirely too brief. There is no mention, for example, of the power to tax or, indeed, of any specific power. In light of what many perceive as a reluctance on the part of the courts to uphold the power to tax as one of the powers obtained through the constitutional home rule provision, one might ask whether it would not be desirable to specifically provide in the charter that the city has the power to tax. In this situation, however, the strongest provision is a simple provision. If the Missouri Supreme Court construes the amendment adopted October 5, 1971, so as to carry out the intent of its framers, the provision recommended is all that will be needed to exercise a broad range of powers, including the power to levy any tax not limited or denied by the statutes or the State Constitution. Although Section 2.1 is very brief, it accurately expresses the home rule philosophy which permeates the amendment adopted October 5, 1971. For an example of an equally brief powers provision in a charter in a state with a constitutional provision similar to that of Missouri, See Article II of the Juneau, Alaska, charter.

Prior to the adoption of the new amendment, the Missouri Supreme Court had held that a city could not exercise a particular power unless authorization to do so was contained in the charter. (*Kansas City v. Frogge*, 352 Mo. 233, 241, 176 S.W. 2d 498, 501 [1943].) In the case of taxes, the Missouri Supreme Court held in *Carter Carburetor Corp. v. City of St. Louis*, 356 Mo. 646, 203 S.W. 2d 438 (1947), that a city could not levy a particular tax unless it was specifically authorized by the charter. A general authorization to "assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation" was not considered sufficient to authorize the levy of an earnings tax. These and other similar decisions made it necessary to specify powers in detail in the charter.

The framers of the new amendment sought to change this situation by providing that constitutional charter cities shall have all powers that are not "limited or denied either by the charter so adopted or by statute of the State of Missouri." Their intent is shown by the following excerpt from the *Report of the Governor's Advisory Council on Local Government Law*, page 3, of the chapter on constitutional charter cities:

"Not only would cases such as *Carter Carburetor Corp. v. City of St. Louis* be overruled, but the whole concept of the legal role of the charter would be changed. Charters would become

instruments which limit power rather than instruments which grant power. Under the proposed amendment, the responsibility of the charter draftsmen would be to draft limits designed to protect against the possible abuse of municipal power rather than to attempt to list every possible power the municipality might need to exercise in future years."

It is clear that the intent was to devolve power directly from the Constitution to the city. The city has the power unless it is limited or taken away by statute or by the charter. It is no longer the function of the charter to grant power to the city.

For a discussion of the sentence in the amendment granting all powers conferred by law, see Opinion No. 219 issued by Attorney General Danforth on October 27, 1972.

The legal concept of the charter, which was written into the Constitution by the amendment adopted October 5, 1971, has been adopted in other states. The Supreme Court of Alaska held that a provision in the Anchorage charter stating that the city could "exercise all legislative powers not prohibited by law or by charter" was enough to uphold a tax on leasehold interests. (*City of Anchorage v. Baker*, 376 P. 2d 482, Fn. 7 [1962].) In *West Coast Advertising Co. v. City and County, Etc.*, 95 P. 2d 138, at 142 (1939), the Supreme Court of California stated that:

"The foregoing cited cases leave no doubt that such a charter is no longer a grant of powers, but is rather an instrument which accepts the privilege granted by the Constitution..., and which otherwise serves merely to specify the limitations and restrictions upon the exercise of the powers so granted and accepted. Therefore, any such power not expressly forbidden may be exercised by the municipality,..."

In discussing the power to tax, the Supreme Court of California stated in *In re Galusha*, 184 Cal. 697, 700, 195 P. 406, 407 (1921), that, "The question, then, is not whether the charter grants the power to impose the tax, but whether it prohibits the tax,..."

Actually, Section 2.1 could be omitted from the charter without depriving the city of the broad powers granted by the Constitution. These powers are there unless they are denied by the Constitution, statutes or the charter itself. Section 2.1 serves a useful purpose, however, by expressing in a few words the legal status of Missouri constitutional charters. Charters serve a public information purpose as well as a legal purpose. In addition, power provisions are like a security blanket for municipal attorneys. If municipal powers were not mentioned in the charter, great numbers of municipal attorneys would go into shock. Preventing such a catastrophe also is a useful purpose.

Section 2.2 is designed to encourage a liberal construction of Section 2.1 and to avoid the use of the canon of construction, which provides that the expression of some powers implies the exclusion of others (*expressio unius est exclusio alterius*). Although Section 2.1 does not mention any specific power, such a reference to a specific power may be included in other sections of the city's charter. There is considerable doubt that provisions such as this influence the courts in any significant way. They do no harm, however, and they are routinely included in city charters. If they help only in a small percentage of cases, they should be included.

Section 1.03 of the *Model City Charter* specifically authorizes the city to exercise its powers jointly or in cooperation with other entities of government. Such a section was omitted from this charter because it is believed that it is unnecessary under Missouri law. A constitutional charter city has all powers not denied to it. It already has been pointed out that charters no longer need to specify particular powers. Specifications of the power to engage in intergovernmental relations would conflict with this concept of the charter and would seem to suggest by the special treatment that there is some doubt about the exercise of such powers. Moreover, Missouri municipalities are specifically authorized to engage in certain intergovernmental relations by Article VI, Section 16, of the Constitution. (See

also Chapter 70, RSMo 1986). Even without such constitutional authorization, it seems probable that Missouri constitutional charter cities would have the power under the new amendment to engage in joint and cooperative efforts with other entities of government.

ARTICLE III
THE COUNCIL

Section 3.1. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the council. The council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

Section 3.2. Composition, Eligibility, Election and Terms.

(a) Composition.

Option A: Election at Large.

There shall be a city council of _____ members nominated and elected by the qualified voters of the city at-large.

Option B: Election by Districts.

There shall be a city council of _____ members nominated and elected by the qualified voters of their respective districts, as provided in Article VII.

Option C: Combination District and At-Large.

There shall be a city council of _____ members. _____, to be known as councilmen at-large, shall be nominated and elected by the qualified voters of the city at-large. The other _____ shall be known as district councilmen; they shall be nominated and elected by the qualified voters of their respective districts, as provided in Article VII.

(b) Eligibility.

Option A

Only qualified voters of the city shall be eligible to hold the office of councilman.

Option B

A councilman shall be a qualified voter of the city and shall have been a resident of the city for at least _____ years prior to his election.

Option C

A councilman shall be a qualified voter of the city. The councilmen elected by districts shall be residents of the respective districts from which they are elected.

(c) Election and Terms.

Option A: Election at-large, combines standard council term of four years with possibility of altering council majority every two years.

At the first election under this charter seven councilmen shall be elected; the three candidates receiving the greatest number of votes shall serve for terms of four years, and the four candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at all subsequent regular elections, four councilmen shall be elected; each of the three candidates receiving the greatest number of votes shall serve for a four-year term, and the one receiving the fourth greatest number of votes shall serve for a two-year term.

Option B: Two-year term; entire council elected every two years.

Councilmen shall be elected at each regular election to serve concurrent two-year terms.

Option C: Staggered terms; terms of councilmen elected chosen by lot.

Councilmen shall be elected to serve staggered four-year terms. At the first election under this charter, seven councilmen shall be elected. Three of the councilmen elected at the first such election shall serve only two-year terms, they being determined by lot at the first meeting of the council. At each regular municipal election thereafter, councilmen shall be elected to fill the positions of those whose terms expire and shall serve full four-year terms.

Option D: Staggered terms; terms of councilmen elected at first election designated by district.

Councilmen shall be elected to serve staggered four-year terms. At the first election under this charter seven councilmen shall be elected. The councilmen from districts 1, 3, and 5 shall serve two-year terms and the councilmen from districts 2, 4, 6, and 7 shall serve four-year terms. At each regular municipal election thereafter, councilmen shall be elected to fill the positions of those whose terms expire and shall serve full four-year terms.

Option E: Staggered terms; provision in transition section for first election under charter.

Councilmen shall be elected to serve staggered four-year terms. At each regular municipal election councilmen shall be elected to fill the positions of those whose terms expire.

Section 3.3. Compensation; Expenses.

Option A

Except as provided in Article XIII, the council may determine the annual compensation of councilmen by ordinance, but no ordinance increasing such compensation shall become effective for a councilman until the commencement of a new term of office. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Option B

The councilmen and mayor shall receive no salary, but shall be reimbursed for such actual and necessary expenses incurred in the performance of their duties of office as are authorized and itemized.

Option C

Each councilman shall receive _____ dollars for each regular or special session of the council attended, but no councilman shall receive more than _____ dollars in any one year of service. In addition to his compensation as a councilman, the Mayor shall receive _____ dollars annually.

Section 3.4. Mayor.

Option A: Election by Council.

The council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council. The mayor shall preside at meetings of the council, shall have the right to vote, and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law. The mayor shall have no administrative duties and shall have no veto power. The deputy mayor shall act as mayor during the absence or disability of the mayor.

Option B: Election at-large; weak mayor.

A mayor shall be elected at each regular election for a term of four years. He shall be a member of the council and shall have the same qualifications as are required for other councilmen. The mayor shall preside at meetings of the council, shall have the right to vote, and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law. The mayor shall have no administrative duties and shall have no veto power. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term.

Section 3.5. Prohibitions.

(a) Holding Other Office. Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no councilman shall hold any other city office or employment during the term for which he was elected to the council, and no former councilman shall hold any compensated appointive city office or employment until one year after the expiration of the term for which he was elected to the council.

(b) Appointments and Removals. Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but the council as a group may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 3.9, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 3.6. Vacancies; Forfeiture of Office; Filling of Vacancies.

(a) Vacancies. The office of a councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) Forfeiture of Office. A councilman shall forfeit his office if he (1) lacks at any time

during his term of office any qualification for the office prescribed by this charter or by law, (2) violates any prohibition of this charter, (3) is convicted of a crime involving moral turpitude, (4) is in default to the city, or (5) fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) Filling of Vacancies.

Option A

A vacancy in the council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

Option B

A vacancy in the council shall be filled by the council by a majority vote of all its remaining members for a period running to the next regular municipal election unless such period exceeds one year. In the latter case, the council shall make arrangements for a special election to fill such vacancy for the unexpired term.

Option C

In case of vacancy in the council, the council shall make arrangements for a special election to fill such vacancy for the unexpired term, except that if a vacancy occurs within 120 days immediately prior to the next regular municipal election, a successor shall be elected at such regular election.

Section 3.7. Judge of Qualifications.

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to review by the courts.

Section 3.8. City Clerk.

The council shall appoint an officer who shall have the title of City Clerk. He shall keep the journal of council proceedings, authenticate by his signature all ordinances and resolutions, and record them in full in a book kept for that purpose. He shall perform such other duties as may be required by law, by this charter, or by the council. The city clerk shall hold office at the pleasure of the council.

Section 3.9. Investigations.

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than \$ _____ or by imprisonment for not more than _____ or both.

Section 3.10. Independent Audit.

The council shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the report prepared by the certified public accountant or firm of such accountants shall be kept in the city clerk's office and shall be open to public inspection.

Section 3.11. Legislative Proceedings.

(a) Meetings. The council shall meet regularly at least once each month at such times and places as the council may prescribe. The mayor upon his own motion may, or at the request of three members of the council shall, call a special meeting of the council for a time not earlier than 24 hours after notice is given to all members of the council then in the city.

(b) Rules and Journals. The council shall determine its own rules and order of business. It shall cause a journal of its proceedings to be kept and this journal shall be open to public inspection. A separate journal shall be kept of executive sessions, which journal shall remain closed to public inspection or to legal process.

(c) Voting. Voting shall be by roll call except on procedural motions, and the ayes and nays shall be recorded in the journal. In all roll call votes the names of the members of the council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote. A majority of members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in the manner and subject to the penalties prescribed by ordinance. Except as otherwise provided in this charter, the affirmative vote of a majority of the entire council shall be necessary to adopt any ordinance.

(d) Form of Ordinances. Proposed ordinances and resolutions shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall be:

Be It Ordained By the Council of the City of _____.

The enacting clause of all ordinances submitted by initiative shall be:

Be It Ordained By the People of the City of _____.

(e) Procedure. Except in the case of emergency ordinances, every proposed ordinance shall be read by title in open council meeting two times before final passage, and at least one week shall elapse between introduction and final passage. A copy of each proposed ordinance shall be provided for each council member at the time of its introduction, and at least three copies shall be provided for public inspection in the office of the city clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the council in accordance with such rules and regulations as the council may adopt. If the council adopts an amendment to a proposed ordinance that constitutes a change in substance, any member of the council may require that the proposed ordinance as amended be placed on file for public inspection in the office of city clerk for an additional one week before final passage. In the absence of such a request, the council may consider the amended ordinance at the same meeting.

(f) Emergency Ordinances. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds of the members of the council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency

ordinance.

(g) Effective Date. Every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein. Emergency ordinances shall become effective upon adoption or at any later date specified therein.

(h) Authentication and Recording. All ordinances and resolutions adopted by the council shall be authenticated by the signature of the mayor and city clerk. The city clerk shall record in a properly indexed book kept for the purpose of all ordinances and resolutions adopted by the council.

Section 3.12. Revision of Ordinances.

Within three years after adoption of this charter, all ordinances and resolutions of the city of a general and permanent nature shall be revised, codified, and promulgated according to a system of continuous numbering and revision as specified by ordinance.

COMMENTARY ON ARTICLE III

Section 3.1. Where Powers Vested.

This provision is a departure from a provision found in several existing Missouri charters that lists the council's powers in some detail. Examples of provisions that list council powers in detail are Section 15 of the Clayton charter, Section 18 of the Columbia charter, and Section 2.16 of the Springfield charter. Article II, Section 6, of the Kansas City charter and Article IV, Section 1, of the St. Louis charter take an approach that is similar to this provision.

It was pointed out in the commentary on Article II that the 1971 amendment changed the legal status of the charter. The recommended provision is consistent with this new concept of the charter. Just as it is not necessary to list in detail the powers of the city, it is not necessary to list in detail the powers of the council. The basic purpose of the recommended provision is to distribute internally the powers the city received from the Constitution. It is appropriate that all powers be vested in the council, the elected legislative body, unless the charter provides otherwise.

Section 3.2. Composition, Eligibility, Election and Terms.

A municipal council may be constituted in a variety of ways. Because the needs and problems of cities vary widely, it was thought that it would be more helpful to provide a number of possible provisions than to recommend one particular arrangement.

The charter commission must make a number of decisions before Section 3.2 is drafted. It will be necessary to decide upon the number of councilmen, whether the mayor is elected at-large by the electorate or by the council, whether councilmen will be elected at-large, by districts, or by combination of the two, what qualifications must be possessed by councilmen, what the term of office will be, and if terms are to be staggered, how this will be accomplished. Care must be taken in the use of the various options since they do not all fit together. The provisions of Section 3.2 also must be drafted so that they dovetail with other articles of the charter. For example, consideration must be given to the terms of councilmen serving at the time the charter is submitted to the electorate. The various option provisions are drafted on the assumption that existing councilmen will be dealt with in the schedule. In a charter that provides for staggered terms, the means by which the initial staggering is achieved can be dealt with in Section 3.2, as in Option A, or can be dealt with in the transitional provisions, as would be necessary if Option E were used.

Article VI, Section 10, of the Missouri Constitution states that the terms of city offices cannot exceed four years.

Many cities provide that a councilman may not be elected who is in arrears on unpaid city taxes.

(a) Composition.

It is asserted in the Commentary of the *Model City Charter* that there is general agreement that smaller city councils are more effective. Seven is suggested as the optimum number of councilmen, five is suggested as the minimum that should be considered, and more than nine is suggested as appropriate only in the largest cities. *Model City Charter*, page 14.

The drafters of the *Model City Charter* reject the idea of electing a council entirely by wards. They believe that this has a tendency to encourage log-rolling and a narrow view of the city's problems. When there is a need for geographical representation because of diversity of interests, they believe that district representation should be combined with at-large representation. The following table indicates that existing Missouri charters vary considerably in the provision made for composition of the council. When reference is made to Mayor, this indicates that the Mayor is considered to be a member of the council:

Berkeley	7 members; Mayor and 1 councilman elected at-large, and 5 councilmen elected by wards.
Bridgeton	8 members; four elected from each ward.
Clayton	7 members; Mayor elected at-large, and 6 aldermen elected by wards.
Columbia	7 members; Mayor elected at-large, and 6 councilmen elected by wards.
Ferguson	7 members; Mayor elected at-large, and 6 councilmen elected by wards.
Florissant	9 members; all elected at-large.
Hannibal	9 members; 6 councilmen elected by wards, and 3 elected at-large.
Hazelwood	7 members; Mayor elected at-large, and 6 councilmen elected by wards.
Independence	7 members; Mayor and 2 councilmen elected at-large, and 4 councilmen elected by districts.
Joplin	9 members elected at-large.

Kansas City	13 members; Mayor elected at-large; 12 councilmen elected at-large, but 6 councilmen must reside in districts.
St. Louis	29 members; President elected at-large, and 28 aldermen elected by wards.
Springfield	9 members; 9 elected at-large, but 4 must reside in zones.
University City	7 members; Mayor elected at-large, and 6 councilmen elected by wards.
Webster Groves	7 members; Mayor and 6 councilmen elected at-large.

(b) Eligibility.

The *Model City Charter* recommends against residence requirements for councilmen because "... in this era of highly mobile population and frequent disparity between place of work and place of residence, residence requirements lose what little validity they may once have had."

Article VII, Section 9, of the Missouri Constitution provides that no person shall be elected or appointed to any civil office in this state who is not a citizen of the United States and who has not resided in the state for one year. However, the residence requirement does not apply in cases of appointment to administrative positions requiring technical or specialized skill or knowledge.

Constitutional challenges to residency requirements for holding office are being made with increasing frequency. Although it is impossible to tell at this time what limitations ultimately will be placed on residency requirements, it is clear that this issue will be litigated in the years ahead.

Section 71.150, RSMo 1986, states that no property qualification shall be required for holding office in any city.

(c) Election and Terms.

The usual term of office is from two to four years. The appropriate term of office for councilmen will depend in part on whether terms are staggered. Article VI, Section 10, of the Missouri Constitution prohibits terms of more than four years.

Option A, taken from the *Model City Charter*, is designed to "combine the advantage of a standard council term of four years with the possibility of altering the council majority every two years."

Among the means available to achieve a staggering of terms are designation of initial terms in the charter, longer terms to those receiving more votes, and designation of initial terms by lot. Each option is encompassed within at least one of the provisions set out above.

Section 3.3. Compensation; Expenses.

The prevailing practice in cities adopting the council-manager plan has been to provide only nominal salaries or no salary at all for city council members. This evidently is based on a belief that large salaries attract candidates who are more interested in money than public service. (Childs, *The First 50 Years of the Council-Manager Plan of Municipal Government*, 1965.) The Commentary on Section 2.02 of the *Model City Charter* states that the mayor should receive extra compensation because of the extra time spent in discharging his ceremonial functions. Cities adopting a strong mayor form of

government should deal with the mayor's salary in Article IV. (See Option B.)

Article VII, Section 13 of the Missouri Constitution states that the compensation of municipal officers shall not be increased during the term of office.

If the charter commission decides to authorize the council to set the amount of compensation, as in Option A, the amount of compensation for the first council after the charter goes into effect probably should be established in the schedule.

Section 3.4. Mayor.

A charter commission that decides to assign administrative responsibilities to the mayor should deal with the office of mayor in Article IV. (See Option B) In this event, Section 3.4 still should provide for the election of a deputy mayor from among the members of the council, and provision for the deputy mayor's taking over in case of a vacancy should be dealt with in Section 4.3. The options provided in Section 3.4 are typical of the provisions used by cities adopting the council-manager form of government. If Option A is adopted, Section 3.2(a) should provide for an odd number of councilmen. If Option B is adopted, an even number of councilmen should be provided for in Section 3.2(a).

Section 3.5. Prohibitions.

This provision is identical to Section 2.05 of the *Model City Charter* except for the language, "or pursuant to an agreement between the city and another entity of government..." This language seeks to make it clear that councilmen may hold offices set up under an agreement pursuant either to Article VI, Section 16, of the Constitution, which authorizes cooperation by local governments with other units of government, or the city's home rule powers. (See the discussion in the Commentary on Article II.)

It should be noted that Section 3.6 provides for forfeiture of office if a councilman violates any express prohibition of this charter. Thus the combined effect of Sections 3.5 and 3.6 is similar to that of provisions such as Section 2.8 of the Springfield charter, which provides for forfeiture of office if councilmen seek to deal with administrative officers other than through the city manager. Changes in a few words would make these provisions appropriate for cities that have a mayor as chief administrative officer. Whether a city adopting a mayor-council form of government would want to include such provisions is another matter. Section 21(f) of the *Model Charter for Oregon Cities, Council-Manager Form of Government* includes a prohibition against interference with administration, but the *Model Charter for Oregon Cities, Mayor-Council Form of Government* does not include a comparable provision. (Published by Bureau of Municipal Research and Service, University of Oregon, Eugene, 3rd rev. 1967.)

Section 3.6. Vacancies; Forfeiture of Office; Filling of Vacancies.

The provision dealing with forfeiture of office is identical to Section 2.06(b) of the *Model City Charter* except for the inclusion of language providing for forfeiture when the councilman is in default to the city. The charter commission may wish to add to or delete from Section 3.6(b). The fifth contingency resulting in forfeiture--failure to attend three consecutive regular meetings without excuse--could be redrawn in a number of ways. For example, Section 32 of the *Model Charters for Oregon Cities* provides that a vacancy is created "upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent,..."

Section 106.220, RSMo 1986, sets out statutory grounds for removal of a city official by impeachment. Article VII, Section 6, of the Missouri Constitution provides for forfeiture of office of "Any public officer or employee in this state...by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity,..."

The three options under Section 3.6(c) deal only with vacancies in the council. If the charter is drafted to provide for an elected mayor who is not considered to be a member of the council, a vacancy in this office should be dealt with in Article IV. (See Option B) The three options under Section 3.6(c) do not exhaust the possible methods of filling vacancies.

Section 3.7. Judge of Qualifications.

The recommended provision is a modified version of Section 2.07 of the *Model City Charter*. The provision should not be included in the charter without careful consideration of each sentence. The first point to note is that the council is made the judge of the grounds for forfeiture as well as the election and qualifications of its members. Since Section 106.270, RSMo 1986, provides that the Circuit Court shall remove municipal officers who forfeit their office for the reasons set out in Section 106.220, RSMo 1986, the question arises whether giving the council this power conflicts with the statutes. Although it is impossible to speak with complete assurance in the absence of a court decision, it seems probable that this provision could stand as a procedure that supplements the statutes.

Many presently existing charters in Missouri authorize the council to subpoena witnesses, administer oaths and require the production of evidence in the lengthy list of council powers, which is omitted in this charter. (See, for example, Section 2.16(24) of the Springfield charter and Section 15(23) of the Clayton charter.) It was pointed out in the Commentary on Section 3.1 that such an enumeration of council powers is no longer necessary. It seems probable that the council would have the power to subpoena witnesses, etc., even if this language were not included in Section 3.7. It serves a useful purpose, however, to describe succinctly in one place the means by which questions concerning election, qualifications and forfeitures will be considered and disposed of.

The recommended provision states expressly that decisions made by the council shall be subject to review by the courts. Typical existing charters in Missouri provide that the council shall be the judge of election returns and qualifications of its members, but do not state that decisions of the council shall be subject to court review. (See, for example, Section 24 of the Springfield charter, Section 6 of the Clayton charter and Section 8 of the Columbia charter.) Both of the *Model Charters for Oregon Cities* state in Section 12 that the council shall be the final judge of the qualifications and election of its own members. It is doubtful that language making the council the final judge of the election of its members could prevent a court test in Missouri, however, since the circuit courts have jurisdiction in cases of contested elections for municipal offices. (See also *State v. Goodman*, 263 S.W. 2d 409 [Mo. Sup. Ct. En Banc 1954], and Article VII, Section 5, of the Missouri Constitution.)

Although the recommended provision provides for review by the courts of council decisions on forfeitures, a provision in several existing Missouri charters provides that the council decision on certain types of forfeiture shall be final. (See, for example, Section 13 of the Clayton charter and Section 2.8 of the Springfield charter.) On the other hand, Section 2.8 of the Webster Groves charter provides that if the council determines that a member has forfeited his office, the councilman "shall have the right of appeal if the same be provided by law to the Circuit Court of the County of St. Louis."

If the charter provides for an elected mayor who is not a member of the council (See Article IV, Option B), Section 3.7 should be changed to make the council the judge of the election and qualifications of "all officers elected by the voters under this charter and of the grounds for forfeiture of their office."

Section 3.8. City Clerk.

The first and last sentences of this section make it clear that the city clerk is directly responsible to the council rather than the city manager or mayor.

The Missouri *Model* is different from some existing Missouri charters in not including a provision dealing with the law department and the municipal court. (See, for example, Articles VII and XV of the Columbia charter, Articles VII and XII of the Springfield charter, and Articles 8 and 9 of the Webster Groves charter.) One might ask why the office of city clerk is dealt with in the charter when the law department and municipal court are not. The reason for dealing specifically with the city clerk in the charter is to make it clear that the city clerk is to be chosen by and work under the supervision of the city council. Without some indication to the contrary, Section 4.4 would give the city manager the power to appoint and remove the city clerk. If a charter commission believes that the city clerk should be supervised by the city manager, Section 3.8 could be omitted and provision made in the administrative code for the office of city clerk. The law department is not specifically mentioned in the charter because of a belief that the city attorney and any other attorneys in the law department should be subject to the supervision of the city manager as are other departments and department heads. It could create problems if the city attorney occupies a special status in which he is subject to supervision and control only by the city council. There is no reason, of course, why the city attorney cannot give legal advice to the city council while under the supervision of the city manager. If the charter commission believes the city attorney should have special status, it can deal with this office in the charter. Otherwise, the law department can be dealt with in the administrative code. The municipal court also could be provided for in the administrative code or in a separate ordinance. One could argue that the municipal court is sufficiently unique to require treatment in the charter. It is questionable whether this is required by law. Any charter commission desiring to include provisions dealing with the law department or the municipal court will find that the provisions referred to above are quite satisfactory.

Section 3.9. Investigations.

This provision is based upon Section 2.09 of the *Model City Charter*. A number of existing Missouri charters include such powers in the lengthy list of powers that was typical prior to the adoption of the 1971 amendment. (See, for example, Section 2.13(22) of the Webster Groves charter.) While the council presumably would have these powers without such a provision, this is a sensitive area and it is at least arguable that the council is in a better position to discharge its investigative responsibilities when it has a direct mandate from the voters in the charter. A provision such as this also makes it clear that Section 3.5(c) does not prevent council investigations. On the other hand, the deletion of a provision such as this from a charter probably would not create serious problems.

Section 3.10. Independent Audit.

The council would have power to provide for audits in the absence of a provision such as this. It would have the power to provide for audits more often than once a year if a provision such as this were included in the charter. The purpose of this provision is to require an independent audit at least once a year and to require that it be open to public inspection. Although such a requirement is not included in all charters, a requirement of an annual audit is included in Section 2.10 of the *Model City Charter* and a number of existing Missouri charters. (See, for example, Clayton, Section 10; Columbia, Section 17; Independence, Section 2.23; Springfield, Section 2.14; University City, Section 31; and Webster Groves, Section 5.6.) Rather than specifically providing the means by which the public can gain access to the report of the certified public accountant, many presently existing Missouri charters state that "the results of such audit shall be made public in such manner as the council may determine."

Article II, Section 13, of the Kansas City charter provides for a permanent auditor.

Section 3.11. Legislative Proceedings.

Both the organization and substance of Section 3.11 are an amalgam of similar provisions of many different charters. It is not exactly like a comparable provision in any other charter. Its various parts should be examined carefully and compared with similar provisions from other charters before inclusion in a charter, because there are many ways to deal with the matters covered in this Section. The recommended provision seeks to strike a balance between the flexibility of a very short provision and the protection against abuse that can be accomplished in a very detailed provision.

An effort was made to insure that interested citizens are guaranteed an opportunity to ascertain what the council is considering and to express their views. This is accomplished by requiring the keeping of adequate records open to the public, by requiring the passage of at least one week between introduction and adoption of an ordinance except where there is an emergency, by requiring a larger vote to pass an emergency ordinance without this lapse of time, by giving interested citizens a convenient means by which they can familiarize themselves with pending ordinances, and by requiring additional time for public scrutiny when substantive changes are made in a pending ordinance.

Section 3.12. Revision of Ordinances.

This provision is patterned after Section 9 of the Clayton charter and Section 16 of the Columbia charter. Section 2.16(a) of the *Model City Charter* and Section 16 of the Kansas City charter specifically require a general codification or revision every ten years. Section 22 of the St. Louis charter requires a revision of the general ordinances every five years. This provision in the charter must be drafted so as to deal with the particular situation that exists in the subject community. For example, if the ordinances and resolutions have been codified recently, there may not be a pressing need to place a deadline for codification in the charter.

ARTICLE IV
CITY MANAGER OR ADMINISTRATOR (MAYOR)

Option A: City Manager.

Section 4.1. Appointment; Qualifications; Compensation.

The council shall appoint a city manager for an indefinite term (or for a term not to exceed _____ year[s]) and shall fix his compensation (and conditions of employment). The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment. He must reside inside the city within six months of appointment, unless an extension is granted by the council.

Section 4.2. Removal.

The council may remove the manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution that must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one. The manager shall continue to receive his salary until the effective date of a final resolution of removal.

Section 4.3. Acting City Manager.

By letter filed with the city clerk the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his disability shall cease.

Section 4.4. Powers and Duties of the City Manager.

The city manager shall be the chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(a) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(c) He shall attend all council meetings and shall have the right to take part in discussion but may not vote. He shall receive notice of all special meetings.

(d) He shall see that all laws, provisions of this charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He shall prepare and submit the annual budget and capital program to the council.

(f) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city at the end of each fiscal year.

(g) He shall make such other reports as the council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(h) He shall keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems desirable.

(i) He shall perform such other duties as are specified in this charter or may be required by the council.

Option B: Mayor.

Section 4.1. Election, Term; Qualifications.

The mayor shall be elected by the qualified voters of the city at-large at the regular municipal election. He shall hold his office for a term of two (four) years. The mayor shall be a qualified voter of the city (and shall have been a resident of the city for at least two years prior to his election).

Section 4.2. Salary.

Except as provided in Article XIII, the salary of the mayor shall be established by ordinance. The council shall not change the salary of any mayor, except prior to the election of the mayor, to take effect at the beginning of the next term of office for mayor.

Section 4.3. Vacancy; Forfeiture of Office; Filling of Vacancies.

The office of mayor shall be deemed vacant or forfeit for the same reason that the councilman's office shall be deemed vacant or forfeit under Section 3.6(a) and 3.6(b). If a vacancy occurs in the office of mayor, the deputy mayor shall have all the powers and perform all the duties of the office until a special municipal election is called for the purpose of electing a mayor. Said election shall be called within _____ days of the occurrence of the vacancy, except when the vacancy occurs within the six months immediately preceding the expiration of the mayor's term, the deputy mayor shall continue to sit as mayor until a mayor is elected at the regular election. As acting mayor, the deputy mayor shall continue to have a vote in the council, but he shall not have the veto power.

Section 4.4. Mayor's Powers and Duties.

The mayor shall be the chief executive and chief administrator of the city. He shall have the following powers and duties:

(a) He shall preside at meetings of the council, but he shall have the right to vote only in case of a tie. He may call special meetings of the council as provided in Section 3.11(a).

(b) He shall at the beginning of each fiscal year and may at any other time give the council information as to the affairs of the city and any recommendations he may have.

(c) An ordinance or resolution adopted by the council shall be presented to the mayor for his approval. The mayor shall either sign the same, or within seven days of receipt of the ordinance or resolution, return it with a written statement of his reasons for disapproval. Ordinances or resolutions vetoed by the mayor shall be considered at the next regular meeting of the council, and the council may pass the ordinance over the veto by an affirmative vote of two-thirds of its members. The effective date of an ordinance passed over the mayor's veto shall be not less than 30 days after the date of final passage.

(d) He shall see that all laws, provisions of the charter and acts of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, by this charter or by personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to that officer's subordinates.

(f) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(g) He shall prepare and submit the annual budget and capital program to the council.

(h) He shall exercise such other powers and perform such other duties as may be prescribed by this charter, by ordinance or by law.

Section 4.5. Administrative Assistant to the Mayor.

There shall be an administrative assistant who shall be appointed by the mayor solely on the basis of his executive and administrative qualifications and who may be removed by the mayor without cause. He shall be the principal managerial aide to the mayor and shall perform such duties as may be assigned to him by the mayor. The administrative assistant shall be paid a salary of an amount to be fixed by the mayor with the approval of the council. The council shall not decrease the salary of any incumbent administrative assistant.

Option C: City Administrator

Section 4.1. City Administrator.

There shall be a city administrator nominated by the mayor and appointed by the mayor with the advice and consent of a majority of the council. The person appointed shall serve for an indefinite term. The city administrator may be removed on recommendation of the mayor with the consent of a majority of the council, or by a two-thirds vote of the council on its own initiative. The city administrator shall

be paid a salary of an amount established by the mayor, with the approval of a majority of the council. The person appointed to the office of city administrator shall possess qualifications provided by ordinance.

Section 4.2. Duties and Powers.

The city administrator shall be responsible to the mayor and the council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(a) Except as otherwise specified by ordinance, or by state law, the city administrator shall coordinate and generally supervise the operation of all departments, both line and staff.

(b) The city administrator shall make recommendations of appointment and removal of department heads and division supervisors for the approval of the mayor and council. The city administrator shall have the power to appoint and remove all other subordinate employees of the city.

(c) The city administrator shall prepare and submit a recommended annual budget and five-year capital improvements program to the mayor.

COMMENTARY ON ARTICLE IV

Option A. City Manager.

Option A sets forth appropriate provisions for use if the charter commission decides to provide for a city manager. Option B sets forth appropriate provisions for use if the charter commission decides to provide for a mayor-council form of government.

The recommended provisions on the city manager were taken almost verbatim from the *Model City Charter* except for the language in parentheses in the first sentence. This language is suggested as an alternative in the event the charter commission believes it would be desirable to provide for a contract for the city manager. Some of these contracts provide for an indefinite term but provide for compensation for a definite term even if the manager's services are terminated. A comparison of the *Model City Charter* with presently existing provisions in Missouri charters indicates that most of the Missouri charter provisions dealing with the city manager are similar to those in the *Model City Charter*. Charter commissions considering the adoption of the council-manager plan would find it helpful to read Childs, *The First 50 Years of the Council-Manager Plan of Municipal Government* (1965).

Absent a limitation in the charter, the council would have the power to remove the city manager even if Section 4.2 were not included. The existence of such a provision provides an orderly procedure for removal, however, and this could be quite useful in a controversial situation. Although the basic purpose of Section 4.2 is not the protection of the city manager, it does provide a means by which unjust charges can be answered.

Option B. Mayor.

Much of Article IV, Option B, was taken from Article III-B of Haag and Snyder, *Guidelines for Charter Drafting* (Bureau of Public Administration, University of Maine at Orono, 1971).

It would be useful to compare the powers and duties of the mayor in 3rd and 4th class cities in

Missouri. These can be found in Sections 77.260-77.360, 79.110, 79.120, 79.140 and 79.180-79.220, RSMo 1986.

The powers of the city manager or mayor are set out specifically in Article IV because Section 3.1 provides that all powers are vested in the council except as the charter provides otherwise. Thus, Section 4.4 in both Option A and Option B operates as an exception to Section 3.1.

The veto power provided in Section 4.4(c) is one major difference between the powers granted an elected mayor and an appointed city manager. It clearly would be inappropriate to vest a veto power in a city manager. He is an appointed official, and one of the basic principles of council-manager government is the assignment of the policy making function to an elected council.

It would be a simple matter to weaken the position of the mayor under the mayor-council form of government if a charter commission for a smaller city decides that it does not wish to provide for a strong mayor. Removal of the veto power would significantly change the balance of power between mayor and council. Another means of significantly weakening the power of the mayor would be a provision requiring that the mayor's appointments be subject to the "advice and consent" of the council.

Option C. City Administrator.

The city administrator form has grown rapidly throughout Missouri and blends features of the council-manager and mayor-council forms.

ARTICLE V

ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 5.1. Administrative Organization.

Option A

Within _____ months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the city manager (mayor) to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this charter. Unless otherwise required by law, all boards and commissions provided for in the administrative code shall be appointed by the council (or by the mayor with the consent of the council).

Option B

Within _____ months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the city manager (mayor) to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this charter. Unless otherwise required by law, all boards and commissions provided for in the administrative code shall be appointed by the council (or by the mayor with the consent of the council).

The administrative code shall provide for at least the following departments, boards and commissions: finance department, public works department, fire department, police department, board of adjustment, planning commission, library board, parks and recreation commission and board of trustees of the police and firemen's retirement fund. Additional departments, boards and commissions may be created by ordinance. Two or more departments may be headed by the same person, directors of departments may serve as chiefs of divisions, and the city manager may head one or more departments.

Option C

Within _____ months after the adoption of this charter, the council shall adopt by ordinance an administrative code providing a complete plan of organization and structure for the city government. The administrative code may authorize the city manager (mayor) to promulgate regulations dealing with questions of organization and structure. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this charter. Unless otherwise required by law, all boards and commissions provided for in the administrative code shall be appointed by the council (or by the mayor with the consent of the council).

The administrative code shall provide for the following departments, boards and commissions: finance department, public works department, fire department, police department, board of adjustment, planning commission, library board, parks and recreation commission and board of trustees of the police and firemen's retirement fund. The council may not create any department, board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except any activity which by statute is required to be so administered. The council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity. Two or more departments may be headed by the same person, directors of

departments may serve as chiefs of divisions, and the city manager may head one or more departments.

Section 5.2. Personnel System.

Within _____ months after the adoption of this charter, the council shall adopt by ordinance a personnel code providing a comprehensive personnel system for city officers and employees. The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The personnel code may authorize the city manager (mayor) or a personnel board, if one be established, to promulgate regulations dealing with personnel matters. The personnel code and any regulations promulgated pursuant thereto shall be consistent with this charter.

COMMENTARY ON ARTICLE V

Section 5.1 is significantly different from the typical provisions in presently existing Missouri charters, which deal with the administrative organization of city government. Section 5.1 provides for the establishment of departments, boards and commissions by ordinance. The typical Missouri charter deals specifically with these matters in the charter itself. (See, for example, Articles IV, V, VI, VII, VIII, IX and XI of the Springfield charter and Articles III, IV, V and XIV of the Kansas City charter.) Although the *Model City Charter* is less detailed than the typical Missouri charter, it deals specifically with the departments and boards that are responsible for planning and land-use control. Some cities set out the details of administrative organization in the charter and then provide that the council may by ordinance consolidate or transfer functions to other boards or departments as long as no function or duty provided for by the charter is discontinued. (See, for example, Section 4.1 of the Springfield charter.) This approach could result in a charter giving a misleading picture of the actual administrative organization of a city.

The advantage of a provision such as Section 5.1 is that administrative reorganization can be accomplished by ordinance rather than charter amendment. Moreover, it is questionable whether the details of administrative organization raise the sort of fundamental policy issues that necessarily must be submitted to the electorate of the city. In view of the very real limits on expansion of municipal government imposed by fiscal reality and legal limitations on taxation and debt, it is not necessary to impose further limits by specifying administrative organization in detail in the charter. The flexibility that could be achieved by omitting these matters from the charter would seem to outweigh the questionable advantages gained from detailed elaboration.

Options B and C are designed to deal with situations in which charter commissions decide that policy considerations or political realities require that the departments, boards and commissions be listed in the charter. Option B is designed to be open ended. Option C is designed to impose limits on the creation of additional departments, boards and commissions. The list of departments, boards and commissions was taken from Article IV, Section 1, of the Clayton charter. Presumably, the list would vary from city to city.

For discussion of the special considerations involving the law department and the municipal court, see the Commentary on Section 3.8.

Charter commissions desiring to deal with planning in the charter should consider the excellent monograph by Glenn E. Varenhorst, *A Study of Planning Provisions of Smaller Constitutional Charter Cities in Missouri* (Department of Regional and Community Affairs, University of Missouri-Columbia Extension Division, March 1972).

The same emphasis on brevity and flexibility is carried into Section 5.2, which deals with personnel systems. The recommended provision is less detailed than the comparable provision in many existing Missouri charters (See, for example, Article VI of the Columbia charter or Section 4.02 of the *Model City Charter*). Section 5.2 does, however, incorporate the merit principle into the charter. Flexibility with respect to the personnel system would seem to be particularly important. Unionization of municipal employees is proceeding at a rapid pace and proposals for statewide legislation dealing with local government employees are offered at each session of the legislature. There is little that can be done in a charter to influence the course of events in this field. Thus the appropriate stance would seem to be one of keeping various options open to the council so that it can respond to changing circumstances quickly and in the way that is best calculated to advance the overall interests of the city, city employees and the electorate.

ARTICLE VI
FINANCIAL PROCEDURES

Section 6.1. Fiscal Year.

The council shall determine the fiscal year of the city.

Section 6.2. Submission of Budget and Budget Message.

On or before the _____ day preceding the beginning of the fiscal year, the manager (mayor) shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

Section 6.3. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the manager (mayor) deems desirable or the council may require.

Section 6.4. Capital Program.

(a) Submission to Council. The manager (mayor) shall prepare and submit to the council a five-year capital program at least six months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements that are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 6.5. Council Action on Budget.

(a) Notice and Hearing. The council shall publish in one or more newspapers of general circulation in the city a general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) Amendment Before Adoption. After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.

(c) Adoption. The council by ordinance shall adopt the budget on or before the _____ day of the _____ month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

Section 6.6. Council Action on Capital Program.

(a) Notice and Hearing. The council shall publish in one or more newspapers of general circulation in the city a general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

(b) Adoption. The council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the _____ day of the _____ month of the current fiscal year.

Section 6.7. Public Records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city.

Section 6.8. Amendment After Adoption.

(a) Supplemental Appropriations. If during the fiscal year the manager (mayor) certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the manager (mayor) that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council then shall take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(c) Transfer of Appropriations. At any time during the fiscal year the manager (mayor) may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager (mayor), the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(d) Emergency Appropriations; Effective Date. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions of Section 3.11(f).

Section 6.9. Administration of Budget.

(a) Work Programs and Allotments. At such time as the manager (mayor) shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager (mayor) shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, reduced or transferred appropriations made pursuant to Section 6.8.

(b) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager (mayor) or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he also shall be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

Section 6.10. Tax Rates and Tax Rolls.

After the budget is finally adopted, the council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the city clerk to the appropriate official, who shall compute the taxes and extend them upon the tax rolls.

COMMENTARY ON ARTICLE VI

The recommended provision is a shortened version of Article V of the *Model City Charter*. It does not attempt to impose requirements as to the nature of the budget. Typical existing provisions in Missouri charters are more detailed than the recommended provisions. Among other things, they cover the organization of the Department of Finance and the powers and duties of its director, list purposes for which bonds may be issued, and set out at least some of the procedural steps that must be taken before bonds are issued. (See, for example, Article V of the Columbia charter and Article IV of the Kansas City charter.) The organization of departments and duties of various officials would be covered in the Administrative Code provided for in Section 5.1 under the arrangements recommended herein. As a result of the 1971 amendment, there is no need to list the purposes for which bonds may be issued. Since the required procedures followed in issuing bonds normally are set out in the statutes and the Constitution of Missouri, there is no real need to include them in the charter.

It is true, of course, that particular problems in some cities may indicate the desirability of more detailed provisions dealing with financial matters. An excellent case can be made for the proposition that a short financial article is preferable. Adoption of a short version would necessitate adoption of more detailed financial procedures by the council.

Although the *Model City Charter* provides that adoption of the budget constitutes both an appropriation of the amounts specified as expenditures and a levy of the tax rates proposed therein, the recommended provision follows the typical Missouri practice of providing for a separate ordinance establishing the tax rate and levying taxes. (See, for example, Section 11 of the Clayton charter and Section 5.16 of the Springfield charter.)

There are several ways of dealing with a situation in which the council fails to adopt the budget on or before the required date. Section 6.5(c) continues appropriations at the level provided in the budget for the preceding fiscal year. Section 5.11 of the Springfield charter provides that the budget as submitted shall be effective without council action. Other possibilities are discussed in the Commentary on Section 5.06 of the *Model City Charter*.

The requirement of a five-year capital program is one that not all municipal officials would endorse. Interviews with city officials indicate that some believe the council would not take such a program seriously and that in many cases it would be a waste of time. The provisions requiring a five-year capital program were included, however, so that the charter commission would at least have the opportunity to consider the desirability of such provisions.

The requirement that the capital program be submitted six months before the final date for submission of the budget is based on the assumption that city officials will be busy preparing the budget in the last few months prior to its submission. By separating the capital program from the budget in this fashion, the tendency to ignore the capital program because of work on the budget can be minimized.

Section 6.9(a), entitled Work Programs and Allotments, may not be necessary. This is the sort of thing that is done as a matter of course simply because it makes good sense to do so. As such, it probably is an example of a provision that is unnecessary but does no real harm.

ARTICLE VII
NOMINATION AND ELECTIONS

Section 7.1. City Elections.

(a) Regular Elections. The regular city election shall be held on the first Tuesday in April in each odd- (even-) numbered year.

(b) Special Elections. The council may by resolution order special elections, fix the time for such elections, and provide for holding such elections.

(c) Conduct of Elections. All city elections shall be governed by the provisions of this charter and of applicable state law. The council by ordinance may further regulate elections, subject to the provisions of the charter and applicable state law.

Section 7.2. Nominations.

(a) Declaration of Candidacy. Nomination of candidates for election to elective city offices shall be made by declaration of candidacy filed with the clerk in the form and manner prescribed by ordinance.

(b) Primary Elections. A primary election shall be held if there are two or more candidates for nomination to a city office. (Optional provision.)

(c) Regulation by Council. Nothing contained in this charter shall prevent the council from further regulating the conduct of nominations and elections consistent with the provisions of this charter and applicable state laws.

Section 7.3. Determination of Election Results.

(a) Number of Votes. Every voter shall be entitled to vote for as many candidates for councilmen at-large as there are members at-large to be elected to the council and to vote for one candidate for district councilman to represent the district in which the voter resides.

(b) Returns; Canvass. The council shall canvass the election returns and declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

Section 7.4. City Council Districts.

There shall be _____ city council districts, bounded and numbered the same as the wards that exist at the time of adoption of this charter. District boundaries shall be established by ordinance following each decennial census. Districts shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

COMMENTARY ON ARTICLE VII

Section 7.1(a). Regular Elections.

The Commentary on Article VII of the *Model City Charter* asserts that it is desirable to separate municipal from state and national elections. This approach has been taken by Missouri constitutional charter cities. The regular election normally is held on the first Tuesday in April. Third and fourth class cities also hold their regular municipal elections on the first Tuesday in April. The presently existing constitutional charter cities differ on whether the election is held in even or odd numbered years. State statutes require that all elections be held in February or March, April, June, August or November.

Section 7.1(c). Conduct of Elections.

Several of the presently existing charters in Missouri provide that municipal elections shall be conducted by the city clerk but most charters provide that the election will be conducted by the county clerk. In St. Louis County, Jackson County and Clay County the municipal elections are conducted by the county Board of Election Commissioners. It was thought the assignment of responsibility for conduct of the election could best be dealt with by ordinance, thus making it possible to easily comply with any changes in state law.

Section 7.2. Nominations.

Some charters provide for nomination by petitions, rather than a mere declaration of candidacy. Presently existing Missouri charters require varying numbers of signatures on the nominating petition. For example, Section 122 of the Columbia charter requires not less than 50 signatures on petitions for ward councilmen and not less than 100 signatures on petitions for officials elected by the entire city. Section 418 of the Kansas City charter requires not less than 300 signatures on petitions for district councilmen and not less than 500 signatures on petitions for councilmen from the city at-large.

Many presently existing Missouri charters provide petition and acceptance forms in the text of the charter itself. (See, for example, Section 122 of the Columbia charter and Section 14.4 of the St. Joseph charter.) Since there may be good reason to modify these from time to time, it would seem preferable to designate the forms by ordinance. The forms that are set out in the charters of Columbia and St. Joseph are as follows:

NOMINATING PETITION

"We, the undersigned registered voters of the City of _____, Missouri, respectfully petition and request that the name of _____, residing at _____, be placed upon the ballot as a candidate for the office of _____ to be voted for at the election to be held on the _____ day of _____, 19____; and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate:

NAME

STREET AND NUMBER
(Spaces for signature and required data)

DATE OF SIGNING

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I am a registered voter, qualified to vote for this candidate, and I believe each signer is a registered voter qualified to vote for this candidate.

Signature of Circulator _____
Address _____

ACCEPTANCE OF NOMINATION

I hereby accept the nomination for the office of _____ and agree to serve if elected.

Signature of Candidate

Date and hour of filing _____

This petition is filed by _____

Whose address is _____

Received by _____
(Signature of City Clerk)

Section 7.3. Determination of Election Results.

Section 7.3(a) assumes a council made up of councilmen at-large and district councilmen and would have to be redrafted if the charter provides otherwise.

Section 7.3(b) provides that the candidate or candidates receiving the highest number of votes shall be declared elected. This means that one could be elected with a plurality rather than a majority.

Section 7.4. City Council Districts.

This section assumes a council that includes some district councilmen. Further, it is worded as though the city adopting the charter is a third or fourth class city at the time the charter is submitted to the electorate. The reference to existing wards is necessary because Sections 77.030, RSMo 1986 (third class cities) and 79.060, RSMo 1986 (fourth class cities) provide for the division of such cities into wards. The language would have to be changed if the council is elected at-large, if the number and boundaries of districts are to be changed, or if the city does not have wards at the time the charter is submitted to the electorate. In Section 7.09, the *Model City Charter* requires the establishment of a Districting Commission to assist in adjusting district boundaries. The recommended provision, which is similar to Section 4 of the Columbia charter, would not preclude the establishment by the city council of an advisory group to assist in adjusting district boundaries.

ARTICLE VIII

INITIATIVE AND REFERENDUM

Section 8.1. General Authority.

(a) Initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title.

(b) Referendum. The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, appropriation of money or levy of taxes or salaries of city officers and employees.

Section 8.2. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Not less than three days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 8.3. Petitions.

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular city election.

(b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Petitions. Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

Initiative petitions must be filed within 60 days of the issuance of the appropriate petition forms

to the petitioner's committee.

Section 8.4. Procedure After Filing.

(a) Certificate of Clerk; Amendment. Within twenty days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 8.3, and within five days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council, and the certificate then shall be a final determination as to the sufficiency of the petition.

(b) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination then shall be a final determination as to the sufficiency of the petition.

(c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 8.5. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the city on the ordinance.

Section 8.6. Action on Petitions.

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date of the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) Submission to Voters. The vote of the city on a proposed or referred ordinance shall be held not less than 60 days and not later than one year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the thirtieth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 8.7. Results of Election.

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

COMMENTARY ON ARTICLE VIII

The recommended provision was taken from Article VII of the *Model City Charter*. More items were excepted from initiative and referendum than are excepted in the *Model City Charter*. For the most part, the substantive provisions are quite similar to the typical provisions in presently existing Missouri charters although the organization and language are different. The most common initiative and referendum article in Missouri charters is that found in the charters of the following cities: Columbia (Article XVII), Clayton (Article XII), St. Joseph (Article XV), Springfield (Article XIV), University City (Article X) and Webster Groves (Article 14). The primary reason for recommending the provisions of the *Model City Charter* is the existence of an express provision for a petitioners' committee. Not only does this clearly designate the group responsible for the petition, but it provides a mechanism for withdrawing an initiative or referendum petition if those originating the petition change their minds. If the charter commission does not consider such a committee either desirable or necessary, it will find that the provisions referred to in existing charters are quite satisfactory.

Perhaps the chief substantive difference between the recommended provision and those found in most Missouri charters is the lack of a recall provision in the recommended version. The *Model City Charter* also does not include provision for recall. Certainly there is room for disagreement on whether

a recall provision should be included. It was decided, however, that the recommended charter, taken as a whole, contains sufficient protection against abuse and provision for public input to make a recall provision unnecessary. In deciding whether to include a recall provision, the charter commission will want to consider the arrangements made in Article III. For example, Option A in Section 3.2(c) provides for the election of a council majority every two years, thus giving the voters an opportunity to bring about major change at each regular municipal election.

Several different formulas are used in presently existing Missouri charters to describe the required number of signatures on petitions. The following are illustrative:

Columbia	Initiative: 20% of votes cast for councilman-at-large at last regular election, but at least 400 signatures; Referendum: 25% of votes cast for councilman-at-large at last regular election, but at least 500 signatures.
Clayton	Initiative and Referendum: 10% of votes cast for mayor at last election.
St. Joseph and Springfield	Initiative and Referendum: 10% of highest number of votes received by any candidate at last regular city election.
University City	Initiative: 10% of registered voters at last regular city election; Referendum: 15% of registered voters at last regular city election.

Close attention should be paid to the matters excepted from initiative and referendum in Section 8.1. Some charters except only appropriations from the initiative. (See, for example, Section 14.1 of the Springfield charter and Section 15.1 of the St. Joseph charter.) Section 15.2 of the St. Joseph charter and Section 14.2 of the Springfield charter are examples of charter provisions that except special tax bill ordinances from the referendum provision.

As pointed out in the Commentary on Article VIII of the *Model City Charter*, the article on initiative and referendum should be completely self-executing. Since the purpose of these provisions is to guard against city council inadequacies, the council should not be relied upon to fill in details.

ARTICLE IX
FRANCHISES

Section 9.1. Granting of Franchises.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a longer term than 20 years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance after a full public hearing.

Section 9.2. Right of Regulation.

All public utility franchises, whether they be so provided in the ordinance or not, shall be subject to the right of the council to:

(a) Repeal the same for misuse or nonuse, or for failure to comply therewith; or shorten the term thereof for failure to comply with the provisions of this section (and regulations adopted in accordance with this section) or with the provisions of the franchise ordinance.

(b) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standards of efficiency.

(c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) Make an independent audit and examination of accounts at any time and require reports annually.

(e) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(f) Control and regulate the use of the city streets, alleys, bridges and public places, and the space above and beneath them.

(g) Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.

(h) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Section 9.3. Revocable Permits.

Temporary permits for the operation of public utilities or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the council shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

Section 9.4. Operation Beyond Franchise Period.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit subject, like other permits, to amendment, alteration or revocation at any time at the will of the council.

COMMENTARY ON ARTICLE IX

The recommended provision is similar to Article X of the Columbia charter, Article XVII of the St. Joseph charter, and Article XVII of the Springfield charter. The recommended provision does not require an election prior to the granting of a franchise. While the Columbia and Springfield charters require such an election, the St. Joseph charter does not.

An article dealing with franchises was included for two reasons. First, several protections against abuse are included in the recommended provision. Second, it is at least possible that Section 82.230, RSMo 1986 could be construed to require a charter provision in order to regulate and control public utility franchises. That section, which is found in the chapter dealing specifically with constitutional charter cities, reads as follows:

"It shall be lawful for any such city in such charter, or by amendment thereof, to provide for regulating and controlling the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places of such city, whether such franchises or privileges have been granted by said city, or by or under the State of Missouri, or any other authority." (emphasis supplied)

Although it would be unfortunate if Section 82.230 were construed so as to require a charter provision in order to regulate and control public utility franchises, the inclusion of the recommended provision would eliminate any doubt as to the city's power. The construction adverted to would not be based upon the theory that a constitutional charter city would not have this power in the absence of statutory authorization. This, clearly, would be incorrect. It would be based, instead, upon the fact that the legislature specifically dealt with the matter and in doing so stated that it would be lawful to regulate and control "in such charter, or by amendment thereof." Thus, it could (but should not) be construed as imposing a specific requirement. The most logical explanation of the inclusion of words referring to the charter is that it was assumed by the draftsman that such matters customarily are dealt with in the charter. Actually, although franchises are dealt with in many charters, not all charters provide the kinds of limitations included in the Columbia, St. Joseph and Springfield charters.

With the possible exception of the field of cable television, there is some question as to the contemporary importance of the kind of regulation pursuant to the granting of franchises provided for in Section 9.2. The Missouri Public Service Commission deals with such matters. Presumably, its regulations will prevail in the event of a conflict with local regulation.

ARTICLE X

LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 10.1. Objects of Licensing, Taxation and Regulation.

The council shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of the third or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

COMMENTARY ON ARTICLE X

This article, by authorizing the exercise of certain powers, appears on its face to be inconsistent with the concept of the charter embodied in the amendment adopted in 1971. It should be included, however, in order to satisfy Section 71.610, RSMo 1986, which prohibits any municipal corporation in Missouri from imposing a license tax on any business avocation, pursuit or calling, unless "such business avocation, pursuit or calling is specially named as taxable in the charter of such municipal corporation, or unless such power be conferred by statute." (emphasis supplied) In *General Installation Co. v. University City*, 379 S.W. 2d 601 (Mo. 1964), it was held that a provision such as the one recommended would satisfy the statutory requirement. The provision recommended is based upon Section 17(20) of the University City charter so as to take advantage of the holding in this case.

ARTICLE XI
GENERAL PROVISIONS

Section 11.1. Personal Financial Interest.

Any city officer or employee who has any financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the city manager (mayor) or the city council.

Section 11.2. Prohibitions.

(a) Activities Prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(b) Penalties. Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than _____ dollars (\$_____) or by imprisonment for not more than _____ or both.

Section 11.3. Notice of Suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the city manager (mayor) within ninety days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 11.4. Official Bonds.

All officers and employees of the city who receive, disburse, or are responsible for city funds and such other officers and employees as the council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all moneys belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Section 11.5. Charter Amendment.

Amendments to this charter may be framed and submitted to the electors by a commission in the manner provided by law and the Constitution for framing and submitting a complete charter. Amendments also may be proposed by the council or by petition of not less than ten percent of the registered qualified electors of the city, filed with the city clerk, setting forth the proposed amendment. The council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided by law and the Constitution for a charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete charter.

Section 11.6. Public Improvements and Special Assessments.

(a) Improvements. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.

(b) Special Assessments. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.

Section 11.7. Proof of Ordinance.

Any ordinance may be proved by a copy thereof certified by the city clerk under the seal of the city; or, when printed and published by authority of the city, it shall be received in evidence in all courts, or other places, without further proof of authenticity.

Section 11.8. Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

COMMENTARY ON ARTICLE XI

Article XI contains the various miscellaneous provisions that do not fit into the articles organized around a single subject. This is the place where various loose ends are tied up.

Sections 11.1 and 11.2 are based on Sections 9.01 and 9.02 of the *Model City Charter*, although

Section 11.2 omits some provisions contained in Section 9.02. Section 11.1 does not flatly prohibit having a financial interest. Instead, it requires that the officer or employee disclose his interest and refrain from participating in situations where a conflict of interest is involved. The Commentary on Article IX of the *Model City Charter* points out that this represents a change from the fifth edition of the *Model*, which prohibited outright any financial interest. The change is based on the fear that a strict interpretation of such a prohibition would exclude a great many persons from municipal office or employment.

Section 11.3 was taken from Section 19.10 of the Springfield charter. Such a provision imposes the same sort of prerequisite to suit that exists in cities of 100,000 population by reason of Section 82.210, RSMo 1986. Actually, the recommended provision is broader than Section 82.210, which applies only to injuries growing out of any defect in the condition of any bridge, boulevard, street, sidewalk or thoroughfare. Absent a statutory prohibition, Section 11.3 could be enacted by ordinance. However, inasmuch as it involves a limitation on the citizen's right to sue, it is perhaps the sort of policy question on which the entire electorate should vote.

Section 11.5 simply summarizes the constitutional provisions on charter amendment. It is based on Section 19.28 of the Springfield charter.

Section 11.8, the separability clause, was taken from Section 9.04 of the *Model City Charter*. It is designed to prevent the invalidity of one provision from carrying over to the entire charter.

ARTICLE XII
TRANSITIONAL PROVISIONS

Section 12.1. Personnel System.

An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Section 5.2.

Section 12.2. Ordinances to Remain in Force.

All ordinances, regulations and resolutions in force at the time this charter takes effect, which are not inconsistent with the provisions of this charter, shall remain and be in force until altered, modified or repealed by or under authority of this charter or ordinance.

Section 12.3. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending at the time this charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

Section 12.4. Continuance of Contracts, Public Improvements and Taxes.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the city that are uncollected at the time this charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

ARTICLE XIII

SCHEDULE

Section 13.1. Election to Adopt Charter.

This charter shall be submitted to a vote of the electors of the City of _____ at a (special or regular) election to be held on the _____ of _____, 19____. The election shall be administered by the officials now charged with the responsibility for the conduct of city elections.

Section 13.2. First Election.

At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the city council (and the mayor) may be conducted in accordance with the provisions of this charter. The first election shall be held on the _____ of _____, 19____.

Section 13.3. Time of Taking Full Effect.

This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected council.

Section 13.4. Incumbent Councilmen; First Meeting of Newly Elected Council.

All councilmen (the mayor and councilmen) in office at the date this charter is adopted shall continue in office until after the election of _____, 19____, and within one week thereafter, shall canvass the returns of said election, declare the results thereof, and induct into office the councilmen (mayor and councilmen) declared elected. Thereupon the newly elected councilmen (mayor and councilmen) shall forthwith become the official governing body of the city and shall conduct the first meeting of the newly elected council.

Section 13.5. Temporary Ordinances.

At its first meeting or at any meeting held within 60 days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure probably would cause serious hardship or impairment of effective city government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Section 3.11 for ordinances of the kind concerned.

Section 13.6. Initial Salary of Councilmen.

Members of the council shall receive an annual salary in the amount of \$ _____ until such amount is changed by the council in accordance with the provisions of this charter.

Section 13.7. Purpose of Schedule.

The purpose of the foregoing provisions is to provide a transition from the present government of the City of _____, Missouri, to the new government provided for in this charter and to inaugurate the new government under the provision of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.

COMMENTARY ON ARTICLES XII AND XIII

Both of these articles should be designed to ease the transition from an old to a new form of government and to allay some of the fears that arise during such a transition. Articles XII and XIII could be merged into one article. They were placed in two articles because the schedule deals with one-time matters, such as the date of the first election, while the transitional provisions are designed to carry beyond this initial phase.

This part of the charter must be carefully tailored to fit the particular situation with which the charter commission is dealing. The recommended provisions are designed to call attention to matters that should be considered. The charter commission should not adopt them verbatim, however, without careful consideration of the situation in their city. Not only can careful drafting of this part of the charter allay many fears that may arise in the campaign for adoption of the charter, but it also can prevent confusion and perhaps even litigation.

APPENDIX I

OUTLINE OF DECISIONS THAT MUST BE MADE BY CHARTER COMMISSION

The outline that follows is designed to be helpful to members of the charter commission as they do the necessary homework in preparing for commission meetings and for use as an agenda at commission meetings. Although questions will arise that are not included in the outline, most of the major decisions that must be made are referred to somewhere in the outline.

- I. Powers
 - A. Should the city assume the broadest scope of powers possible? If not, what powers are to be denied the city?
- II. The Council
 - A. Number of councilmen
 - B. Election at large, by districts, or by a combination of the two
 - C. Qualifications of councilmen
 - D. Terms of office for councilmen; staggered or concurrent terms; method of staggering terms
 - E. Compensation; expenses
 - F. Will the mayor be elected at large or by the members of the council?
 - G. Will the mayor have a right to vote? Will he be given any administrative duties? Will he be given a veto?
 - H. What prohibitions will be written into the charter?
 - I. Under what circumstances will a councilman forfeit his office?
 - J. How will council vacancies be filled?
 - K. Will the city clerk answer solely to the council or work under the supervision of the city manager or mayor?
 - L. Under what circumstances can special meetings be called?
 - M. Will the order in which votes are cast be rotated each time there is a roll call vote?
 - N. What procedure will be required for the adoption of an ordinance?
 - O. What requirements for adoption of an emergency ordinance?
 - P. How often and how will the ordinances be codified and kept up to date?
- III. City Manager (Mayor)

- A. Will the charter provide for an appointed city manager or an elected mayor as the chief executive of the city?
- B. If there is to be a city manager,
 - 1. Will he be given a contract setting forth compensation, term of office or conditions of employment?
 - 2. Should the charter provide an express procedure for his removal?
 - 3. Powers and duties
- C. If there is to be a strong mayor,
 - 1. Term of office
 - 2. Qualifications
 - 3. Salary
 - 4. Under what circumstances would the mayor forfeit his office?
 - 5. Filling of vacancies
 - 6. Powers and duties, especially whether he will be given a veto
 - 7. Administrative Assistant to the Mayor
- a) How chosen
 - b) Relationship with mayor
 - c) Salary

IV. Administrative Organization and Personnel System

- A. Will the details of administrative organization be dealt with in the charter or in an administrative code?
- B. Will the departments, boards and commissions be listed in the charter? If so, will the creation of other departments, boards and commissions be limited except as required by law?
- C. Will the details of the personnel system be dealt with in the charter or in a personnel code?

V. Financial Procedures

- A. How far in advance of the new fiscal year should the budget be submitted?
- B. To what extent should the charter specify what must be contained in the budget?
- C. Should the charter require the development of a capital program? If so, when should it be submitted and what should it contain?
- D. What requirements are necessary to provide citizens with information about the proposed budget? How can the views of interested citizens best be obtained?
- E. Should the charter require that all sales of bonds be by sealed bids?

VI. Nomination and Election

- A. When should the regular city election be held?
- B. What requirements should be satisfied by those desiring to run for the city council and other elective offices?
- C. Should elections be nonpartisan?
- D. Is the city to be divided into wards and districts? If so, the number and boundaries must be agreed upon. What provisions should be made for changes in district or ward boundaries?

VII. Initiative and Referendum

- A. Will provision be made for initiative, referendum and recall?
- B. What procedure should be required for the collection, filing and checking of signatures?
- C. What subjects should be excluded from initiative and referendum?
- D. How many signatures should be required in order to initiate or refer a measure or bring about a recall election?
- E. How much time should be given to file a referendum petition after adoption of an ordinance?
- F. Should provision be made for withdrawal of an initiative, referendum or recall petition?

VIII. Franchises

- A. What limitations on franchises should be written into the charter?
- B. Should the question of issuing franchises be submitted to the voters?

IX. General Provisions (Article XI in the Missouri Model)

- A. What activities should be prohibited?
- B. Should the charter require the giving of notice within a specified period of time as a prerequisite to suit against the city because of negligence?

X. Transitional Provisions and Schedule (Articles XII and XIII in the Missouri Model)

- A. What provisions are necessary or desirable to ease the transition to the constitutional charter form of government?

INSERT -- APPENDIX II -- Supreme Court Decision -- Cape Motor Lodge etc.

INSERT

INSERT

INSERT

INSERT

INSERT

INSERT

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APPENDIX III

HOME RULE TRENDS IN MISSOURI

In 1971, the voters of Missouri approved an amendment to the State Constitution to permit more municipalities to adopt home rule charters and to expand the powers of all home rule municipalities. First, the amendment lowered the population requirement for home rule status from 10,000 to 5,000 in order to permit more cities to adopt charters. Second, the amendment expanded home rule powers by adding that home rule cities will have all powers the General Assembly has authority to confer upon any city provided such powers are consistent with the State Constitution and are not limited or denied by the city charter or state statute. In short, home rule cities would have all powers that are not specifically denied or limited by the city charter, state statutes or the Constitution.

It was expected that the new home rule amendment would encourage many municipalities to adopt home rule charters, but relatively few had done so until the last few years. This article will examine the background and advantages of home rule and offer suggestions concerning the new interest in securing home rule status.

Background of Home Rule

Municipal home rule, or local autonomy and self-determination, has been a legal issue in our courts almost from the beginning of our nation, which was founded on the principle of federalism—a sharing of powers between the federal, state and local levels of government. At first the courts wavered in their decisions, resulting in a conflicting body of law on the issue. Finally, in the early 1870s, the courts were in agreement that the state legislatures had complete authority over municipalities. The state legislatures had the power to define the powers and functions that may (or must) be exercised by municipalities. The prevailing rule perpetuated by the courts for local governments would be "everything not permitted by state law is prohibited."

As a response to this restrictive judicial doctrine, several states adopted municipal home rule provisions to increase the powers and flexibility of municipal governments and to minimize state interference in local affairs. Ironically, in 1875, Missouri was the first state to adopt a constitutional provision on municipal home rule.

Missouri Experience

The Missouri Constitution of 1875 included a unique and innovative municipal home rule provision that applied only to cities over 100,000 population. Kansas City was the only municipality to use this provision when it adopted a home rule charter in 1889. The 1945 Constitution reduced the population requirement from 100,000 to 10,000 in order to permit more cities to attain home rule status. By 1971, 16 municipalities had adopted home rule charters. However, the courts continued to frustrate non-home rule cities in their efforts to solve local problems and even restricted the powers of the home rule cities. Thus, many other municipalities were experiencing problems they could not alleviate at the local level without specific authorization by the General Assembly.

The 1971 Home Rule Amendment was an attempt to expand and clarify the home rule powers of cities and to permit even more municipalities to adopt home rule charters. With this amendment, the general home rule principle became "everything not specifically prohibited is permitted." In the 23 years since the passage of the 1971 amendment, 16 additional municipalities have adopted home rule charters.

Home rule charters have been rejected by the voters in only a few Missouri cities, such as Lee's Summit, Sedalia, Rolla and Normandy. Recently, municipal officials and citizens have expressed

interest in home rule in several more cities.

Advantages of Home Rule

Home rule status has numerous theoretical and practical advantages. Some of the theoretical advantages of municipal home rule are as follows:

1. Government is as close to the citizens as possible, and the city charter is adjusted to local conditions.
2. Municipal officials have greater flexibility in responding to citizen needs for public services without waiting for state legislative authorization.
3. Home rule cities have greater choice over governmental organization and more control over officials and employees.
4. Home rule cities can develop more efficient administration because they are not bound by many state restrictions.
5. Home rule tends to lighten the burden of the General Assembly by reducing the number of bills directly affecting cities.

There also are a number of practical advantages of home rule, including the following:

1. Increased flexibility because each home rule city may determine:
 - a. Number of councilmen and terms of office.
 - b. Ward or at-large elections.
 - c. Number of elective and appointive officials.
 - d. Combination of city officials, such as combining collector, treasurer and auditor.
 - e. Form of government--city manager, administrator or mayor-council. Duties of mayor may be increased or decreased.
 - f. Duties of elective officials may be increased or decreased.
 - g. Powers, responsibilities and membership of various city boards, such as the park board, may be modified.
 - h. Combining functions, i.e, police and fire.
2. Increased powers because a home rule city does not need to rely on the state legislature to grant them powers and authority in areas such as:
 - a. Taxation, perhaps even for an earnings tax.
 - b. Business licenses, such as on real estate agents, mobile home parks or rental apartments.
 - c. More flexible procedures for hiring and dismissing personnel.

- d. Regulations, such as regulations on mining and quarry operations.
- e. Provide for initiative, referendum and recall.
- f. Conduct own local elections.
- g. Establish conditions under which elective offices are vacated, including excessive absenteeism.
- h. Emergency powers, for example, to permit the mayor to declare a curfew during times of natural disaster or riots.
- i. Flexibility in establishing fiscal procedures to conform to local tradition and preference.
- j. Provision for capital improvements budget.
- k. Conditions and terms of granting utility franchises.

In summary, a home rule city has more choice in its governmental organization and likely will develop a more efficient administration because of the absence of state restrictions or inattention to new municipal responsibilities.

Why So Little Interest?

It was expected that the 1971 Home Rule Amendment with all the obvious advantages of home rule status would stimulate many municipalities to draft charters and become home rule cities. However, the response really has not been overwhelming, with only ten new home rule cities since 1971. Although most municipal officials are well aware of the restrictive, archaic statutes pertaining to third and fourth class cities and villages, there really has not been widespread interest in avoiding these statutes by adopting a home rule charter.

We can only speculate on the relatively low level of interest in home rule (until recently) among municipal officials.

1. The issue of home rule has not received much publicity from the news media and the universities. Perhaps, if more municipal officials were aware of the advantages of home rule, the issue would be brought before the voters in more municipalities.

2. Municipal officials and citizens may be unwilling to tamper with the status quo. After operating under one structure of government for a considerable time, they may be unwilling to consider the adoption of new structures and procedures.

3. It is not prohibitively difficult to operate under the statutory provisions pertaining to villages and third and fourth class cities. Because of the legislative efforts of municipal officials through the Missouri Municipal League, many new state laws have been passed to increase the powers of the statutory (or non-home rule) cities. Perhaps these legislative successes have made home rule status less important to municipal officials.

4. Home rule is a complex subject involving extensive study, careful charter drafting and a campaign of public education. Municipal officials have a high turnover rate and their generally short terms in office are spent "putting out fires." When one is concerned with municipal finance problems,

labor troubles, solid waste management, crucial bond issues, governmental liability, etc., it is difficult to focus time and attention on the concept of municipal home rule.

Recent Renewed Interest

In recent years, municipal officials, civic groups and citizens have expressed increasing interest in home rule. Richmond Heights has elected a charter commission, which is in the process of drafting a home rule charter, and we have received numerous requests at League headquarters in recent months from municipal officials who are considering home rule. We suspect that this renewed interest in home rule can be explained by a number of factors.

1. In recent years, home rule charter elections almost always have been successful, with home rule charters having been adopted by the voters in Blue Springs, Carthage and Ellisville. Favorable publicity and information on home rule has spread among city officials in formal and informal meetings.

2. City officials and the general public realize that a home rule charter does not necessarily change the existing structure of government. In the past, some people erroneously thought that a home rule charter automatically brought certain changes, such as council-manager form of government, nonpartisan elections at large (rather than ward) councilmen. Now, it generally is understood that these issues are determined by the particular city charter to conform with the desires and needs of the community.

3. In March, 1986, the Missouri Supreme Court issued a decision in *Cape Motor Lodge v. City of Cape Girardeau* that codified the broad interpretation of home rule powers. For the first time, the Court specifically ruled that home rule cities have all powers except those that conflict with the Missouri Constitution, state statutes or the city charter itself. The Missouri Supreme Court's clarification of and broad interpretation of home rule powers make the procedure more attractive to municipal and community leaders.

4. The cutback in federal grant programs have forced some city officials to search for more economy and efficiency in municipal government. Home rule allows municipalities to avoid many archaic state statutes that hinder flexibility and innovation in municipal operations.

MML Assistance

The Missouri Municipal League supported the 1971 Home Rule Amendment in the General Assembly, and municipal officials throughout the state campaigned for voter approval of this important amendment. Since voter approval of the amendment, the League has monitored home rule developments in Missouri and provided assistance to municipalities that were considering home rule status. MML technical assistance includes providing information and speakers to municipal officials considering home rule, advising the charter commissions, and distributing our recently revised *Model Charter for Missouri Cities* (available at no charge to member municipal officials).

In recent months, many city officials have discussed the possibility of home rule. It is quite likely that home rule will be considered by many other municipalities in the near future. If you would like any further information or a copy of the *Model Charter*, please contact League headquarters.

APPENDIX IV

How to Adopt a Home Rule Charter

The provisions governing the adoption of a home rule charter are set forth in Article 6, Section 19, of the State Constitution:

1. City must have more than 5,000 inhabitants.
2. City legislative body may submit an ordinance to the voters on the question: "Shall a commission be chosen to frame a charter?"
3. A petition signed by 10% of the qualified electors of the city, filed with the City Council, then the Council must submit the question in 2, above.
4. Election to be held in conjunction with next city election if more than 60 days after effective date of ordinance, or at next general election. If the petition calls for a special election and is signed by 20% of qualified voters, then at a special election to be held not less than 60 nor more than 90 days after filing of petition.
5. The number of electors required to sign any petition shall be based on the total number of electors voting at the last general municipal election.
6. Candidates for commission are nominated by petitions signed by not less than two percent of the qualified voters (1,000 signatures are sufficient for nomination), and candidates stand for election together with the proposition. Candidates' names appear on the ballot without party designation.
7. If election is affirmative by a simple majority, the 13 candidates receiving the most votes constitute the commission. Members of the commission fill any vacancies that might occur.
8. All necessary expenses of commission shall be paid by the city.
9. The charter framed by the commission shall be submitted to the electors at an election held at a time fixed by the commission, but not less than 30 days subsequent to completion of the charter nor more than one year from the date of the election of the commission.
10. The charter may be submitted to the voters as a unit or in alternative parts.
11. The charter is adopted if approved by a simple majority, and the alternative parts that receive the highest vote are adopted.
12. Amendments to an adopted charter may be submitted by:
 - a. A commission as provided for the adoption of a charter;
 - b. The city Council;
 - c. By a petition of not less than 10% of the qualified electors, filed with the City Council.

FORMS OF GOVERNMENT FOR MISSOURI MUNICIPALITIES



Growing Our Communities Together

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INTRODUCTION

Municipal officials often request information from League headquarters concerning the forms, or structures, of government that are authorized by state law for their respective municipalities. This publication is intended to provide comprehensive analyses of the various forms of government available for each class of municipality, and some of the purported advantages and disadvantages of each form. Furthermore, we will examine several of the statewide trends in the structure of municipal government.

Within the last thirty years, many municipalities have modified the basic structure of city government under which public policies are determined and municipal activities are administered. Several factors may be identified in city government modifications, including the passage of the city administrator law (1969) and the approval of increased home rule powers (1971). Also, as our complex society requires municipalities to assume additional service functions such as economic development, stormwater management, housing and recreation facilities, municipal officials will have to stretch inadequate city revenues by utilizing the most efficient, effective government possible. The form of government is one factor in securing the most efficiency and effectiveness in municipal government operations.

Periodically, civic groups and individual citizens engage in debates on the “best form” of municipal government. In reality, such debates probably are futile because each municipality is unique, with its own traditions, problems and administrative needs. Although the form of government is an important aspect of effective, efficient city administration, many other factors are equally important; including quality of personnel, sound administrative practices, adequate revenues and active citizen participation.

Alexander Pope’s often quoted statement seems applicable.

“For forms of government let fools contest;
Whate’er is best administered is best.”

Nevertheless, the number of modifications in municipal government structures has resulted in an increased need for information on the basic characteristics of each form of government, trends with respect to adoption and rejection of the various forms and specific data on the current use of each form. This publication is in response to that need.

CLASSIFICATION OF MUNICIPALITIES

Municipal officials and the citizens of their respective communities do not have complete discretion on the structure of their municipal government. The Missouri state statutes classify municipalities on the basis of population and limit the form of government options of each classification. The Missouri statutes provide that a community may incorporate as a city of the third class, fourth class or village on the basis of the population at the time of incorporation¹. (See Table A) It should be emphasized that once a community is incorporated under a given classification, the municipality does not automatically change classifications with a gain or loss of population. A municipality may change classification only when the change is approved by a majority vote of the people.

TABLE A

<u>Class</u>	<u>Population Requirement</u>	<u>Total Number</u>
Class 3	3,000 – 29,999 inhabitants	56
Class 4	500 – 2,999 inhabitants	550 (approx.)
Village	fewer than 500 inhabitants	300 (approx.)
Constitutional Charter	more than 5,000 inhabitants	38
Legislative Charter	no requirement	6

FORMS OF GOVERNMENT

Before analyzing in detail the various forms of government, it is necessary to discuss the forms of government permitted for each classification of municipality. (See Table B) Villages are permitted only one form of government – an elected board of trustees, five in number if the village has fewer than 2,500 population and nine if more than 2,500 population. Fourth class cities are permitted to have the mayor-board of aldermen form and the mayor-city administrator form². The board of aldermen may adopt the city administrator form by ordinance, without a vote of the people. Third class cities are granted greater flexibility with the authority to establish the mayor-council form, the council-manager form, the commission form and the mayor-city administrator-council form. Finally, constitutional charter cities may adopt any form of government the people approve in the charter. It would seem that the classification of municipalities and the limitations on the permissible forms of government provide adequate flexibility for the efforts to secure and retain effective, efficient municipal administration.

The legislation authorizing third and fourth class cities to adopt the mayor-city administrator-council form of government increases the flexibility of the governmental structures available to these classes. Although the statutes do not erect significant barriers to effective municipal management, municipal officials should be aware that the state laws do regulate the forms of government available to their municipalities.

TABLE B

<u>Class</u>	<u>Form of Government</u>
Village	Board of Trustees
Fourth	Mayor-Board of Aldermen
	Mayor-City Administrator-Aldermen
Third	Mayor-Council
	Mayor-City Administrator-Council
	Council-Manager
	Commission
Constitutional Charter	To be decided by the people
Legislative Charter	As set forth in the individual legislative charter

MAYOR-COUNCIL FORM

The mayor-council form (also known as the mayor-board of aldermen form in fourth class cities) is the most common form of municipal government in Missouri, as in other states. (See Table C) There are two types of mayor-council form, the weak mayor-council form and the strong mayor-council form. Under the weak mayor-council form, the mayor does not have a great deal of appointive powers because most of the administrative officials, such as the collector, treasurer and marshal, are elected by the voters. Thus, under the weak mayor-council form, the mayor does not have a great deal of administrative authority because many administrative officials are elected independently and are responsible only to the electorate.

On the other hand, under the strong mayor-council form, the mayor appoints the administrative officials, usually subject to approval by the council, and the administrative officials are directly responsible to the mayor and council. In Missouri, the state statutes permit the election of numerous administrative officers in both third and fourth class cities. Therefore, because many of these officials usually are elected rather than appointed by the mayor, Missouri third and fourth class municipalities with the mayor-council form often have the weak mayor-council variety.

TABLE C

Forms of Government in Missouri Municipalities

Mayor-Council	800* (approx.)
Mayor-Administrator-Council	135
Council-Manager	37
Commission	2

*Includes villages, which have a chairman and board of trustees.

Third Class City Mayor-Council Form

In third class cities with the mayor-council form, the voters elect a mayor to a four-year term, councilmen from wards to two-year terms, ³ and may elect the following officials to two-year terms: city attorney, assessor, collector, treasurer, marshal (except in cities that have adopted a merit system police department) and municipal judge. In 1985, the General Assembly enacted legislation to permit third class, mayor-council cities, by ordinance, to provide that all officers of the city, except the mayor and councilmen, shall be appointed instead of elected.

The mayor has the following specified duties and powers:

- 1) To serve as president of the council;
- 2) To vote in order to break a tie;
- 3) To have superintending control of all officers and affairs of the city;
- 4) To ensure compliance with the city ordinances and any relevant state laws;
- 5) To veto ordinances and resolutions (including all or parts of appropriation bills);
- 6) To direct communications to the council;
- 7) To prepare a written report containing his estimate of necessary appropriations and anticipated revenues;
- 8) To require any city officer to exhibit his accounts and records;
- 9) To sign all commissions and appointments of city officers, both elected and appointed;
- 10) To appoint (with council approval) a street commissioner and other officers authorized by ordinance;
- 11) To remove for cause (with council approval) any elective or appointive officer;
- 12) To enforce all laws and ordinances; and
- 13) To remit fines and forfeitures and to grant reprieves and pardons for offenses against the city ordinances.

The city council has the following specified duties and powers:

- 1) To elect one of its members as president pro tem, who will preside at meetings of the council in the absence of the mayor;
- 2) Along with the mayor, to have care, management and control of the city and its finances;
- 3) To enact any ordinance in conformance with the state constitution and laws;
- 4) To compel attendance of witnesses and the production of papers;
- 5) To override the mayor's veto of an ordinance (requires two-thirds vote

of the elected councilmen);

6) To override the mayor's veto of a resolution or order calling for expenditures of city revenues (requires three-fourths vote of elected councilmen);

7) With mayor's approval, to remove any elective officer (requires two-thirds vote);

8) To publish a semi-annual statement of the municipal receipts, expenditures and indebtedness; and

9) To fix the compensation of all officers and employees of the city.

Fourth Class City Mayor-Council (Board of Aldermen) Form

In fourth class cities with the mayor-council form, the voters elect aldermen from wards to two-year terms⁴ (or to a four-year term if approved by a vote of the people), a mayor and a collector to a two-year term (or to a three or four year term if approved by a vote of the people); and a marshal to a four-year term⁵. The mayor, with the approval of the board of aldermen, has the authority to appoint a treasurer, city attorney, assessor, street commissioner and night watchman, and such other officers as authorized by ordinance. Appointive officers may be removed by the mayor at will with the consent of a majority of all the members of the board of aldermen or without the mayor's approval or recommendation if approved by a two-thirds vote of all the members elected to the board of aldermen. The board of aldermen may provide for the election of the following city officials: municipal judge, city assessor, city attorney, city clerk and street commissioner. Elective officers may be removed from office, for cause shown, by the mayor with the consent of a majority of all the members elected to the board of aldermen, or without the mayor's approval with a two-thirds vote of all members elected to the board of aldermen, but elective officials first must be given an opportunity, together with witnesses, to be heard before the board of aldermen sitting as a board of impeachment.

The mayor has the following specified powers and duties:

- 1) With the board of aldermen, to have the care, management and control of the city and its finances and to enact any and all ordinances not repugnant to the state constitution and laws for good government of the city and the health of the residents;
- 2) To vote in case of tie on any matter before the board;
- 3) To sign or to veto all bills passed by the board;
- 4) To sign commissions and appointments of all elected and appointed city officials;

- 5) To enforce all laws and ordinances of the city;
- 6) To communicate to the board such measures he believes will tend to improve the finances, police, health, security and general prosperity of the city; and
- 7) To remit fines and forfeitures and to grant reprieves and pardons for violations of city ordinances.

The board of aldermen has the following specified powers and duties:

- 1) To elect an acting president to serve in the absence of the mayor;
- 2) With the mayor, to have the care, management and control of the city and its finances and to enact any and all ordinances not repugnant to the state constitution and laws for good government of the city and the health of the residents;
- 3) To override the mayor's veto of bills with two-thirds of the vote of all the members elected to the board;
- 4) To keep a journal of its proceedings;
- 5) To adopt and enforce rules of order for transaction of board business;
- 6) To publish a semi-annual statement of the receipts, expenditures and indebtedness of the city;
- 7) To compel the attendance of witnesses and the production of papers and records relating to city interests; and
- 8) To fix the compensation of all city officers and employees.

Villages; Chairmen-Trustee Form

Villages are permitted by Missouri statutes to have only one form of government – an elected board of trustees. In villages under 2,500 population, the board of trustees consists of five members, and in villages over 2,500 population, the board may consist of nine members.⁶ The trustees are elected to two-year terms. The trustees select one of their members to serve as chairman and some other person to serve as village clerk. The chairman may vote on any issue before the board and is required to publish a semi-annual financial statement of all receipts and expenditures. The board of trustees is granted statutory authority to pass ordinances in more than forty specified areas.⁷ The board has the power to appoint an assessor, collector, marshal, treasurer and such other officers as may be necessary; to remove them from office; to prescribe their duties; and to fix their compensation. The board may provide by ordinance for either the appointment or election of a municipal judge. The village form of government is relatively easy to chart: the voters elect the board of trustees, which appoints the other municipal officials.

Evaluation of the Mayor-Council Form

The mayor-council form separates legislative and executive powers between the council and mayor respectively. However, a system of checks and balances allows the mayor some legislative functions, such as presiding over meetings of the council and the power to veto council ordinances, while the council is vested with some executive authority, such as approval of the mayor's appointees and adoption of the city budget.

Under the mayor-council form, the mayor is elected at-large by the citizens, rather than by the council from among its members as in the council-manager form. The mayor clearly is the political leader of the community. However, in both fourth class and third class cities with the mayor-council form, the statutes either require or permit the election of a number of administrative officers, such as the city marshal, city collector and city assessor. The election of a number of independent city officials who are responsible only to the electorate weakens the powers and coordinating abilities of the mayor and council. If an elected administrative officer fails to comply with the wishes of the mayor or council, it is difficult to dismiss the official from his position. Many municipalities have replaced elective positions, such as the marshal, with appointive positions that are directly responsible to the mayor and council.

Nevertheless, most Missouri municipalities with the mayor-council form may be classified as relatively weak mayor cities because of the retention of numerous elective administrative officials.

COMMISSION FORM

The commission form of government was initiated in Galveston, Texas, in 1900 after a hurricane and tidal wave disaster brought the necessity for immediate local government action. The governor of Texas appointed five commissioners to govern the community as an emergency measure. The Commission form spread rapidly and reached its peak in 1917 with about 500 municipalities operating under this form. Since 1917, the number of municipalities operating under the commission form has steadily decreased. At the present time, two Missouri municipalities operate with the commission form: Monett and West Plains.

Under the commission form of government, each member of the city council, referred to as the commission, directly heads or supervises an administrative department. Thus, the commissioners serve a dual capacity: as the municipal legislative body, they formulate municipal policy, and as individuals, they serve as administrative heads of the various departments. The voters elect a mayor who presides at meetings of the commission, but the mayor typically does not have significant powers over the operations of the other commissioners' departments.

In Missouri, only third class municipalities are permitted to adopt the commission form of government. In order to adopt the commission form, petitions must be signed equal in number to twenty-five percent of those who cast ballots in the last election for mayor, and then the issue is submitted to the voters at a special election. If the voters approve the commission form, they next elect a mayor and commissioners – four commissioners in cities 10,000 to 30,000 and two commissioners in cities 3,000 to 10,000. The mayor presides at all meetings of the council and may vote on all issues, but he has no power to veto measures.

The commissioners have all executive, legislative and judicial powers and duties possessed by the mayor, city council, city attorney, assessor, treasurer, collector and other administrative and executive officers in cities of the third class. The executive and administrative powers, authority and duties are distributed into the following five departments: public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The commission determines the powers and duties of each department. By state law, the mayor must be the superintendent of the department of public affairs, and the commissioners designate one of their members to head the other departments.

The commissioners are authorized to appoint, by a majority vote, the following officers: city clerk, attorney, assessor, treasurer, auditor, engineer, marshal, fire chief, municipal judge and any other officers and assistants deemed necessary for the proper and efficient transaction of city affairs. Any officer or assistant appointed by the commissioners may be removed from office at any time by a majority vote of the members.

Thus, the organization chart for the commission form is relatively simple; the voters elect a mayor and the commissioners who establish municipal policy, administer their respective departments, and appoint the other municipal officials.

Evaluation of the Commission Form

The commission form has been praised for the simplicity of its structure:

- 1) a small commission, elected at large, which serves as the legislative body;
- 2) with each commissioner serving as the head of an administrative department.

Also, the proponents of the commission form observe that it attracts leading business and professional men to serve their city, and thus, raises the prestige of public office. However, other observers point out that the commission form does not make an organizational distinction between the policy formulation function of government and the administrative function. Furthermore, the operation of a municipal department may require a considerable amount of time, executive ability and specialized information. There is no assurance that the elected commissioner will have these skills. Third, under this form, no single commissioner, not even the mayor, has authority over the other commissioners in their administrative capacity. In short, there is no executive head to serve as the mechanism to coordinate the activities of the various departments. Finally, each commissioner may tend to seek increased funds for his particular department without regard to the needs of the other departments.

Although the commissioner form continues to function in two Missouri municipalities, it would appear that the number of cities operating under this form will continue to decrease in both Missouri and the United States as a whole.

COUNCIL-MANAGER FORM

The council-manager form was devised in the early twentieth century in response to a need for full-time, professional city management. In 1908, Staunton, Virginia, created the position of general manager, and in 1912, Sumter, South Carolina, became the first city to operate under a charter provision providing for council-manager government. The council-manager form spread rapidly throughout the United States and the number of council-manager cities continues to increase each year. In Missouri, the first adoption of the council-manager form was by Excelsior Springs in 1922 and the second by Kansas City in 1926. At the present time, thirty-eight Missouri municipalities operate under the council-manager form. The plan has been abandoned three Missouri municipalities – Lebanon in 1946, Hannibal in 1947, Marshall in 1948 and Flat River in 1993. Nevertheless, this form of government has shown slow but consistent growth in Missouri as noted below:

Number of Missouri Cities with Council-Manager
Government 1940-2005

<u>Year</u>	<u>Number of Cities</u>
1940	2
1945	4
1950	12
1955	18
1960	24
1965	27
1970	32
1975	34
1980	35
1985	35
2007	38

CITIES OPERATING UNDER COUNCIL-MANAGER PLAN

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Aurora	7,014	Kirksville	17,304
Berkeley (HR)*	10,063	Maplewood (HR)	9,228
Brookfield	4,769	Marceline	2,558
Cameron	8,312	Maryville	10,581
Cape Girardeau (HR)	35,349	Mexico	11,320
Charleston	4,732	Moberly	13,741
Clayton (HR)	15,935	Neosho (HR)	10,505
Columbia (HR)	88,291	Nevada (HR)	8,607
De Soto	6,735	Olivette (HR)	7,438
El Dorado Springs	3,775	Poplar Bluff	16,651
Ellisville (HR)	9,104	Richmond Heights (HR)	9,602
Excelsior Springs	10,847	St. John (HR)	6,871
Ferguson (HR)	22,406	St. Joseph (HR)	74,707
Gladstone	26,365	Sikeston (HR)	16,992
Hannibal (HR)	17,757	Springfield (HR)	151,580
Hazelwood (HR)	26,206	University City (HR)	37,428
Independence (HR)	114,345	Warrensburg	16,340
Joplin (HR)	45,504	Webster Groves (HR)	23,230
Kansas City (HR)	441,545		

*HR indicates home-rule city.

Generally, the council-manager plan has the following characteristics:

- 1) A small council usually elected at-large.
- 2) All legislative and policy-making functions are located in the council.
- 3) The council employs a professionally trained city manager who is subject to dismissal by the council at any time.
- 4) The manager is responsible for administration, having the power of appointment and removal subject to specified regulations.
- 5) The manager is responsible for the preparation and presentation of the budget to the council.

Under the council-manager form, there is a differentiation between the policy-making function of government and the administrative function. The voters elect the city council, which formulates municipal policy. The council appoints the city manager who is responsible to the council for the administration of the city government. Usually, the councilmen deal with the various city departments only through the city manager. The manager has the responsibility to prepare the city budget for council approval and also to execute the budget after adoption. Under the council-manager plan, the mayor presides over council meetings and serves as the city's ceremonial and political leader but has no administrative authority or veto power. The city manager serves at the discretion of the council, which may hire and fire the manager at will, not merely for cause. The council-manager form provides clear lines of authority and responsibility with the city manager as chief executive officer who can be held strictly accountable for municipal operations.

Council-Manager Form in Missouri

In Missouri, the council-manager form may be adopted in any city of the third class or in any city with a population entitling it to become a city of the third class (more than 3,000 population).⁸ The procedure to adopt the council-manager form requires a petition signed by electors equal in number to twenty-five percent of the votes cast for all candidates for mayor in the last election. After the submission of the petitions, the mayor must call a special election within sixty days. If the council-manager plan is not approved by a majority of voters, the issue may not be resubmitted to the voters for at least one year. Any municipality that has operated under the council-manager form for at least six years may abandon the plan in the following manner:

- 1) Petitions must be signed by at least 25 percent of the voters casting votes for governor in the last preceding general election of the city.
- 2) A special election is called to determine if the city shall continue to operate under the council-manager plan.

- 3) If a majority of the votes cast are against the plan, the city reverts to the form of government it abandoned when the council-manager plan was adopted.

The statutes provide an alternative for third class, council-manager cities.

- 1) The traditional form is a council consisting of five councilmen who are elected at-large to staggered three-year terms.
- 2) A 1985 statute permits a council consisting of five councilmen who are elected from wards and two councilmen who are elected at-large to staggered three-year terms.

A primary election may be held when there are more than two candidates for a vacancy on the council, but the city council may, by ordinance, eliminate the primary election. The city council must elect one of its members as mayor and another as chairman pro tem for a term of one year. The mayor presides at all meetings of the council and has a voice and vote in council proceedings, but no veto power. The mayor is recognized as the official head of the city for legal and ceremonial purposes. When the mayor is temporarily absent or disabled, his duties are performed by the chairman pro tem. The city council must appoint a city manager, city clerk, city assessor and city treasurer, but all other officers and employees of the city must be appointed and discharged by the city manager; however, the council retains power to adopt and modify personnel rules and regulations.

The city manager is the administrative head of city government subject to the direction and supervision of the council. The manager holds his office at the pleasure of the council, or he may be employed for a term not to exceed one year. The city manager must become a resident of the city and shall devote his entire time to the duties of his office. The city manager has the following duties and responsibilities:

- 1) To make all appointments of municipal employees;
- 2) To see that the laws and ordinances are enforced;
- 3) To exercise control of all departments that may be created by the council;
- 4) To attend all meetings of the council with the privilege of taking part in discussions but without a vote;
- 5) To recommend to the council for adoption such measures as he may deem necessary or expedient;
- 6) To prepare and submit the annual budget and to keep the city council fully advised as to the financial condition and needs of the city;
- 7) To prepare and file with the council a monthly itemized statement of receipts

and expenditures of the city;

8) To perform such other duties as prescribed by council action.

Evaluation of the Council-Manager Form

Both supporters and opponents of the council-manager plan voice many arguments to support their positions. The supporters of the council-manager plan claim that:

- 1) The city manager brings professionalism and efficiency to city government;
- 2) The council-manager form provides clear lines of authority and responsibility;
- 3) Continuity is ensured because city employment is based on ability and productivity, rather than on political affiliation;
- 4) Community leaders will be more willing to serve on the city council because the position no longer requires making a multitude of minor decisions;
- 5) The elimination of numerous elective offices will permit a shorter ballot and less voter confusion;
- 6) The complexity of municipal problems requires a trained, full-time manager rather than a part-time, elected administrative head;

The opponents of the council-manager plan claim that:

- 1) The city manager is able to exercise extraordinary authority for a non-elected official;
- 2) The manager is able to influence the decisions of the city council;
- 3) The city council lacks leadership, because all councilmen have equal powers and responsibilities;
- 4) City managers are transient professionals who will move to a better job opportunity; and
- 5) Out-of-town experts are not familiar with local problems and needs.

Despite the various claims and arguments, the council-manager form of government has slowly, but consistently, increased in number in both Missouri and other states. In addition to the gradual growth of the council-manager form, Missouri cities have been authorized by legislative act to adopt another form of government that provides professional city management – the city administrator form.

CITY ADMINISTRATOR FORM

The city administrator form permits municipalities to combine the mayor-council form with a trained, full-time municipal administrator. It enables the mayor and council to delegate specific duties and responsibilities to an appointive city administrator, who is accountable to and serves at the pleasure of the mayor and council. In some municipalities, the functions of the city administrator are performed by an employee entitled “city supervisor” or “city superintendent.”

In 1950, the City of Centralia was the first Missouri municipality to adopt an ordinance establishing the position of city administrator. Centralia officials desired professional city management, but Centralia was a fourth class city and did not have sufficient population to change to third class status.⁹

During the 1960s, a dozen more Missouri municipalities adopted city administrator ordinances, granting various degrees of responsibility to the office. These early adoptions of the city administrator form were brought about by three primary factors:

- 1) Need – the inability of part-time elected officials to administer increasingly complex city governments.
- 2) Legal restrictions – the requirement that fourth class cities adopt only the mayor-council form of government.
- 3) A bias against the council-manager plan in some communities.¹⁰

However, there was no specific legal authority for municipalities to adopt the city administrator form of government. As might be expected, the legality of this form of government was tested in the state courts. In 1967, a group of citizens of the City of Washington questioned the legality of a city ordinance creating the office of city administrator with specific duties, including the power to appoint and dismiss city employees. In 1969, the Missouri Supreme Court issued a decision that questioned the council’s delegation of appointment and dismissal authority to the city administrator because this authority is granted by state law only to the mayor.¹¹ The questionable legal status of the city administrator form soon was clarified by a new state law. In 1969, the Missouri General Assembly passed legislation to permit third and fourth class cities to adopt the city administrator form of government.

Unlike the city manager form, which requires petitions and an election before adoption, the city administrator form is adopted simply by ordinance of the governing body. The city administrator is employed by the governing body with the approval of the mayor. The administrator serves as the chief administrative assistant to the mayor and has general superintending control of the administration and management of city business and municipal employees, subject to the direction and supervision of the mayor. When the governing body adopts a city administrator ordinance, they may provide that all other officers and employees of the city, except elected officers, may be

appointed and discharged by the city administrator, subject to reasonable rules and regulations of the governing body. However, the ordinance may provide that such powers are to be retained by the mayor. Because the ordinance establishing the city administrator form may be amended at any time to eliminate or add to the powers of the city administrator, some professional managers prefer the certainty of the city manager form with the powers specified in either state law or the city charter.

Similar to the city manager, the city administrator serves at the pleasure of the governing body and may be dismissed at any time. The mayor and governing body retain all the powers granted to the city by statute before the adoption of the city administrator form and all ordinances in effect when the city administrator form is adopted remain in force until repealed or altered by the governing body.

At the present time, 135 Missouri municipalities are operating under the city administrator form of government. They are:

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Albany	1,937	Creve Coeur	16,500
Arnold	19,965	Dellwood	5,255
Ashland	2,201	Desloge	4,802
Ballwin	31,283	Des Peres	8,592
Belle	1,324	Dexter	7,430
Belton	21,730	East Prairie	3,227
Bethany	3,087	Eldon	4,895
Black Jack	6,792	Eureka	7,696
Blue Springs	48,080	Farmington	13,924
Boonville	8,202	Fayette	2,793
Branson	6,050	Fenton	4,360
Branson West	408	Festus	9,660
Brentwood	7,693	Foristell	331
Butler	4,209	Forsyth	1,686
Byrnes Mill	2,376	Four Seasons	1,493
Cabool	2,168	Fredericktown	3,928
Camdenton	2,779	Fulton	12,128
Carl Junction	5,294	Garden City	1,500
Carthage	12,668	Glendale	5,767
Cassville	2,890	Grain Valley	5,160
Centralia	3,774	Grandview	27,242
Chaffee	3,044	Hallsville	978
Charlack	1,431	Harrisonville	10,000
Chesterfield	46,802	Hermann	2,674
Chillicothe	8,968	Higginsville	4,682
Clinton	9,311	Hillsboro	1,675
Concordia	2,360	Hollister	3,867
Cottleville	1,928	Houston	1,992
Country Club Hills	1,381	Innsbrook	469
Crestwood	11,863	Jackson	11,947

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Jefferson City	39,636	Richland	1,805
Jonseburg	695	Richmond	6,116
Kearney	6,313	Riverside	2,979
Kimberling City	2,253	Rock Hill	4,765
Kirkwood	27,324	Rock Port	1,395
Knob Noster	2,462	Rogersville	1,508
La Plata	1,486	Rolla	16,367
Lake Ozark	1,489	St. Peters	51,381
Lake Saint Louis	10,169	St. Robert	2,760
Lamar	4,425	Ste. Genevieve	4,476
Lathrop	2,092	Savannah	4,762
Lawson	2,336	Scott City	4,591
Lebanon	12,155	Sedalia	20,339
Lee's Summit	82,528	Shelbina	1,943
Liberty	26,232	Shrewsbury	6,644
Macon	5,538	Smithville	5,514
Manchester	19,161	Stanberry	1,243
Marshall	12,433	Sugar Creek	3,839
Marshfield	5,720	Sullivan	6,351
Maryland Heights	25,756	Town and Country	10,894
Monroe City	2,588	Trenton	6,216
Montgomery City	2,442	Union	7,757
Mount Vernon	4,017	Vandalia	3,863
Mountain Grove	4,574	Washington	13,243
New Madrid	3,334	Waynesville	3,507
Nixa	12,124	Webb City	9,812
Normandy	5,153	Weldon Spring	5,270
North Kansas City	4,714	Wentzville	15,000
Northwoods	4,643	West Plains	10,866
Oak Grove	5,535	Wildwood	32,884
Odessa	4,818	Willow Springs	2,147
O'Fallon	66,000	Winchester	1,651
Osage Beach	3,662		
Ozark	9,665		
Pacific	5,482		
Park Hills	7,861		
Parkville	4,059		
Peculiar	2,604		
Perryville	7,667		
Platte City	3,866		
Plattsburg	2,354		
Pleasant Hill	5,582		
Raymore	11,146		
Raytown	30,388		
Republic	8,438		

The various city ordinances include a wide variety of powers, duties and qualifications of the city administrators. Some administrators have the qualifications and powers of city managers, and others serve as an assistant to the mayor without the power to appoint and dismiss city employees.

Evaluation of the City Administrator Form

The growth of the city administrator plan seems to be a response to two needs in municipal government – the need for leadership from a strong mayor who is elected directly by the people and the need for full-time, professional city management. There are a number of differences between the city manager form in third class cities and the city administrator form, including:¹²

- 1) The city manager form must be adopted after a petition and a popular election, while the city administrator form may be adopted by ordinance of the governing body;
- 2) The city manager plan may be adopted only by third class cities; the city administrator form may be adopted by either third or fourth class cities;
- 3) Under the city manager plan, the council elects the mayor from among their members; under the city administrator form the mayor is elected directly by the people;
- 4) Under the city manager form, the mayor has no greater power and authority than any member of the council; under the city administrator form, the mayor has all powers and authority conferred by statute on mayors of that particular class of city, including the power to veto ordinances passed by the governing body;
- 5) The powers and authority of the city manager are set by state statute; the powers and authority of the city administrator are set by the ordinance establishing this form of government.

While the manager-council form has shown slow growth in Missouri, the city administrator form has experienced more rapid growth and probably will continue to increase in number because of the large number of relatively populous fourth class cities and the ease of adoption in both third and fourth class cities.

CONSTITUTIONAL CHARTER CITIES

In 1875, the Missouri Constitution led the nation in providing that the state's largest municipalities could provide their own structure of government by drafting home rule charters for approval by the voters. For many years, St. Louis and Kansas City were the only constitutional charter cities in the state. In 1946, the voters approved a constitutional amendment to permit home rule status for municipalities over 10,000 population. Between 1946 and 1971, twenty municipalities drafted and adopted home rule charters, in addition to the previously adopted charters in St. Louis and Kansas City. In 1971, the voters approved another amendment that broadened home rule powers and lowered the population requirement from 10,000 to 5,000. The amendment provided that:

“Any city which adopts or had adopted a charter for its own government, shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by the Charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.”

The thirty-eight constitutional charter or home rule cities have selected a wide variety of governmental structures. Although the majority of home rule cities have adopted the council-manager form, others provide for the mayor-council form or the mayor-city administrator-council form.

CONSTITUTIONAL CHARTER CITIES

<u>City</u>	<u>Population</u>	<u>Form</u>
Berkeley	10,063	Council-Manager
Blue Springs	48,080	Mayor-City Administrator-Council
Bridgeton	15,550	Mayor-Administrative Assistant-Council
Cape Girardeau	35,349	Council-Manager
Carthage	12,668	Mayor-City Administrator-Council
Clayton	15,935	Council-Manager
Columbia	88,291	Council-Manager
Crestwood	11,863	Mayor-City Administrator-Council
Creve Coeur	16,500	Mayor-City Administrator-Council
Ellisville	9,104	Council-Manager
Ferguson	22,406	Council-Manager
Florissant	52,006	Mayor-Council
Fulton	12,128	Mayor-Director of Administration-Council
Hannibal	17,757	Council-Manager
Hazelwood	26,206	Council-Manager
Independence	114,345	Council-Manager
Jefferson City	39,636	Mayor-City Administrator-Council
Joplin	45,504	Council-Manager

<u>City</u>	<u>Population</u>	<u>Form</u>
Kansas City	441,545	Council-Manager
Kirkwood	27,324	Mayor-Chief Administrative Officer-Council
Lee's Summit	82,528	Mayor-City Administrator-Council
Maplewood	9,228	Council-Manager
Neosho	10,505	Council-Manager
Nevada	8,607	Council-Manager
Olivette	7,438	Council-Manager
Palmyra	3,467	Mayor-Council
Raymore	11,146	Mayor-City Administrator-Council
Republic	8,764	Mayor-City Administrator-Council
Richmond Heights	9,602	Council-Manager
Sikeston	16,992	Council-Manager
St. Charles	60,321	Mayor-City Administrator-Council
St. John	6,871	Council-Manager
St. Joseph	74,707	Council-Manager
St. Louis	348,189	Mayor-Board of Aldermen
Springfield	151,580	Council-Manager
University City	37,428	Council-Manager
Webster Groves	23,230	Council-Manager
Wildwood	32,884	Mayor-City Administrator-Council

CONCLUSION

Although it is not possible to identify “the best form” of municipal government, it is possible to identify trends in municipal government in Missouri. In recent years, there has been a significant increase in the number of mayor-city administrator-council cities, but the majority of Missouri cities have retained the mayor-council form. It seems clear that the city administrator law (1969) and the home rule amendment (1971) provide each municipality with flexibility in deciding on the most appropriate form of government for its particular situation and needs. The larger selection of legally sanctioned forms of government requires municipal and civic leaders to examine their present structure of government and to consider potential modifications and improvements.

ENDNOTES

¹ From 1821 to 1875 the Missouri General Assembly passed special legislative charters for specific cities, until the 1875 Constitution prohibited further granting and amending of special legislative charters. However, six Missouri municipalities still are operating under special legislative charters granted before 1875. They are Carrollton, Chillicothe, La Grange, Liberty, Miami and Pleasant Hill. If the voters of these municipalities decide to relinquish their special charters, they will be governed by the appropriate sections of the statutes relevant to their population classification.

² These forms are explained in detail in later sections.

³ The city is divided into at least four wards and has a choice of electing either one or two councilmen from each ward.

⁴ The city is divided into at least two wards and two aldermen are elected from each ward. In 1998, the legislature allowed fourth class cities the option of a four-year term for members of the board if approved by a vote of the people.

⁵ The board of aldermen may provide by ordinance, after approval by the voters, for the appointment of a collector and for the appointment of a chief of police who shall perform the duties of the marshal as required by law.

⁶ The number is determined by a vote of the residents.

⁷ Section 80.090 RSMo.

⁸ The council-manager form may be adopted by constitutional charter cities, but this aspect is discussed in another section.

⁹ As mentioned previously, Missouri statutes do not permit fourth class cities to adopt the council-manager plan.

¹⁰ Dohm, Richard R., "A New Form of Government for Missouri Cities," *Missouri Municipal Review*, January 1970, p.8.

¹¹ *A.R. Pearson et al. v. City of Washington*, S.W. 2d 756, (April, 1969).

¹² This discussion does not apply to the city manager form as adopted by constitutional charter cities, because of the flexibility and lack of uniformity among the various existing charters.

White Paper: Transitioning to a City Manager Form of Government in Missouri Third-Class Cities



Written By: Kenneth Gaspar, Commissioner, City of Monett

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Introduction

This white paper outlines the essential processes, structures, and procedures for transitioning to a City Manager form of government in a Missouri third-class city. This document serves to educate the public on this governance model, including council composition, mayoral elections, and the overall steps necessary for a successful petition and ballot initiative.

This process would enable the City of Monett to change its form of government to Council-Manager from Commission. There had been an attempt to form a Charter (Home Rule) but the community failed to produce the minimum of thirteen commission candidates as required by state statute.

This proposal would establish a form of government change in the nearer term. If the community wishes to pursue the Home Rule designation, this can be sought at a time that better suits the community.

1. Transitioning to a City Manager Form of Government

1.1 Legal Framework

Applicable Statute: The transition is governed by Chapter 78.430 of the Revised Statutes of Missouri (RSMo).

78.430. Third class city may adopt city manager form of government — procedure. —

1. Any city of the third class, or any city with a population entitling it to become a city of the third class, may become organized under the provisions of sections 78.430 to 78.640 by proceeding in the following manner: Upon petition of voters residing in the city equal in number to twenty-five percent of the votes cast for all candidates for mayor in the last preceding election, the mayor shall by proclamation submit the question of organizing under sections 78.430 to 78.640.

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

Shall the city of _____ organize under sections 78.430 to 78.640, RSMo, providing for the city manager form of government?

3. The election thereon shall be conducted, votes canvassed, and results declared in the same manner as provided for by law in respect to other city elections of cities of the third class. If a majority of votes cast on the question is in favor of adopting the optional form of government provided for herein, the city clerk shall transmit to the secretary of state and to the county clerk of the county in which the city is located, duplicate copies of a certificate stating that the question was adopted. The city shall then proceed to organize under sections 78.430 to 78.640, by nomination of candidates and election of councilmen as herein provided. The elections shall be held at the next municipal election following the date of adoption of sections 78.430 to 78.640. If the plan is not adopted, the question of adopting the plan shall not be resubmitted to the voters of the city for adoption for at least one year thereafter, and then the question of adoption may be resubmitted upon a like petition, proclamation and notice as provided above.

(RSMo 1939 § 7080, A.L. 1957 p. 240, A.L. 1961 p. 198, A.L. 1978 H.B. 971)

Prior revision: 1929 § 6930

Petition Requirement: A petition must be signed by at least 25% of the voters who voted in the most recent mayoral election. This petition initiates the process to hold a public election. The number of votes cast for all candidates for mayor in the last preceding election are as follows: Barry County; 637 votes, and Lawrence County; 485 votes totaling 1,122 votes. The number of requisite signatures is 281.

1.2 Election Process

Public Election: Upon validating the petition, the mayor shall call for an election where the electorate decides whether to adopt the city manager form of government. A *majority vote* is required to proceed.

According to the applicable statute (78.430 RSMo) the ballot language shall be constructed as follows:

Shall the city of Monett organize under sections 78.430 to 78.640, RSMo, providing for the city manager form of government?

2. Composition of the City Council

2.1 Current Structure

The current council consists of three members. Transitioning to a city manager form typically requires expanding this body.

2.2 New Council Composition

Expansion to Five Members: Two additional council members will be added.

Staggered Terms: The terms can be staggered to maintain continuity. For instance, one new member may serve a shorter term than the other, ensuring that not all seats come up for election simultaneously.

- A. Three current members at 4-year terms; terms expire 2028
- B. One new member, elected in 2027, term set at 2 years; will expire in 2029
- C. One new member, elected in 2027, term set to 3 years; will expire in 2030

ELECTION SCHEDULE

Election Year	# Seats	Election Year	# Seats
2028	3	2032	3
2029	1	2033	1
2030	1	2034	1
2031	0	2035	0

* Should a member's seat within the group of three become vacant, that seat's term could be altered to ensure an election every year.

2.3 Election of Council Members

Public Vote: Elections for the new council seats will be conducted by a public vote during the next scheduled municipal election following the adoption of the city manager form.

3. Election of the Mayor

3.1 Mayoral Election Process

Selection by the Council: The mayor is to be elected by the council from among its members, rather than through a direct public election.

Term Length: The standard term for a mayor under this form of government shall be determined by the city code but typically spans two years.

4. Role of the City Manager

4.1 Responsibilities

The city manager will serve as the chief executive officer of the city, overseeing daily operations and implementing policies set by the council.

4.2 Selection Process

Appointment by the Council: The city manager is appointed by a majority of the city council. Specific qualifications may be outlined in the city charter.

5. Public Engagement and Education

5.1 Informational Campaign

Community Meetings: Host meetings to discuss the proposed changes, allowing residents to ask questions and voice concerns.

Informational Materials: Distribute brochures and online content clarifying the roles, responsibilities, and structure of the new government model.

5.2 Voting Information

Ballot Initiative: Once the petition process is complete and a favorable election result is achieved, clear information regarding upcoming votes on council members and the mayoral election must be communicated.

6. Other Council-Manager cities

The following list was obtained from the Missouri Municipal League's *Forms of Government* document, revised in June 2007. There are a number of cities utilizing the Council-Manager form, some, not all, are Home Rule.

CITIES OPERATING UNDER COUNCIL-MANAGER PLAN

<u>City</u>	<u>Population</u>	<u>City</u>	<u>Population</u>
Aurora	7,014	Kirksville	17,304
Berkeley (HR)*	10,063	Maplewood (HR)	9,228
Brookfield	4,769	Marceline	2,558
Cameron	8,312	Maryville	10,581
Cape Girardeau (HR)	35,349	Mexico	11,320
Charleston	4,732	Moberly	13,741
Clayton (HR)	15,935	Neosho (HR)	10,505
Columbia (HR)	88,291	Nevada (HR)	8,607
De Soto	6,735	Olivette (HR)	7,438
El Dorado Springs	3,775	Poplar Bluff	16,651
Ellisville (HR)	9,104	Richmond Heights (HR)	9,602
Excelsior Springs	10,847	St. John (HR)	6,871
Ferguson (HR)	22,406	St. Joseph (HR)	74,707
Gladstone	26,365	Sikeston (HR)	16,992
Hannibal (HR)	17,757	Springfield (HR)	151,580
Hazelwood (HR)	26,206	University City (HR)	37,428
Independence (HR)	114,345	Warrensburg	16,340
Joplin (HR)	45,504	Webster Groves (HR)	23,230
Kansas City (HR)	441,545		

*HR indicates home-rule city.

Conclusion

This white paper serves as a guiding document for the transition to a city manager form of government in Missouri's third-class cities. By understanding the necessary steps, processes, and community involvement, residents can engage effectively in the petition process and subsequent ballot initiatives, ensuring a smooth transition.

For further information, residents may contact the city clerk or local government officials.



James R. Burke, Mayor
Ken Gaspar, Commissioner • Darren Indovina, Commissioner
Mickey Ary, City Administrator

www.monettmo.gov
217 Fifth Street • Monett, Missouri 65708
(417) 235-3763

Staff Report

To: Mayor & Commissioners

From: City Administrator

Date: January 8, 2026

Re: Formation of the Chapter 353 Redevelopment Corporation

GENERAL INFORMATION

The City Council has approved the use of Chapter 353, RSMo. economic development incentives to aid in the redevelopment and revitalization of historic downtown Monett. The Council has conducted work sessions related to the use and formation of Chapter 353. The City held two information sessions for the public. One was conducted on Wednesday, September 3 and the second on Thursday, September 4. The sessions were held on different days and at different times to allow for greater participation. A third and fourth session were held on Thursday, October 23 at noon and 6:00pm. Notice was sent in English and Spanish to all property owners within the proposed district. The final district boundaries were established by the Redevelopment Plan Committee. The Redevelopment Plan has been completed. The Redevelopment Committee members were Mayor Randy Burke, Jim Randall (attorney), Thad Hood (contractor), Ada Noriega (Arvest Bank), Matt Batson (Briar House), and Steve Blankenship (Barry County Presiding Commissioner). The City Attorney – Lindsey Kolish led the discussion and compiled the guidelines.

The Monett Main Street Board of Directors has voted to support the use of Chapter 353. In addition, the Monett Chamber of Commerce has acted in like manner to support the initiative.

The use of Chapter 353 is to allow development by property owners with the assurance of property tax abatement. The guidelines for the projects and abatements are defined by the Redevelopment Plan.



The next step of the process is the approval by ordinance of the Redevelopment Corporation. The members of the corporation will review all project applications within the designated redevelopment district.

PROPOSAL

Establish the Chapter 353 Redevelopment Corporation to begin the process of enacting the incentive to support the revitalization of downtown Monett.

RECOMMENDATION

Approval of Ordinance to create the Chapter 353 Redevelopment Corporation for the revitalization district for Monett, Missouri.

ATTACHMENTS

- Ordinance 9125

**AN ORDINANCE APPROVING THE HISTORIC DOWNTOWN MONETT
REDEVELOPMENT PLAN**

WHEREAS, the City submitted the Historic Downtown Monett Redevelopment Plan (“Redevelopment Plan”) pursuant to Chapter 353, RSMo. to the office of the City Clerk on _____;

WHEREAS, the City Clerk notified all relevant taxing jurisdictions of the public hearing regarding the Redevelopment Plan by written notice, including the tax impact statement, via regular mail on or before _____, 2026; and

WHEREAS, the City Clerk published notice of the public hearing regarding the Redevelopment Plan in the _____, on _____; and

WHEREAS, the City Clerk posted, in accordance with 67.2725 RSMo., notice of the public hearing regarding the Redevelopment Plan on or before February _____, 2026; and

WHEREAS, the City Council held a public hearing on the Redevelopment Plan on February _____, 2026; and

WHEREAS, at the public hearing, all political subdivisions levying an ad valorem tax and interested persons were given an opportunity to be heard at the public hearing; and

WHEREAS, it is desirable and in the public interest that the City staff and proposed Urban Redevelopment Corporation undertake and administer implementation of the Redevelopment Plan; and

WHEREAS, the City Council now desires to approve the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONETT, MISSOURI, AS FOLLOWS:

SECTION 1. That the City Council hereby approves the Historic Downtown Monett Redevelopment Plan, a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference.

SECTION 2. That the City Council hereby authorizes City staff to create the Urban Redevelopment Corporation and grant it all power necessary to carry out the Historic Downtown Monett Redevelopment Plan.

SECTION 3. That the City Council hereby finds that approval of the Redevelopment Plan is necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare.

SECTION 4. That the City Council hereby finds that the Redevelopment Area is a blighted area, as described in the Blight Study attached to the Redevelopment Plan and as defined by Chapter 353, RSMo.

SECTION 5. That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 6. That this Ordinance shall be in full force and effect from and after the date of its passage approval.

SECTION 7. That the City Clerk is authorized by this ordinance to correct any scrivener's errors identified within this Ordinance.

Approved by the City Council of the City of Monett, Missouri on this _____ day of _____, 2026.

Randy Burke, Mayor

Attest:

Kelley McMillan, City Clerk

EXHIBIT A
HISTORIC DOWNTOWN MONETT REDEVELOPMENT PLAN
(See attached)



**Historic Downtown Monett
Redevelopment Plan
Monett, Missouri**



Application for Approval
For the
Historic Downtown Monett Redevelopment Plan

Prepared & Submitted
on Behalf of the City of Monett by:



LAUBER MUNICIPAL LAW
Serving those who serve the public

January 28, 2026

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Exhibits

Exhibit A	Vicinity Map
Exhibit B.....	Zoning Map and Downtown Monett Historic District
Exhibit C	Tax Abatement Impact Analysis
Exhibit D	Blight Study
Exhibit E.....	Notice to Taxing Jurisdictions

Application Description

This Application is prepared pursuant to Chapter 353, RSMo. and Monett City Code for approval of the Historic Downtown Monett Redevelopment Plan (“Plan”), which supports the City of Monett’s goal to redevelop and revitalize the historic downtown area of Monett.

This request is to designate the Redevelopment Area as a blighted area and to incentivize redevelopment in accordance with Chapter 353, RSMo. The Redevelopment Area is located in and around historic downtown Monett and is legally described and depicted in **Exhibit A**. The area consists of a mix of industrial and commercial structures that were built following the development of the St. Louis-San Francisco Railway in 1870 but also includes a small number of residential structures. Most of the lots included in the Redevelopment Area were established by the original plat of Monett in 1887. 21 of the structures are included in the Downtown Monett Historic District, which is listed on the National Register of Historic Places and is shown in **Exhibit B**. Due to age, neglect, and the cost of improvements, many of the structures included in the Redevelopment Area are in need of maintenance and repair. The Plan will provide tax abatement incentives to residential and commercial property owners for rehabilitation, new construction, and reconstruction as stipulated by the proposed Historic Downtown Monett Redevelopment Corporation’s Guidelines.

Chapter 353, RSMo. Background

Chapter 353 is an economic development tool that cities can use to incentivize the removal of blight through improvements to real property by using tax abatements for a specified period. First, an urban redevelopment corporation is formed in accordance with Chapter 353, RSMo. Then the City Council approves by ordinance a plan for blight remediation after proper notice and a public hearing. A 353 redevelopment plan creates property tax abatement for participants who make the required investment in property to eliminate blight. Tax abatement can be employed in up to two phases for up to 25 years. During phase 1, the abatement can last up to 10 years and applies to improvements and any incremental increase in the value of the land. Improvements include any structure on the property, whether it existed before the existence of the plan or not. During phase 2, which is not required to be utilized, the abatement can last up to an additional 15 years after the expiration of phase 1 and can be set at 50% to 100% of the assessed valuation of both the land and improvements. The redevelopment plan provides a basic description of requirements a participant must complete to qualify for the tax abatement.

The 353 Urban Redevelopment Corporation

Pursuant to Chapter 353, RSMo., the Historic Downtown Monett Urban Redevelopment Corporation would be established as an urban redevelopment corporation to ensure and promote revitalization throughout the Redevelopment Area. The Urban Redevelopment Corporation will be responsible for implementing and administering the Plan delineated herein to assist property owners to obtain tax abatement after completing Redevelopment Projects. Following the approval of this Historic Downtown Monett Redevelopment Plan, the Urban Redevelopment Corporation’s Board of Directors will be appointed and will finalize the corporate guidelines. The Board will consist of five (5) total members nominated by the Mayor and appointed by the City Council.

Definitions

As used in this application and the Plan, the following terms shall mean:

Act: The Missouri Urban Redevelopment Corporation Law, Chapter 353 of the Revised Statutes of Missouri

Application: This Application for approval of this Redevelopment Plan for the Redevelopment Corporation

Blighted Area: an area which, by reason of the predominance of insanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use

Building & Zoning Department: The Building & Zoning Department of the City of Monett, Missouri

City: Monett, Missouri

City Code: The City Code of Monett, Missouri

City Council: The governing body of Monett, Missouri

Guidelines: The guidelines that will define the requirements of applicants receiving Tax Abatement which apply to individual property owners

Redevelopment Area: The area designated as the Redevelopment Area for the Plan, as legally described and depicted in **Exhibit A**, and that which has been found to be a blighted area under Chapter 353, RSMo.

Redevelopment Plan: This Historic Downtown Monett Redevelopment Plan, prepared in accordance with the Act

Tax Abatement: The abatement of taxes on real property to the extent provided in Section 353.110, RSMo. of the Act

Tax Abatement Program: The Program providing for Tax Abatement to the owners of property within the Redevelopment Area after property owners make substantial improvements in accordance with this Plan and the Guidelines

Tax Abatement Impact Analysis: The Tax Abatement Impact Analysis attached as **Exhibit C**.

Urban Redevelopment Corporation: The Historic Downtown Monett Redevelopment Corporation, a Missouri urban redevelopment corporation acting under the rules of the Act, its successors and assigns

Redevelopment and Revitalization

The Redevelopment Area for the Redevelopment Plan includes all residential, industrial, and commercial properties located in the area legally described and depicted in **Exhibit A**. This Area is comprised of 198 parcels.

This Redevelopment Plan will help facilitate reinvestment and economic stabilization of the Redevelopment Area. The Redevelopment Plan promotes reinvestment in structures currently existing within the Redevelopment Area, as well as targeted infill of vacant lots to improve the overall quality of structures within the Redevelopment Area. The Redevelopment Plan promotes reinvestment in the historic downtown Monett area to encourage the development of the area as a vibrant, attractive area for shops, services, and restaurants and a place for residents and visitors to enjoy a walkable, accessible arts and cultural district. Neighborhood revitalization is essential to bolstering a viable local economy, expanding the tax base, increasing property valuations, and supporting long range planning objectives that boost the economy.

Goals

The Redevelopment Plan's objective is to frame revitalization through residential, industrial, and commercial reinvestment, redevelopment, infill development, blight remediation, and targeted commercial development. There is no intent to utilize eminent domain to implement the Redevelopment Plan.

The goals of the Redevelopment Plan are:

- To encourage the revitalization and redevelopment of the Redevelopment Area;
- To encourage the development of infill lots within the Redevelopment Area;
- To encourage all redevelopment under this Redevelopment Plan to reflect the historical nature and character of the Redevelopment Area;
- To encourage the development of mixed-use historical properties, with residential units on the top floors and commercial, retail, or arts and cultural spaces on the street-level floors;
- To encourage the development of residential and commercial units that blend in with the surrounding historical and mixed-use nature and character of the Redevelopment Area; commercial and small-scale residential projects are favored over large-scale multi-family residential projects, which are discouraged;
- To encourage the continued development of an arts and cultural area within the Redevelopment Area, where residents and visitors can enjoy farmers' markets, art fairs, live music, and related events and festivals;
- To accomplish revitalization in a manner that enhances the style, scale, and character of the existing neighborhood, so as to not detract from the original, historic character of the Redevelopment Area;
- To increase residential and commercial real estate values;
- To create opportunities for community engagement that allows residents, property owners, business owners, and visitors to enjoy a vibrant, engaging arts and cultural area.

The overall goal is to promote private reinvestment in historic downtown Monett in a manner that addresses blight, improves property values, revitalizes vacant or underutilized buildings, encourages rehabilitation of historic properties, and creates a vibrant, active downtown that is supported by retail and commercial activities. It is reflected in the Redevelopment Plan's approach to achieving revitalization through blight remediation, reinvestment in the historic building stock, and targeted development of retail and commercial opportunities for the public.

Revitalization Demands

The Redevelopment Plan will help shift worsening conditions that have led to blight in the Redevelopment Area. The Redevelopment Plan will aid in providing ownership opportunities and neighborhood stabilization. Encouraging reinvestment in residential and commercial structures and offering this tax abatement incentive will ensure residential and commercial revitalization at a key time for the area. Some redevelopment of blighted structures has occurred, but City leaders believe that incentives will help encourage more property owners to remediate blight. The implementation of this Redevelopment Plan has the potential to increase property values and create construction and other jobs to support development and population growth in the Redevelopment Area, in addition to increasing economic activity throughout the Redevelopment Area. Additionally, the Redevelopment Plan will assist property owners with the financial ability to afford improvements, as the tax abatement offered will aid in offsetting improvement costs and reducing property taxes that would have otherwise been assessed against the property.

The location of the Redevelopment Area also offers great connectivity to government offices, potential shopping, services, restaurants, historical attractions, and parks. City leaders hope that the Redevelopment Area will become a destination for residents and visitors to enjoy a walkable, vibrant arts and cultural district. The location of Downtown Park, which includes a pavilion space, aids in the goals of the Redevelopment Plan, as it currently hosts farmers' markets and related events. City leaders believe that the development of the Redevelopment Area will allow current events to expand and will encourage a variety of new arts and cultural festivities.

Property owners within the Redevelopment Area face challenges related to the rehabilitation of older properties. Century-old buildings present challenges for redevelopers seeking to utilize these spaces for modern needs and regulatory requirements, creating a barrier of entry for many who would otherwise seek to bring these historical spaces back to life. Redevelopment incentives will ease the financial burden on property owners so they can make modernization upgrades and accessibility improvements for property owners of all types.

Lack of investment and pride in ownership tends to destabilize neighborhoods and commercial areas. This destabilization comes from an overall lack of reinvestment by owners and in turn falling property values. Reinvestment in the housing stock and commercial building stock would add to the area's stability, strengthen the tax base, and increase property values.

Properties within the Redevelopment Area have deteriorated from lack of reinvestment, showing signs of aging, outmoded design, and disrepair. This is true for both private property and public infrastructure. Aging existing structures and declining socioeconomics affect the area negatively, by underutilization of property, decreased assessed valuation of property, and the public's

avoidance of blighted properties and the blighted area generally. Modernization of both residential and commercial properties and infrastructure improvements play an integral part of the revitalization.

Existing Land Use Patterns and Zoning

The parcels included in the Redevelopment Area are primarily zoned as local business or industrial. Though the City does not utilize an historical overlay or zoning designation, City leaders and the public place high value in retaining the historical character of the Redevelopment Area. Approximately 68% of the parcels within the Redevelopment Area are commercial, while approximately 27% parcels are industrial. Approximately 5% of the properties are single-family homes established by legal nonconforming uses or are otherwise permitted by the City.

Guidelines

The Redevelopment Plan and program Guidelines, which will be created by the Redevelopment Corporation Board of Directors, coordinate community partnerships with private owners, concerned citizens, not-for-profits, and the public sector to revitalize the Redevelopment Area. The Redevelopment Plan's focus is commercial and mixed-use historical rehabilitation. Except as provided herein, parcels located within the Redevelopment Area are eligible for tax abatement so long as the parcel is taxable. Projects involving demolition of structures shall be eligible to participate only if the new construction structure visually blends in with the historical character of the Redevelopment Area. Projects involving new construction on vacant lots shall be eligible to participate only if the new construction structure visually blends in with the historical character of the Redevelopment Area.

Abatement will apply to residential properties differently than commercial properties. Properties shall be classified as residential or commercial based on their tax classifications established by Barry County at the time of application for participation in the program. A tiered abatement system allows individual property owners options to fit the needs of their property and finances. Applications for commercial abatement in Tier 3 and 4 shall be suspended each year when the total market value of properties approved for participation in the program in Tier 3 and 4 that year achieves an annual total aggregate cap of \$8,000,000 for commercial properties. Applications for abatement shall be available for ten (10) tax years from the approval of this Plan, subject to all other limitations of this Plan.

Commercial Properties

Commercial properties are properties that are classified as industrial or commercial by the Barry County Assessor. Commercial properties are offered tax abatement as follows:

Tier 1

Investment Requirement	\$15,000 - \$24,999
Incentive Offered	Tax abatement that is equal to the cost of improvements, or 100% tax abatement on the incremental increase on assessed value of

	improvements and 100% tax abatement on the incremental increase on the assessed value of land for 10 years, whichever occurs first.
Payment in Lieu of Taxes Required	For the duration of the abatement, PILOTs shall be paid equal to 100% of the taxes that were due on the property in the year prior to the abatement period.
% of Exterior Improvements	50% Exterior Improvements*

Tier 2

Investment Requirement	\$25,000 - \$149,999
Incentive Offered	100% tax abatement on the incremental increase on assessed value of improvements and 100% tax abatement on the incremental increase on the assessed value of land for 10 years
Payment in Lieu of Taxes Required	For the duration of the abatement, PILOTs shall be paid equal to 100% of the taxes that were due on the property in the year prior to the abatement period.
% of Exterior Improvements	50% Exterior Improvements*

Tier 3

Investment Requirement	\$150,000 - \$749,999
Incentive Offered	100% tax abatement on the incremental increase on assessed value of improvements and 100% tax abatement on the incremental increase on the assessed value of land for 10 years; additionally, 100% tax abatement on the incremental increase on assessed valuation of the improvements and land for 5 years.
Payment in Lieu of Taxes Required	For the duration of the abatement, PILOTs shall be paid equal to 100% of the taxes that were due on the property in the year prior to the abatement period.
% of Exterior Improvements	50% Exterior Improvements*

Tier 4

Investment Requirement	\$750,000 or more
Incentive Offered	100% tax abatement on the incremental increase on assessed value of improvements

	and 100% tax abatement on the incremental increase on the assessed value of land for 10 years; additionally, 100% tax abatement on the incremental increase on assessed valuation of the improvements and land for 10 years.
Payment in Lieu of Taxes Required	For the duration of the abatement, PILOTs shall be paid equal to 100% of the taxes that were due on the property in the year prior to the abatement period.
% of Exterior Improvements	50% Exterior Improvements*

* Projects should allocate approximately 50% of the project costs to exterior improvements that are visible from the public right of way. However, this requirement may vary depending on the status of the project and the need to make exterior improvements to clear blight and meet City Code requirements.

Residential Properties

Residential properties are properties that are classified as residential by the Barry County Assessor. Residential properties are offered tax abatement as follows:

Investment Requirement	\$10,000 or more
Incentive Offered	Tax abatement that is equal to the cost of improvements, or 100% tax abatement on the incremental increase on the assessed value of improvements and 100% tax abatement on the incremental increase on the assessed value of land for 10 years, whichever is first.
Payment in Lieu of Taxes Required	For the duration of the abatement, PILOTs shall be paid equal to 100% of the taxes that were due on the property in the year prior to the abatement period.
% of Exterior Improvements	50% Exterior Improvements*

* Projects should allocate approximately 50% of the project costs to exterior improvements that are visible from the public right of way. However, this requirement may vary depending on the status of the project and the need to make exterior improvements to clear blight and meet City Code requirements.

In accordance with the Act, the proposed Redevelopment Corporation will acquire the real property as a “pass-through” when property owners apply to the Redevelopment Corporation for the Tax Abatement program. While acting as a “pass-through” agency, the Redevelopment Corporation will assign Tax Abatement to participating residential and commercial parcel owners in accordance with the Guidelines. Proposed projects must meet these financial limitations as well

as other project limitations outlined in the Guidelines. Individual parcel owners will be required to enter into an abatement agreement with the Redevelopment Corporation for the administration of the Tax Abatement Program.

Notice of Fundamental Requirements

The Tax Abatement Impact Analysis on affected taxing jurisdictions is attached **Exhibit C**.

Exhibit E is a copy of the written notice provided to each taxing political subdivision having boundaries for ad valorem real estate taxation purposes which include any part within the Redevelopment Area as required by Section 353.110.3(1), RSMo. The notice includes a copy of the Tax Abatement Impact Analysis, and it shall be provided to each taxing jurisdiction prior to the public hearing conducted by the City Council concerning the Redevelopment Plan.

At the conclusion of the Tax Abatement incentive period, the Urban Redevelopment Corporation will have achieved:

1. Increased investment in and external appearance of residential and commercial properties that lead to pride in ownership;
2. Increased redevelopment of structures with aesthetics that match the historical character and nature of the Redevelopment Area;
3. Increased utilization of commercial structures as mixed-use buildings with commercial spaces on the street-level floor and residential or other commercial spaces on the floors above street-level;
4. Increased investment in development that creates a walkable, vibrant arts and culture district.

Specific requirements of the redevelopment will be addressed in the Abatement Agreement; due to a variety of development patterns and platting configurations, proposals from property owners for each lot configuration will need to be addressed on an individual basis.

Certification of Blight

A blight study is attached as **Exhibit D** as contemplated in Section 353.060, RSMo.

Eminent Domain

This Redevelopment Plan does not contemplate the use of eminent domain.

Demolition

There are currently no plans for demolition of any structures within the Redevelopment Area. This does not preclude the proposed Redevelopment Corporation from implementing such measures, in the future. Property owners may demolish structures in accordance with this Redevelopment Plan and the Guidelines and all other applicable laws and requirements.

Properties for Public Agencies

The proposed Urban Redevelopment Corporation does not plan to sell, donate, exchange or lease any property to any public or governmental agency within the Redevelopment Area.

Street and Alley Changes

The proposed Urban Redevelopment Corporation does not include any recommended changes to the street or alley network within the Redevelopment Area. If the Urban Redevelopment Corporation determines that such changes need to occur, they will submit an amended plan for approval by the City Council.

Housing and Business Relocation

The proposed Redevelopment Plan does not anticipate any relocation or displacement of businesses or residences, and as such do not anticipate the need for any person to require relocation assistance.

Financing

The proposed Redevelopment Plan does not require financing for any specific redevelopment project. However, the proposed Redevelopment Plan is directed at private property owners, who will secure financing for their respective rehabilitation projects. The City has committed to assist with the administration of the Tax Abatement Program.

Management

The City, through the Building & Zoning Department and other City staff, will take responsibility for providing technical assistance and administrative support to the proposed Board of Directors of the Redevelopment Corporation.

Public Property

There are no plans to change the uses of City owned property within the Redevelopment Area.

Commitment to Non-Discrimination

The Redevelopment Plan and proposed Redevelopment Corporation acknowledges the existence of federal, state and local laws regarding fair employment practices applicable to this Redevelopment Plan and will be bound by and comply with all such laws.

Public Access

The Redevelopment Corporation will make all facilities in the redevelopment area, which it may own in the future, and the benefits of the Tax Abatement Program of this Redevelopment Plan available to the public regardless of race, religion, color, sex, national origin or handicap.

Performance Bond

If necessary and upon request by the City Council, the Redevelopment Corporation will provide a performance bond or other security in an amount sufficient to cover land acquisition, clearance, remediation, and site preparation in accordance with an amended Redevelopment Plan.

Certification of Notices

Required notices related to this Redevelopment Plan were mailed to the appropriate parties, as required by the Act.

Exhibit A
Redevelopment Area Legal Description and Boundaries
(See attached)

A TRACT OF LAND BEING PART OF THE ORIGINAL TOWNSITE OF MONETT, A SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN TOWN PLAT BOOK 1, PAGE 34 AND PART OF MONETT TOWN COMPANY'S THIRD ADDITION, A SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN TOWN PLAT 1, PAGE 7, AND PART OF SALZER'S SUBDIVISION OF A PART OF OUT LOT 1 BETWEEN BROADWAY AND BOND STREET, A SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN PLAT BOOK 4, PAGE 48, AND PART OF THE SUBDIVISION OF OUT LOT 1, SOUTH OF BROADWAY IN MONETT TOWN COMPANY'S TOWNSITE OF MONETT, A SUBDIVISION, ACCORDING TO THE RECORDED PLAT IN CABINET #3, DRAWER #5, ALL IN THE CITY OF MONETT, BARRY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 10, OF SAID SALZER'S SUBDIVISION, SAID POINT BEING ON THE SOUTH RIGHT OF WAY OF BOND STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY NORTH 71°46'32" EAST, 4126.36 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 13TH STREET; THENCE LEAVING SAID SOUTH RIGHT OF WAY AND ALONG SAID WEST RIGHT OF WAY OF 13TH STREET THE FOLLOWING 8 CALLS: SOUTH 00°34'42" WEST, 80.67 FEET; THENCE SOUTH 25°05'21" WEST, 87.46 FEET; THENCE SOUTH 18°13'30" EAST, 115.00 FEET; THENCE SOUTH 00°34'42" WEST, 47.54 FEET; THENCE SOUTH 39°05'22" WEST, 148.14 FEET; THENCE SOUTH 00°48'34" WEST, 264.46 FEET; THENCE NORTH 71°46'32" EAST, 91.13 FEET; THENCE SOUTH 00°34'42" WEST, 52.82 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF FRONT STREET, AS PLATTED; THENCE ALONG SAID NORTH RIGHT OF WAY SOUTH 71°46'32" WEST, 867.85 FEET TO A POINT ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 12, PAGE 3663 IN THE RECORDER OF DEEDS OFFICE IN BARRY COUNTY, MISSOURI; THENCE ALONG SAID WEST LINE SOUTH 18°13'30" EAST, 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 20, PAGE 7177; THENCE LEAVING SAID WEST LINE AND ALONG THE SOUTH LINE OF SAID TRACT DESCRIBED IN BOOK 20, PAGE 7177, SOUTH 71°46'32" WEST, 360.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 8TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID EAST RIGHT OF WAY NORTH 18°13'30" WEST, 100.00 FEET TO A POINT ON AFORESAID NORTH RIGHT OF WAY LINE OF FRONT STREET; THENCE LEAVING SAID EAST RIGHT OF WAY AND ALONG SAID NORTH RIGHT OF WAY SOUTH 71°46'32" WEST, 2160.00 FEET TO THE SOUTHWEST CORNER OF LOT 13, BLOCK 6, ORIGINAL TOWNSITE OF MONETT, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 2ND STREET; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY SOUTH 72°07'39" WEST, 60.00 FEET TO THE SOUTHEAST CORNER OF LOT 13, BLOCK 7, ORIGINAL TOWNSITE OF MONETT; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY, SOUTH 71°58'05" WEST, 672.10 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF AFORESAID SUBDIVISION OF PART OF OUT LOT 1, SOUTH OF BROADWAY, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY OF CENTRAL AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY NORTH 00°39'41" EAST, 715.91 FEET TO THE POINT OF BEGINNING. CONTAINING 64.5 ACRES, MORE OR LESS. BEARINGS BASED ON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM OF 1983, WEST ZONE. THIS DESCRIPTION DOES NOT CONSTITUTE A BOUNDARY SURVEY.

PROJECT NUMBER: 26-20-0068

DRAWING NUMBER: JOP-100-7902



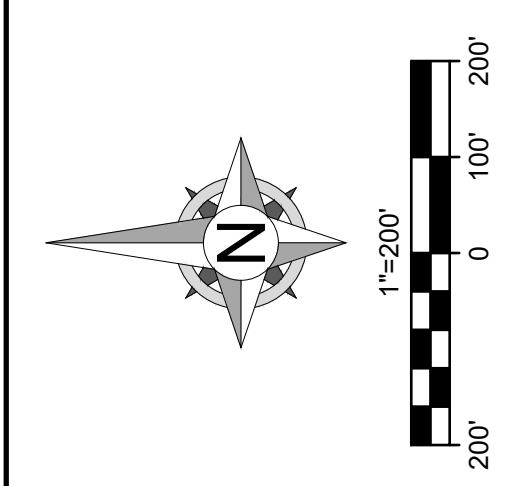
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Joplin, MO 64801
417.782.7399
COA# 00062

CITY OF MONETT
**PROPOSED PROPERTY DESCRIPTION
FOR 353 URBAN DEVELOPMENT**
MONETT, BARRY COUNTY, MISSOURI

DRAWN BY:
TSR

DATE:
02/11/2026



LEGEND

DESCRIPTION BOUNDARY

PARCEL LINES





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Engineering Corporation
COA# 00062

CITY OF MONETT

**PROPOSED PROPERTY
DESCRIPTION EXHIBIT FOR
353 URBAN DEVELOPMENT**

MONETT, BARRY COUNTY, MISSOURI

REVISIONS		
NO.	DESCRIPTION	DATE

DRAWING INFORMATION

PROJECT NO: 26-20-0068

DRAWN BY: TSR

CHECK BY: RWW

ISSUED DATE: 2/11/2026

ISSUED BY: R. WALLACE

LICENSE NO: PLS No. #2019015191

SHEET TITLE

**DRAWING
NUMBER**

JOP-100-7902

SHEET NUMBER

1/1

EXHIBIT B
Zoning Map (see attached)

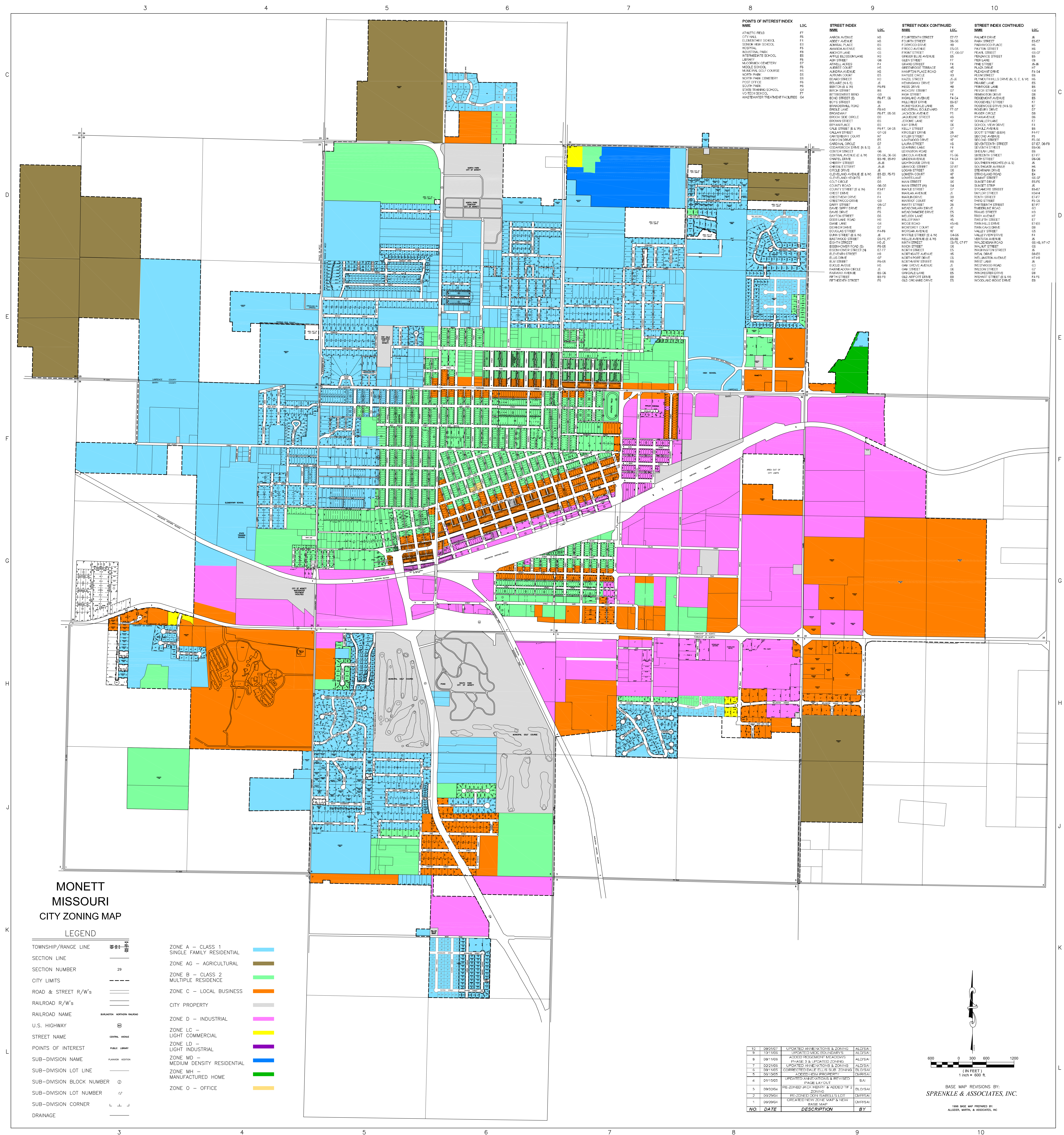
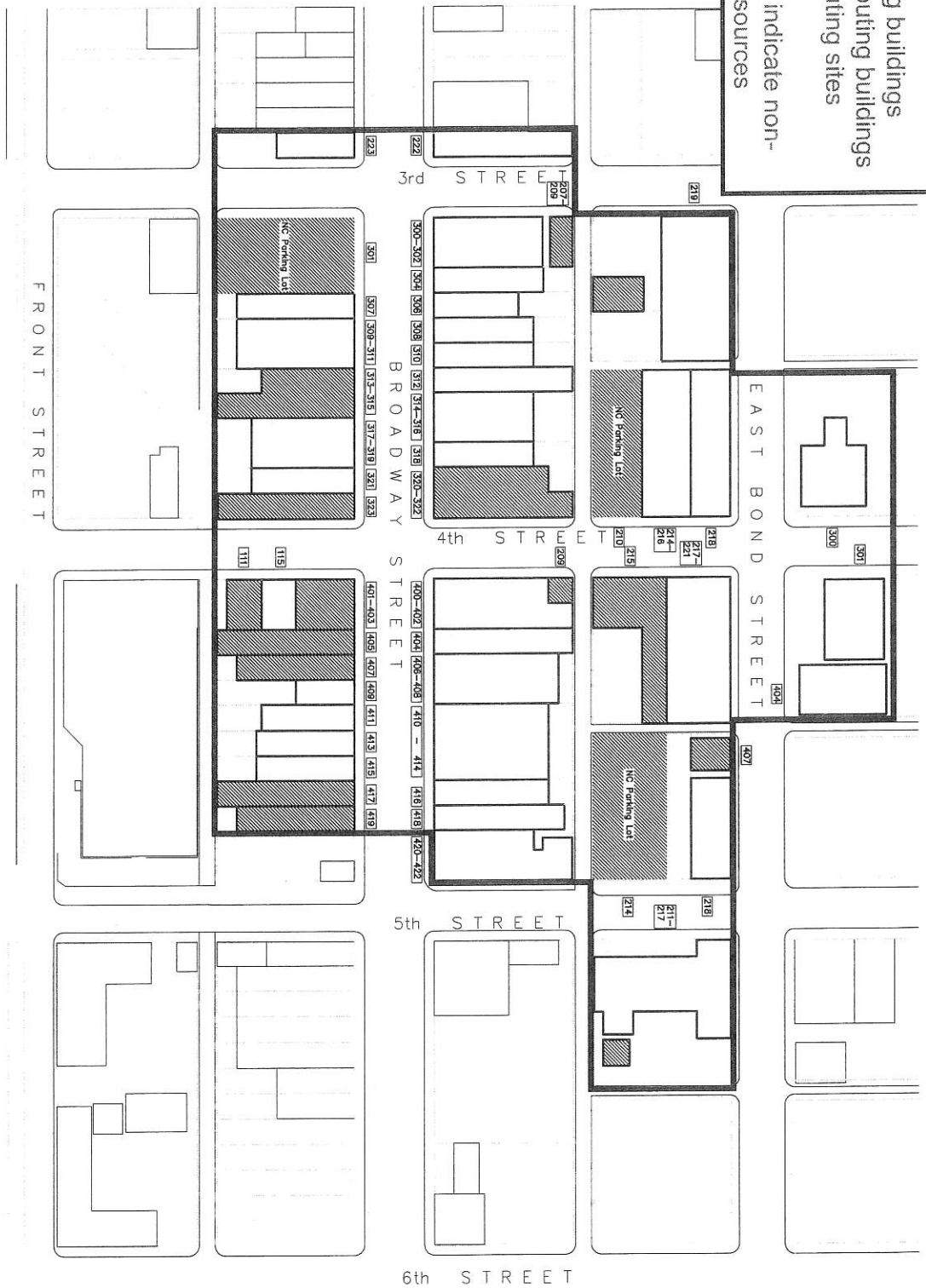


EXHIBIT B

Downtown Historic Monett District (see attached)

- Resource Count:
- 51 Properties
 - 53 Resources
 - 35 Contributing buildings
 - 15 Non-contributing buildings
 - 3 Non-contributing sites
- Shaded areas indicate non-contributing resources



Center City Plan - Monett, MO
Proposed Historic District - Boundaries

January 29, 2014

© 2014 Casey Architecture

EXHIBIT C

Tax Impact Analysis (see attached)

HYPOTHETICAL IMPACT ASSESSMENT – PROGRAM INVESTMENT MINIMUM REQUIREMENTS - SUMMARY
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT

Summary	
Minimum Investment	
Modeled Term	
Eligible Parcels	
Assumed Minimum Investment Total	
Base Land Assessed Value	
Base Building Assessed Value	
Base Total Assessed Value	
Incremental Land Assessed Value	
Incremental Building Assessed Value	
Incremental Total Assessed Value	
Incremental Tax - Annual	
Abated Taxes - Project	
Abated Taxes - Land Uplift	
Abated Taxes - Total	
PV of Total Abated Taxes	
<i>PV Per Eligible Parcel</i>	
Cap Binding Parcels	

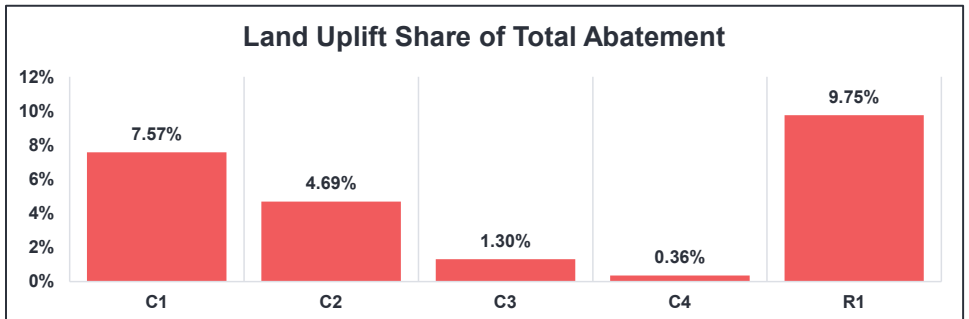
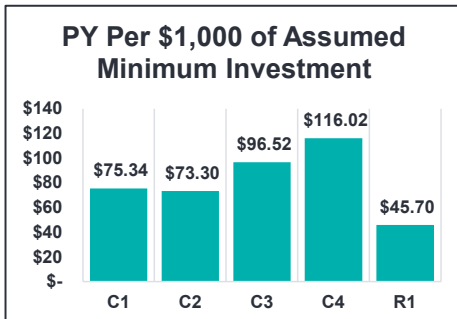
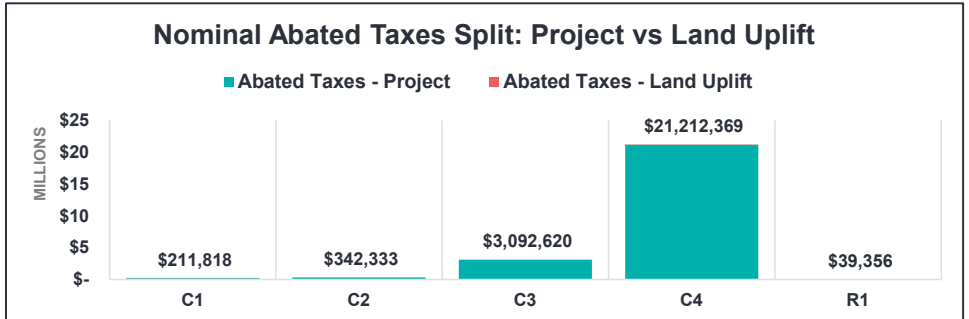
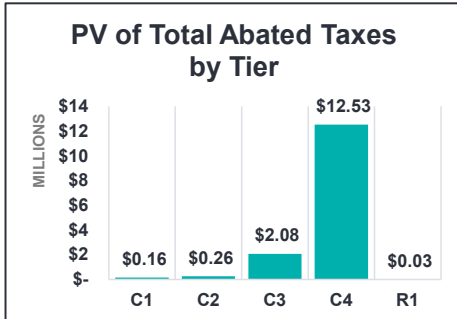
COMMERCIAL			
C1	C2	C3	C4
\$ 15,000	\$ 25,000	\$ 150,000	\$ 750,000
10 Years	10 Years	15 Years	20 Years
144 Parcels	144 Parcels	144 Parcels	144 Parcels
\$ 2,160,000	\$ 3,600,000	\$ 21,600,000	\$ 108,000,000
\$ 535,087	\$ 535,087	\$ 535,087	\$ 535,087
\$ 2,140,350	\$ 2,140,350	\$ 2,140,350	\$ 2,140,350
\$ 2,675,437	\$ 2,675,437	\$ 2,675,437	\$ 2,675,437
\$ 76,032	\$ 126,720	\$ 760,320	\$ 3,801,600
\$ 304,128	\$ 506,880	\$ 3,041,280	\$ 15,206,400
\$ 380,160	\$ 633,600	\$ 3,801,600	\$ 19,008,000
\$ 18,437	\$ 30,729	\$ 184,374	\$ 921,869
\$ 195,773	\$ 326,289	\$ 3,052,271	\$ 21,136,390
\$ 16,045	\$ 16,045	\$ 40,349	\$ 75,979
\$ 211,818	\$ 342,333	\$ 3,092,620	\$ 21,212,369
\$ 162,739	\$ 263,867	\$ 2,084,818	\$ 12,530,538
\$ 1,130	\$ 1,832	\$ 14,478	\$ 87,018
0	0	0	0

RESIDENTIAL
R1
\$ 10,000
10 Years
66 Parcels
\$ 660,000
\$ 128,010
\$ 337,013
\$ 465,023
\$ 20,691
\$ 48,279
\$ 68,970
\$ 3,345
\$ 35,518
\$ 3,838
\$ 39,356
\$ 30,163
\$ 457
0

Other Metrics	
Land Uplift Share of Total Abatement	
Average Abatement per Year	
PV as % of Assumed Minimum Investment	
PV per \$1,000 of Assumed Minimum Investment	
Incremental AV per \$1 of Investment	
PV as % of Nominal Abatement	
Implied Effective Tax Rate (Annual)	

COMMERCIAL			
C1	C2	C3	C4
7.57%	4.69%	1.30%	0.36%
\$ 21,181.80	\$ 34,233.34	\$ 206,174.66	\$ 1,060,618.43
7.53%	7.33%	9.65%	11.60%
\$ 75.34	\$ 73.30	\$ 96.52	\$ 116.02
\$ 0.18	\$ 0.18	\$ 0.18	\$ 0.18
76.83%	77.08%	67.41%	59.07%
4.8499%	4.8499%	4.8499%	4.8499%

RESIDENTIAL
R1
9.75%
\$ 3,935.63
4.57%
\$ 45.70
\$ 0.10
76.64%
4.8499%



2. HYPOTHETICAL IMPACT ASSESSMENT – PROGRAM INVESTMENT MINIMUM REQUIREMENTS - SUMMARY
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT

SUMMARY BY TAXING ENTITY												
State of Missouri			COMMERCIAL								RESIDENTIAL	
Summary			C1	C2	C3	C4					R1	
Base Land Assessed Value			\$ 3,310	\$ 3,310	\$ 3,310	\$ 3,310					\$ 792	
Base Building Assessed Value			\$ 13,240	\$ 13,240	\$ 13,240	\$ 13,240					\$ 2,085	
Base Total Assessed Value			\$ 16,549	\$ 16,549	\$ 16,549	\$ 16,549					\$ 2,876	
Incremental Land Assessed Value			\$ 470	\$ 784	\$ 4,703	\$ 23,516					\$ 128	
Incremental Building Assessed Value			\$ 1,881	\$ 3,135	\$ 18,812	\$ 94,062					\$ 299	
Incremental Total Assessed Value			\$ 2,352	\$ 3,919	\$ 23,516	\$ 117,578					\$ 427	
Incremental Tax - Annual			\$ 114	\$ 190	\$ 1,140	\$ 5,702					\$ 21	
Abated Taxes - Project			\$ 1,211	\$ 2,018	\$ 18,880	\$ 130,743					\$ 220	
Abated Taxes - Land Uplift			\$ 99	\$ 99	\$ 250	\$ 470					\$ 24	
Abated Taxes - Total			\$ 1,310	\$ 2,118	\$ 19,130	\$ 131,213					\$ 243	
PV of Total Abated Taxes			\$ 1,007	\$ 1,632	\$ 12,896	\$ 77,510					\$ 187	
PV Per Eligible Parcel			\$ 7	\$ 11	\$ 90	\$ 538					\$ 3	
Other Metrics			C1	C2	C3	C4					R1	
Average Abatement per Year			\$ 131.02	\$ 211.76	\$ 1,275.33	\$ 6,560.66					\$ 24.34	
PV as % of Assumed Minimum Investment			0.05%	0.05%	0.06%	0.07%					0.03%	
PV per \$1,000 of Assumed Minimum Investment			\$ 0.47	\$ 0.45	\$ 0.60	\$ 0.72					\$ 0.28	
Barry-Lawrence County Public Library			COMMERCIAL								RESIDENTIAL	
Summary			C1	C2	C3	C4					R1	
Base Land Assessed Value			\$ 23,555	\$ 23,555	\$ 23,555	\$ 23,555					\$ 5,635	
Base Building Assessed Value			\$ 94,221	\$ 94,221	\$ 94,221	\$ 94,221					\$ 14,836	
Base Total Assessed Value			\$ 117,777	\$ 117,777	\$ 117,777	\$ 117,777					\$ 20,471	
Incremental Land Assessed Value			\$ 3,347	\$ 5,578	\$ 33,470	\$ 167,352					\$ 911	
Incremental Building Assessed Value			\$ 13,388	\$ 22,314	\$ 133,882	\$ 669,409					\$ 2,125	
Incremental Total Assessed Value			\$ 16,735	\$ 27,892	\$ 167,352	\$ 836,761					\$ 3,036	
Incremental Tax - Annual			\$ 812	\$ 1,353	\$ 8,116	\$ 40,582					\$ 147	
Abated Taxes - Project			\$ 8,618	\$ 14,364	\$ 134,366	\$ 930,456					\$ 1,564	
Abated Taxes - Land Uplift			\$ 706	\$ 706	\$ 1,776	\$ 3,345					\$ 169	
Abated Taxes - Total			\$ 9,325	\$ 15,070	\$ 136,142	\$ 933,801					\$ 1,733	
PV of Total Abated Taxes			\$ 7,164	\$ 11,616	\$ 91,777	\$ 551,613					\$ 1,328	
PV Per Eligible Parcel			\$ 50	\$ 81	\$ 637	\$ 3,831					\$ 20	
Other Metrics			C1	C2	C3	C4					R1	
Average Abatement per Year			\$ 932.46	\$ 1,507.00	\$ 9,076.12	\$ 46,690.04					\$ 173.25	
PV as % of Assumed Minimum Investment			0.33%	0.32%	0.42%	0.51%					0.20%	
PV per \$1,000 of Assumed Minimum Investment			\$ 3.32	\$ 3.23	\$ 4.25	\$ 5.11					\$ 2.01	
Barry County Health Department			COMMERCIAL								RESIDENTIAL	
Summary			C1	C2	C3	C4					R1	
Base Land Assessed Value			\$ 7,778	\$ 7,778	\$ 7,778	\$ 7,778					\$ 1,861	
Base Building Assessed Value			\$ 31,113	\$ 31,113	\$ 31,113	\$ 31,113					\$ 4,899	
Base Total Assessed Value			\$ 38,891	\$ 38,891	\$ 38,891	\$ 38,891					\$ 6,760	
Incremental Land Assessed Value			\$ 1,105	\$ 1,842	\$ 11,052	\$ 55,262					\$ 301	
Incremental Building Assessed Value			\$ 4,421	\$ 7,368	\$ 44,209	\$ 221,046					\$ 702	
Incremental Total Assessed Value			\$ 5,526	\$ 9,210	\$ 55,262	\$ 276,308					\$ 1,003	
Incremental Tax - Annual			\$ 268	\$ 447	\$ 2,680	\$ 13,401					\$ 49	
Abated Taxes - Project			\$ 2,846	\$ 4,743	\$ 44,369	\$ 307,247					\$ 516	
Abated Taxes - Land Uplift			\$ 233	\$ 233	\$ 587	\$ 1,104					\$ 56	
Abated Taxes - Total			\$ 3,079	\$ 4,976	\$ 44,956	\$ 308,351					\$ 572	
PV of Total Abated Taxes			\$ 2,366	\$ 3,836	\$ 30,306	\$ 182,149					\$ 438	
PV Per Eligible Parcel			\$ 16	\$ 27	\$ 210	\$ 1,265					\$ 7	
Other Metrics			C1	C2	C3	C4					R1	
Average Abatement per Year			\$ 307.91	\$ 497.63	\$ 2,997.03	\$ 15,417.55					\$ 57.21	
PV as % of Assumed Minimum Investment			0.11%	0.11%	0.14%	0.17%					0.07%	
PV per \$1,000 of Assumed Minimum Investment			\$ 1.10	\$ 1.07	\$ 1.40	\$ 1.69					\$ 0.66	

2. HYPOTHETICAL IMPACT ASSESSMENT – PROGRAM INVESTMENT MINIMUM REQUIREMENTS - SUMMARY
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT

Barry County Developmental Disability Board
Summary

Base Land Assessed Value
Base Building Assessed Value
Base Total Assessed Value
Incremental Land Assessed Value
Incremental Building Assessed Value
Incremental Total Assessed Value
Incremental Tax - Annual
Abated Taxes - Project
Abated Taxes - Land Uplift
Abated Taxes - Total
PV of Total Abated Taxes
PV Per Eligible Parcel

Other Metrics

Average Abatement per Year
PV as % of Assumed Minimum Investment
PV per \$1,000 of Assumed Minimum Investment

COMMERCIAL

C1	C2	C3	C4
\$ 6,620	\$ 6,620	\$ 6,620	\$ 6,620
\$ 26,479	\$ 26,479	\$ 26,479	\$ 26,479
\$ 33,099	\$ 33,099	\$ 33,099	\$ 33,099
\$ 941	\$ 1,568	\$ 9,406	\$ 47,031
\$ 3,762	\$ 6,271	\$ 37,625	\$ 188,124
\$ 4,703	\$ 7,839	\$ 47,031	\$ 235,155
\$ 228	\$ 380	\$ 2,281	\$ 11,405
\$ 2,422	\$ 4,037	\$ 37,761	\$ 261,487
\$ 198	\$ 198	\$ 499	\$ 940
\$ 2,620	\$ 4,235	\$ 38,260	\$ 262,426
\$ 2,013	\$ 3,264	\$ 25,792	\$ 155,020
\$ 14	\$ 23	\$ 179	\$ 1,077

RESIDENTIAL

R1
\$ 1,584
\$ 4,169
\$ 5,753
\$ 256
\$ 597
\$ 853
\$ 41
\$ 439
\$ 47
\$ 487
\$ 373
\$ 6

Barry County Senior Services

Summary

Base Land Assessed Value
Base Building Assessed Value
Base Total Assessed Value
Incremental Land Assessed Value
Incremental Building Assessed Value
Incremental Total Assessed Value
Incremental Tax - Annual
Abated Taxes - Project
Abated Taxes - Land Uplift
Abated Taxes - Total
PV of Total Abated Taxes
PV Per Eligible Parcel

Other Metrics

Average Abatement per Year
PV as % of Assumed Minimum Investment
PV per \$1,000 of Assumed Minimum Investment

COMMERCIAL

C1	C2	C3	C4
\$ 5,274	\$ 5,274	\$ 5,274	\$ 5,274
\$ 21,095	\$ 21,095	\$ 21,095	\$ 21,095
\$ 26,369	\$ 26,369	\$ 26,369	\$ 26,369
\$ 749	\$ 1,249	\$ 7,494	\$ 37,468
\$ 2,997	\$ 4,996	\$ 29,974	\$ 149,872
\$ 3,747	\$ 6,245	\$ 37,468	\$ 187,340
\$ 182	\$ 303	\$ 1,817	\$ 9,086
\$ 1,930	\$ 3,216	\$ 30,083	\$ 208,318
\$ 158	\$ 158	\$ 398	\$ 749
\$ 2,088	\$ 3,374	\$ 30,480	\$ 209,066
\$ 1,604	\$ 2,601	\$ 20,548	\$ 123,499
\$ 11	\$ 18	\$ 143	\$ 858

RESIDENTIAL

R1
\$ 1,262
\$ 3,322
\$ 4,583
\$ 204
\$ 476
\$ 680
\$ 33
\$ 350
\$ 38
\$ 388
\$ 297
\$ 5

C1	C2	C3	C4
\$ 208.77	\$ 337.40	\$ 2,032.03	\$ 10,453.32
0.07%	0.07%	0.10%	0.11%
\$ 0.74	\$ 0.72	\$ 0.95	\$ 1.14

R1
\$ 38.79
0.05%
\$ 0.45

Monett R-1 School District

Summary

Base Land Assessed Value
Base Building Assessed Value
Base Total Assessed Value
Incremental Land Assessed Value
Incremental Building Assessed Value
Incremental Total Assessed Value
Incremental Tax - Annual
Abated Taxes - Project
Abated Taxes - Land Uplift
Abated Taxes - Total
PV of Total Abated Taxes
PV Per Eligible Parcel

Other Metrics

Average Abatement per Year
PV as % of Assumed Minimum Investment
PV per \$1,000 of Assumed Minimum Investment

COMMERCIAL

C1	C2	C3	C4
\$ 432,448	\$ 432,448	\$ 432,448	\$ 432,448
\$ 1,729,791	\$ 1,729,791	\$ 1,729,791	\$ 1,729,791
\$ 2,162,239	\$ 2,162,239	\$ 2,162,239	\$ 2,162,239
\$ 61,448	\$ 102,413	\$ 614,477	\$ 3,072,383
\$ 245,791	\$ 409,651	\$ 2,457,907	\$ 12,289,533
\$ 307,238	\$ 512,064	\$ 3,072,383	\$ 15,361,916
\$ 14,901	\$ 24,835	\$ 149,008	\$ 745,038
\$ 158,220	\$ 263,700	\$ 2,466,789	\$ 17,082,042
\$ 12,967	\$ 12,967	\$ 32,609	\$ 61,405
\$ 171,187	\$ 276,668	\$ 2,499,399	\$ 17,143,446
\$ 131,523	\$ 213,253	\$ 1,684,912	\$ 10,126,951
\$ 913	\$ 1,481	\$ 11,701	\$ 70,326

RESIDENTIAL

R1
\$ 103,455
\$ 272,368
\$ 375,823
\$ 16,722
\$ 39,018
\$ 55,740
\$ 2,703
\$ 28,705
\$ 3,102
\$ 31,807
\$ 24,378
\$ 369

C1	C2	C3	C4
\$ 17,118.74	\$ 27,666.76	\$ 166,626.57	\$ 857,172.31
6.09%	5.92%	7.80%	9.38%
\$ 60.89	\$ 59.24	\$ 78.01	\$ 93.77

R1
\$ 3,180.71
3.69%
\$ 36.94

2. HYPOTHETICAL IMPACT ASSESSMENT – PROGRAM INVESTMENT MINIMUM REQUIREMENTS - SUMMARY
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT

Monett SRD Barry County - Road & Bridge	
Summary	
Base Land Assessed Value	
Base Building Assessed Value	
Base Total Assessed Value	
Incremental Land Assessed Value	
Incremental Building Assessed Value	
Incremental Total Assessed Value	
Incremental Tax - Annual	
Abated Taxes - Project	
Abated Taxes - Land Uplift	
Abated Taxes - Total	
PV of Total Abated Taxes	
PV Per Eligible Parcel	
Other Metrics	
Average Abatement per Year	
PV as % of Assumed Minimum Investment	
PV per \$1,000 of Assumed Minimum Investment	

COMMERCIAL				
C1	C2	C3	C4	
\$ 19,992	\$ 19,992	\$ 19,992	\$ 19,992	
\$ 79,967	\$ 79,967	\$ 79,967	\$ 79,967	
\$ 99,959	\$ 99,959	\$ 99,959	\$ 99,959	
\$ 2,841	\$ 4,734	\$ 28,407	\$ 142,034	
\$ 11,363	\$ 18,938	\$ 113,627	\$ 568,135	
\$ 14,203	\$ 23,672	\$ 142,034	\$ 710,169	
\$ 689	\$ 1,148	\$ 6,888	\$ 34,442	
\$ 7,314	\$ 12,191	\$ 114,038	\$ 789,689	
\$ 599	\$ 599	\$ 1,507	\$ 2,839	
\$ 7,914	\$ 12,790	\$ 115,545	\$ 792,528	
\$ 6,080	\$ 9,858	\$ 77,892	\$ 468,161	
\$ 42	\$ 68	\$ 541	\$ 3,251	
C1	C2	C3	C4	
\$ 791.39	\$ 1,279.01	\$ 7,703.01	\$ 39,626.40	
0.28%	0.27%	0.36%	0.43%	
\$ 2.81	\$ 2.74	\$ 3.61	\$ 4.33	

RESIDENTIAL	
R1	
\$ 4,783	
\$ 12,591	
\$ 17,374	
\$ 773	
\$ 1,804	
\$ 2,577	
\$ 125	
\$ 1,327	
\$ 143	
\$ 1,470	
\$ 1,127	
\$ 17	
R1	
\$ 147.04	
0.17%	
\$ 1.71	

Surtax	
Summary	
Base Land Assessed Value	
Base Building Assessed Value	
Base Total Assessed Value	
Incremental Land Assessed Value	
Incremental Building Assessed Value	
Incremental Total Assessed Value	
Incremental Tax - Annual	
Abated Taxes - Project	
Abated Taxes - Land Uplift	
Abated Taxes - Total	
PV of Total Abated Taxes	
PV Per Eligible Parcel	
Other Metrics	
Average Abatement per Year	
PV as % of Assumed Minimum Investment	
PV per \$1,000 of Assumed Minimum Investment	

COMMERCIAL				
C1	C2	C3	C4	
\$ 36,111	\$ 36,111	\$ 36,111	\$ 36,111	
\$ 144,443	\$ 144,443	\$ 144,443	\$ 144,443	
\$ 180,554	\$ 180,554	\$ 180,554	\$ 180,554	
\$ 5,131	\$ 8,552	\$ 51,311	\$ 256,555	
\$ 20,524	\$ 34,207	\$ 205,244	\$ 1,026,218	
\$ 25,655	\$ 42,759	\$ 256,555	\$ 1,282,773	
\$ 1,244	\$ 2,074	\$ 12,443	\$ 62,213	
\$ 13,212	\$ 22,020	\$ 205,985	\$ 1,426,409	
\$ 1,083	\$ 1,083	\$ 2,723	\$ 5,128	
\$ 14,295	\$ 23,103	\$ 208,708	\$ 1,431,536	
\$ 10,983	\$ 17,807	\$ 140,696	\$ 845,635	
\$ 76	\$ 124	\$ 977	\$ 5,872	
C1	C2	C3	C4	
\$ 1,429.47	\$ 2,310.27	\$ 13,913.89	\$ 71,576.82	
0.51%	0.49%	0.65%	0.78%	
\$ 5.08	\$ 4.95	\$ 6.51	\$ 7.83	

RESIDENTIAL	
R1	
\$ 8,639	
\$ 22,744	
\$ 31,383	
\$ 1,396	
\$ 3,258	
\$ 4,655	
\$ 226	
\$ 2,397	
\$ 259	
\$ 2,656	
\$ 2,036	
\$ 31	
R1	
\$ 265.60	
0.31%	
\$ 3.08	

ASSUMPTIONS

CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Analysis Start (Base) Year

2025

Property Tax Rates		
Entity	2025 Levy	% of Total Levy
State of Missouri	0.0300	0.62%
Barry-Lawrence County Public Library	0.2135	4.40%
Barry County Health Department	0.0705	1.45%
Barry County Developmental Disability Board	0.0600	1.24%
Barry County Senior Services	0.0478	0.99%
Monett R-1 School District	3.9196	80.82%
Monett SRD Barry County - Road & Bridge	0.1812	3.74%
Surtax	0.3273	6.75%
Total	4.8499	100.00%

Project Improvements

Total Project Improvements	
Post-Redevelopment Appraised Value as % of Construction Budget	55.00%

Type	2025 Appraised	2025 Assessed
Residential	\$ 2,192,336.84	\$ 416,544.00
Commercial	\$ 8,360,740.63	\$ 2,675,437.00
Total	\$ 10,553,077.47	\$ 3,091,981.00

Assessment Rates	
Type	Rate
Residential	19.00%
Commercial	32.00%
Agricultural	12.00%

AV Split	Land Value %		Building Value %	
Property Type	Lower	Upper	Lower	Upper
Residential	20.00%	40.00%	60.00%	80.00%
Commercial	10.00%	30.00%	70.00%	90.00%
Industrial	15.00%	35.00%	65.00%	85.00%

AV Split		
Land	Building	Total
30.00%	70.00%	100.00%
20.00%	80.00%	100.00%
25.00%	75.00%	100.00%

Other Assumptions	
Biennial Growth	3.00%
Discount Rate	6.00%

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Metric
Minimum Level of Investment (Project Improvements)
Length of Term
Post-Redevelopment Appraised Value as % of Construction Budget
Post-Redevelopment Incremental Appraised Value
Assessment Rate
Post-Redevelopment Incremental Assessed Value
Total Incremental Tax (Nominal)
PV of Total Incremental Tax

Commercial			
C1	C2	C3	C4
\$ 15,000.00	\$ 25,000.00	\$ 150,000.00	\$ 750,000.00
10 Years	10 Years	15 Years	20 Years
55.00%	55.00%	55.00%	55.00%
\$ 8,250.00	\$ 13,750.00	\$ 82,500.00	\$ 412,500.00
32.00%	32.00%	32.00%	32.00%
\$ 2,640.00	\$ 4,400.00	\$ 26,400.00	\$ 132,000.00
\$ 1,359.54	\$ 2,265.89	\$ 21,196.33	\$ 146,780.48
\$ 993.79	\$ 1,656.31	\$ 13,507.49	\$ 81,854.90

Residential
R1
\$ 10,000.00
10 Years
55.00%
\$ 5,500.00
19.00%
\$ 1,045.00
\$ 538.15
\$ 393.37

Incremental Tax - Year 1	Levy
State of Missouri	0.0300
Barry-Lawrence County Public Library	0.2135
Barry County Health Department	0.0705
Barry County Developmental Disability Board	0.0600
Barry County Senior Services	0.0478
Monett R-1 School District	3.9196
Monett SRD Barry County - Road & Bridge	0.1812
Surtax	0.3273
Total - Incremental Tax - Year 1	4.8499

C1	C2	C3	C4
\$ 0.79	\$ 1.32	\$ 7.92	\$ 39.60
\$ 5.64	\$ 9.39	\$ 56.36	\$ 281.82
\$ 1.86	\$ 3.10	\$ 18.61	\$ 93.06
\$ 1.58	\$ 2.64	\$ 15.84	\$ 79.20
\$ 1.26	\$ 2.10	\$ 12.62	\$ 63.10
\$ 103.48	\$ 172.46	\$ 1,034.77	\$ 5,173.87
\$ 4.78	\$ 7.97	\$ 47.84	\$ 239.18
\$ 8.64	\$ 14.40	\$ 86.41	\$ 432.04
\$ 128.04	\$ 213.40	\$ 1,280.37	\$ 6,401.87

R1
\$ 0.31
\$ 2.23
\$ 0.74
\$ 0.63
\$ 0.50
\$ 40.96
\$ 1.89
\$ 3.42
\$ 50.68

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS

CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Incremental Tax (Nominal)					
C1	C2	C3	C4		R1
\$ 128.04	\$ 213.40	\$ 1,280.37	\$ 6,401.87	\$	50.68
\$ 128.04	\$ 213.40	\$ 1,280.37	\$ 6,401.87	\$	50.68
\$ 131.88	\$ 219.80	\$ 1,318.78	\$ 6,593.92	\$	52.20
\$ 131.88	\$ 219.80	\$ 1,318.78	\$ 6,593.92	\$	52.20
\$ 135.83	\$ 226.39	\$ 1,358.35	\$ 6,791.74	\$	53.77
\$ 135.83	\$ 226.39	\$ 1,358.35	\$ 6,791.74	\$	53.77
\$ 139.91	\$ 233.18	\$ 1,399.10	\$ 6,995.49	\$	55.38
\$ 139.91	\$ 233.18	\$ 1,399.10	\$ 6,995.49	\$	55.38
\$ 144.11	\$ 240.18	\$ 1,441.07	\$ 7,205.36	\$	57.04
\$ 144.11	\$ 240.18	\$ 1,441.07	\$ 7,205.36	\$	57.04
\$ -	\$ -	\$ 1,484.30	\$ 7,421.52	\$	-
\$ -	\$ -	\$ 1,484.30	\$ 7,421.52	\$	-
\$ -	\$ -	\$ 1,528.83	\$ 7,644.17	\$	-
\$ -	\$ -	\$ 1,528.83	\$ 7,644.17	\$	-
\$ -	\$ -	\$ 1,574.70	\$ 7,873.49	\$	-
\$ -	\$ -	\$ -	\$ 7,873.49	\$	-
\$ -	\$ -	\$ -	\$ 8,109.69	\$	-
\$ -	\$ -	\$ -	\$ 8,109.69	\$	-
\$ -	\$ -	\$ -	\$ 8,352.99	\$	-
\$ -	\$ -	\$ -	\$ 8,352.99	\$	-
\$ 1,359.54	\$ 2,265.89	\$ 21,196.33	\$ 146,780.48	\$	538.15

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Incremental Tax (Present Value @ 6%)					
C1	C2	C3	C4		R1
\$ 120.79	\$ 201.32	\$ 1,207.90	\$ 6,039.50	\$	47.81
\$ 113.95	\$ 189.92	\$ 1,139.53	\$ 5,697.64	\$	45.11
\$ 110.73	\$ 184.55	\$ 1,107.28	\$ 5,536.39	\$	43.83
\$ 104.46	\$ 174.10	\$ 1,044.60	\$ 5,223.01	\$	41.35
\$ 101.50	\$ 169.17	\$ 1,015.04	\$ 5,075.18	\$	40.18
\$ 95.76	\$ 159.60	\$ 957.58	\$ 4,787.91	\$	37.90
\$ 93.05	\$ 155.08	\$ 930.48	\$ 4,652.40	\$	36.83
\$ 87.78	\$ 146.30	\$ 877.81	\$ 4,389.06	\$	34.75
\$ 85.30	\$ 142.16	\$ 852.97	\$ 4,264.84	\$	33.76
\$ 80.47	\$ 134.11	\$ 804.69	\$ 4,023.43	\$	31.85
\$ -	\$ -	\$ 781.91	\$ 3,909.56	\$	-
\$ -	\$ -	\$ 737.65	\$ 3,688.27	\$	-
\$ -	\$ -	\$ 716.78	\$ 3,583.88	\$	-
\$ -	\$ -	\$ 676.20	\$ 3,381.02	\$	-
\$ -	\$ -	\$ 657.07	\$ 3,285.33	\$	-
\$ -	\$ -	\$ -	\$ 3,099.37	\$	-
\$ -	\$ -	\$ -	\$ 3,011.65	\$	-
\$ -	\$ -	\$ -	\$ 2,841.18	\$	-
\$ -	\$ -	\$ -	\$ 2,760.77	\$	-
\$ -	\$ -	\$ -	\$ 2,604.50	\$	-
\$ 993.79	\$ 1,656.31	\$ 13,507.49	\$ 81,854.90	\$	393.37

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

State of Missouri					
C1	C2	C3	C4		R1
\$ 0.79	\$ 1.32	\$ 7.92	\$ 39.60		\$ 0.31
\$ 0.79	\$ 1.32	\$ 7.92	\$ 39.60		\$ 0.31
\$ 0.82	\$ 1.36	\$ 8.16	\$ 40.79		\$ 0.32
\$ 0.82	\$ 1.36	\$ 8.16	\$ 40.79		\$ 0.32
\$ 0.84	\$ 1.40	\$ 8.40	\$ 42.01		\$ 0.33
\$ 0.84	\$ 1.40	\$ 8.40	\$ 42.01		\$ 0.33
\$ 0.87	\$ 1.44	\$ 8.65	\$ 43.27		\$ 0.34
\$ 0.87	\$ 1.44	\$ 8.65	\$ 43.27		\$ 0.34
\$ 0.89	\$ 1.49	\$ 8.91	\$ 44.57		\$ 0.35
\$ 0.89	\$ 1.49	\$ 8.91	\$ 44.57		\$ 0.35
\$ -	\$ -	\$ 9.18	\$ 45.91		\$ -
\$ -	\$ -	\$ 9.18	\$ 45.91		\$ -
\$ -	\$ -	\$ 9.46	\$ 47.28		\$ -
\$ -	\$ -	\$ 9.46	\$ 47.28		\$ -
\$ -	\$ -	\$ 9.74	\$ 48.70		\$ -
\$ -	\$ -	\$ -	\$ 48.70		\$ -
\$ -	\$ -	\$ -	\$ 50.16		\$ -
\$ -	\$ -	\$ -	\$ 50.16		\$ -
\$ -	\$ -	\$ -	\$ 51.67		\$ -
\$ -	\$ -	\$ -	\$ 51.67		\$ -
\$ 8.41	\$ 14.02	\$ 131.11	\$ 907.94		\$ 3.33

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

State of Missouri					
C1	C2	C3	C4		R1
\$ 0.75	\$ 1.25	\$ 7.47	\$ 37.36		\$ 0.30
\$ 0.70	\$ 1.17	\$ 7.05	\$ 35.24		\$ 0.28
\$ 0.68	\$ 1.14	\$ 6.85	\$ 34.25		\$ 0.27
\$ 0.65	\$ 1.08	\$ 6.46	\$ 32.31		\$ 0.26
\$ 0.63	\$ 1.05	\$ 6.28	\$ 31.39		\$ 0.25
\$ 0.59	\$ 0.99	\$ 5.92	\$ 29.62		\$ 0.23
\$ 0.58	\$ 0.96	\$ 5.76	\$ 28.78		\$ 0.23
\$ 0.54	\$ 0.90	\$ 5.43	\$ 27.15		\$ 0.21
\$ 0.53	\$ 0.88	\$ 5.28	\$ 26.38		\$ 0.21
\$ 0.50	\$ 0.83	\$ 4.98	\$ 24.89		\$ 0.20
\$ -	\$ -	\$ 4.84	\$ 24.18		\$ -
\$ -	\$ -	\$ 4.56	\$ 22.81		\$ -
\$ -	\$ -	\$ 4.43	\$ 22.17		\$ -
\$ -	\$ -	\$ 4.18	\$ 20.91		\$ -
\$ -	\$ -	\$ 4.06	\$ 20.32		\$ -
\$ -	\$ -	\$ -	\$ 19.17		\$ -
\$ -	\$ -	\$ -	\$ 18.63		\$ -
\$ -	\$ -	\$ -	\$ 17.57		\$ -
\$ -	\$ -	\$ -	\$ 17.08		\$ -
\$ -	\$ -	\$ -	\$ 16.11		\$ -
\$ 6.15	\$ 10.25	\$ 83.55	\$ 506.33		\$ 2.43

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Barry-Lawrence County Public Library					
C1	C2	C3	C4		R1
\$ 5.64	\$ 9.39	\$ 56.36	\$ 281.82	\$	2.23
\$ 5.64	\$ 9.39	\$ 56.36	\$ 281.82	\$	2.23
\$ 5.81	\$ 9.68	\$ 58.05	\$ 290.27	\$	2.30
\$ 5.81	\$ 9.68	\$ 58.05	\$ 290.27	\$	2.30
\$ 5.98	\$ 9.97	\$ 59.80	\$ 298.98	\$	2.37
\$ 5.98	\$ 9.97	\$ 59.80	\$ 298.98	\$	2.37
\$ 6.16	\$ 10.27	\$ 61.59	\$ 307.95	\$	2.44
\$ 6.16	\$ 10.27	\$ 61.59	\$ 307.95	\$	2.44
\$ 6.34	\$ 10.57	\$ 63.44	\$ 317.19	\$	2.51
\$ 6.34	\$ 10.57	\$ 63.44	\$ 317.19	\$	2.51
\$ -	\$ -	\$ 65.34	\$ 326.71	\$	-
\$ -	\$ -	\$ 65.34	\$ 326.71	\$	-
\$ -	\$ -	\$ 67.30	\$ 336.51	\$	-
\$ -	\$ -	\$ 67.30	\$ 336.51	\$	-
\$ -	\$ -	\$ 69.32	\$ 346.60	\$	-
\$ -	\$ -	\$ -	\$ 346.60	\$	-
\$ -	\$ -	\$ -	\$ 357.00	\$	-
\$ -	\$ -	\$ -	\$ 357.00	\$	-
\$ -	\$ -	\$ -	\$ 367.71	\$	-
\$ -	\$ -	\$ -	\$ 367.71	\$	-
\$ 59.85	\$ 99.75	\$ 933.09	\$ 6,461.50	\$	23.69

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Barry-Lawrence County Public Library					
C1	C2	C3	C4		R1
\$ 5.32	\$ 8.86	\$ 53.17	\$ 265.87	\$	2.10
\$ 5.02	\$ 8.36	\$ 50.16	\$ 250.82	\$	1.99
\$ 4.87	\$ 8.12	\$ 48.74	\$ 243.72	\$	1.93
\$ 4.60	\$ 7.66	\$ 45.98	\$ 229.92	\$	1.82
\$ 4.47	\$ 7.45	\$ 44.68	\$ 223.42	\$	1.77
\$ 4.22	\$ 7.03	\$ 42.15	\$ 210.77	\$	1.67
\$ 4.10	\$ 6.83	\$ 40.96	\$ 204.81	\$	1.62
\$ 3.86	\$ 6.44	\$ 38.64	\$ 193.21	\$	1.53
\$ 3.75	\$ 6.26	\$ 37.55	\$ 187.74	\$	1.49
\$ 3.54	\$ 5.90	\$ 35.42	\$ 177.12	\$	1.40
\$ -	\$ -	\$ 34.42	\$ 172.10	\$	-
\$ -	\$ -	\$ 32.47	\$ 162.36	\$	-
\$ -	\$ -	\$ 31.55	\$ 157.77	\$	-
\$ -	\$ -	\$ 29.77	\$ 148.84	\$	-
\$ -	\$ -	\$ 28.93	\$ 144.63	\$	-
\$ -	\$ -	\$ -	\$ 136.44	\$	-
\$ -	\$ -	\$ -	\$ 132.58	\$	-
\$ -	\$ -	\$ -	\$ 125.07	\$	-
\$ -	\$ -	\$ -	\$ 121.53	\$	-
\$ -	\$ -	\$ -	\$ 114.65	\$	-
\$ 43.75	\$ 72.91	\$ 594.62	\$ 3,603.38	\$	17.32

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Barry County Health Department						
C1	C2	C3	C4		R1	
\$ 1.86	\$ 3.10	\$ 18.61	\$ 93.06		\$ 0.74	
\$ 1.86	\$ 3.10	\$ 18.61	\$ 93.06		\$ 0.74	
\$ 1.92	\$ 3.20	\$ 19.17	\$ 95.85		\$ 0.76	
\$ 1.92	\$ 3.20	\$ 19.17	\$ 95.85		\$ 0.76	
\$ 1.97	\$ 3.29	\$ 19.75	\$ 98.73		\$ 0.78	
\$ 1.97	\$ 3.29	\$ 19.75	\$ 98.73		\$ 0.78	
\$ 2.03	\$ 3.39	\$ 20.34	\$ 101.69		\$ 0.81	
\$ 2.03	\$ 3.39	\$ 20.34	\$ 101.69		\$ 0.81	
\$ 2.09	\$ 3.49	\$ 20.95	\$ 104.74		\$ 0.83	
\$ 2.09	\$ 3.49	\$ 20.95	\$ 104.74		\$ 0.83	
\$ -	\$ -	\$ 21.58	\$ 107.88		\$ -	
\$ -	\$ -	\$ 21.58	\$ 107.88		\$ -	
\$ -	\$ -	\$ 22.22	\$ 111.12		\$ -	
\$ -	\$ -	\$ 22.22	\$ 111.12		\$ -	
\$ -	\$ -	\$ 22.89	\$ 114.45		\$ -	
\$ -	\$ -	\$ -	\$ 114.45		\$ -	
\$ -	\$ -	\$ -	\$ 117.89		\$ -	
\$ -	\$ -	\$ -	\$ 117.89		\$ -	
\$ -	\$ -	\$ -	\$ 121.42		\$ -	
\$ -	\$ -	\$ -	\$ 121.42		\$ -	
\$ 19.76	\$ 32.94	\$ 308.12	\$ 2,133.66		\$ 7.82	

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Barry County Health Department						
C1	C2	C3	C4		R1	
\$ 1.76	\$ 2.93	\$ 17.56	\$ 87.79		\$ 0.70	
\$ 1.66	\$ 2.76	\$ 16.56	\$ 82.82		\$ 0.66	
\$ 1.61	\$ 2.68	\$ 16.10	\$ 80.48		\$ 0.64	
\$ 1.52	\$ 2.53	\$ 15.18	\$ 75.92		\$ 0.60	
\$ 1.48	\$ 2.46	\$ 14.75	\$ 73.77		\$ 0.58	
\$ 1.39	\$ 2.32	\$ 13.92	\$ 69.60		\$ 0.55	
\$ 1.35	\$ 2.25	\$ 13.53	\$ 67.63		\$ 0.54	
\$ 1.28	\$ 2.13	\$ 12.76	\$ 63.80		\$ 0.51	
\$ 1.24	\$ 2.07	\$ 12.40	\$ 62.00		\$ 0.49	
\$ 1.17	\$ 1.95	\$ 11.70	\$ 58.49		\$ 0.46	
\$ -	\$ -	\$ 11.37	\$ 56.83		\$ -	
\$ -	\$ -	\$ 10.72	\$ 53.61		\$ -	
\$ -	\$ -	\$ 10.42	\$ 52.10		\$ -	
\$ -	\$ -	\$ 9.83	\$ 49.15		\$ -	
\$ -	\$ -	\$ 9.55	\$ 47.76		\$ -	
\$ -	\$ -	\$ -	\$ 45.05		\$ -	
\$ -	\$ -	\$ -	\$ 43.78		\$ -	
\$ -	\$ -	\$ -	\$ 41.30		\$ -	
\$ -	\$ -	\$ -	\$ 40.13		\$ -	
\$ -	\$ -	\$ -	\$ 37.86		\$ -	
\$ 14.45	\$ 24.08	\$ 196.35	\$ 1,189.87		\$ 5.72	

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Barry County Developmental Disability Board							
C1		C2		C3		C4	R1
\$	1.58	\$	2.64	\$	15.84	\$ 79.20	\$ 0.63
\$	1.58	\$	2.64	\$	15.84	\$ 79.20	\$ 0.63
\$	1.63	\$	2.72	\$	16.32	\$ 81.58	\$ 0.65
\$	1.63	\$	2.72	\$	16.32	\$ 81.58	\$ 0.65
\$	1.68	\$	2.80	\$	16.80	\$ 84.02	\$ 0.67
\$	1.68	\$	2.80	\$	16.80	\$ 84.02	\$ 0.67
\$	1.73	\$	2.88	\$	17.31	\$ 86.54	\$ 0.69
\$	1.73	\$	2.88	\$	17.31	\$ 86.54	\$ 0.69
\$	1.78	\$	2.97	\$	17.83	\$ 89.14	\$ 0.71
\$	1.78	\$	2.97	\$	17.83	\$ 89.14	\$ 0.71
\$	-	\$	-	\$	18.36	\$ 91.81	\$ -
\$	-	\$	-	\$	18.36	\$ 91.81	\$ -
\$	-	\$	-	\$	18.91	\$ 94.57	\$ -
\$	-	\$	-	\$	18.91	\$ 94.57	\$ -
\$	-	\$	-	\$	19.48	\$ 97.41	\$ -
\$	-	\$	-	\$	-	\$ 97.41	\$ -
\$	-	\$	-	\$	-	\$ 100.33	\$ -
\$	-	\$	-	\$	-	\$ 100.33	\$ -
\$	-	\$	-	\$	-	\$ 103.34	\$ -
\$	-	\$	-	\$	-	\$ 103.34	\$ -
\$	16.82	\$	28.03	\$	262.23	\$ 1,815.88	\$ 6.66

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Barry County Developmental Disability Board							
C1		C2		C3		C4	R1
\$	1.49	\$	2.49	\$	14.94	\$ 74.72	\$ 0.59
\$	1.41	\$	2.35	\$	14.10	\$ 70.49	\$ 0.56
\$	1.37	\$	2.28	\$	13.70	\$ 68.49	\$ 0.54
\$	1.29	\$	2.15	\$	12.92	\$ 64.62	\$ 0.51
\$	1.26	\$	2.09	\$	12.56	\$ 62.79	\$ 0.50
\$	1.18	\$	1.97	\$	11.85	\$ 59.23	\$ 0.47
\$	1.15	\$	1.92	\$	11.51	\$ 57.56	\$ 0.46
\$	1.09	\$	1.81	\$	10.86	\$ 54.30	\$ 0.43
\$	1.06	\$	1.76	\$	10.55	\$ 52.76	\$ 0.42
\$	1.00	\$	1.66	\$	9.96	\$ 49.78	\$ 0.39
\$	-	\$	-	\$	9.67	\$ 48.37	\$ -
\$	-	\$	-	\$	9.13	\$ 45.63	\$ -
\$	-	\$	-	\$	8.87	\$ 44.34	\$ -
\$	-	\$	-	\$	8.37	\$ 41.83	\$ -
\$	-	\$	-	\$	8.13	\$ 40.64	\$ -
\$	-	\$	-	\$	-	\$ 38.34	\$ -
\$	-	\$	-	\$	-	\$ 37.26	\$ -
\$	-	\$	-	\$	-	\$ 35.15	\$ -
\$	-	\$	-	\$	-	\$ 34.15	\$ -
\$	-	\$	-	\$	-	\$ 32.22	\$ -
\$	12.29	\$	20.49	\$	167.11	\$ 1,012.66	\$ 4.87

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Barry County Senior Services					
C1	C2	C3	C4		R1
\$ 1.26	\$ 2.10	\$ 12.62	\$ 63.10		\$ 0.50
\$ 1.26	\$ 2.10	\$ 12.62	\$ 63.10		\$ 0.50
\$ 1.30	\$ 2.17	\$ 13.00	\$ 64.99		\$ 0.51
\$ 1.30	\$ 2.17	\$ 13.00	\$ 64.99		\$ 0.51
\$ 1.34	\$ 2.23	\$ 13.39	\$ 66.94		\$ 0.53
\$ 1.34	\$ 2.23	\$ 13.39	\$ 66.94		\$ 0.53
\$ 1.38	\$ 2.30	\$ 13.79	\$ 68.95		\$ 0.55
\$ 1.38	\$ 2.30	\$ 13.79	\$ 68.95		\$ 0.55
\$ 1.42	\$ 2.37	\$ 14.20	\$ 71.02		\$ 0.56
\$ 1.42	\$ 2.37	\$ 14.20	\$ 71.02		\$ 0.56
-	-	\$ 14.63	\$ 73.15		-
-	-	\$ 14.63	\$ 73.15		-
-	-	\$ 15.07	\$ 75.34		-
-	-	\$ 15.07	\$ 75.34		-
-	-	\$ 15.52	\$ 77.60		-
-	-	-	\$ 77.60		-
-	-	-	\$ 79.93		-
-	-	-	\$ 79.93		-
-	-	-	\$ 82.33		-
-	-	-	\$ 82.33		-
\$ 13.40	\$ 22.33	\$ 208.91	\$ 1,446.65		\$ 5.30

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Barry County Senior Services					
C1	C2	C3	C4		R1
\$ 1.19	\$ 1.98	\$ 11.90	\$ 59.52		\$ 0.47
\$ 1.12	\$ 1.87	\$ 11.23	\$ 56.16		\$ 0.44
\$ 1.09	\$ 1.82	\$ 10.91	\$ 54.57		\$ 0.43
\$ 1.03	\$ 1.72	\$ 10.30	\$ 51.48		\$ 0.41
\$ 1.00	\$ 1.67	\$ 10.00	\$ 50.02		\$ 0.40
\$ 0.94	\$ 1.57	\$ 9.44	\$ 47.19		\$ 0.37
\$ 0.92	\$ 1.53	\$ 9.17	\$ 45.85		\$ 0.36
\$ 0.87	\$ 1.44	\$ 8.65	\$ 43.26		\$ 0.34
\$ 0.84	\$ 1.40	\$ 8.41	\$ 42.03		\$ 0.33
\$ 0.79	\$ 1.32	\$ 7.93	\$ 39.65		\$ 0.31
-	-	\$ 7.71	\$ 38.53		-
-	-	\$ 7.27	\$ 36.35		-
-	-	\$ 7.06	\$ 35.32		-
-	-	\$ 6.66	\$ 33.32		-
-	-	\$ 6.48	\$ 32.38		-
-	-	-	\$ 30.55		-
-	-	-	\$ 29.68		-
-	-	-	\$ 28.00		-
-	-	-	\$ 27.21		-
-	-	-	\$ 25.67		-
\$ 9.79	\$ 16.32	\$ 133.13	\$ 806.75		\$ 3.88

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Monett R-1 School District					
C1	C2	C3	C4		R1
\$ 103.48	\$ 172.46	\$ 1,034.77	\$ 5,173.87		\$ 40.96
\$ 103.48	\$ 172.46	\$ 1,034.77	\$ 5,173.87		\$ 40.96
\$ 106.58	\$ 177.64	\$ 1,065.82	\$ 5,329.09		\$ 42.19
\$ 106.58	\$ 177.64	\$ 1,065.82	\$ 5,329.09		\$ 42.19
\$ 109.78	\$ 182.97	\$ 1,097.79	\$ 5,488.96		\$ 43.45
\$ 109.78	\$ 182.97	\$ 1,097.79	\$ 5,488.96		\$ 43.45
\$ 113.07	\$ 188.45	\$ 1,130.73	\$ 5,653.63		\$ 44.76
\$ 113.07	\$ 188.45	\$ 1,130.73	\$ 5,653.63		\$ 44.76
\$ 116.46	\$ 194.11	\$ 1,164.65	\$ 5,823.24		\$ 46.10
\$ 116.46	\$ 194.11	\$ 1,164.65	\$ 5,823.24		\$ 46.10
\$ -	\$ -	\$ 1,199.59	\$ 5,997.94		\$ -
\$ -	\$ -	\$ 1,199.59	\$ 5,997.94		\$ -
\$ -	\$ -	\$ 1,235.57	\$ 6,177.87		\$ -
\$ -	\$ -	\$ 1,235.57	\$ 6,177.87		\$ -
\$ -	\$ -	\$ 1,272.64	\$ 6,363.21		\$ -
\$ -	\$ -	\$ -	\$ 6,363.21		\$ -
\$ -	\$ -	\$ -	\$ 6,554.11		\$ -
\$ -	\$ -	\$ -	\$ 6,554.11		\$ -
\$ -	\$ -	\$ -	\$ 6,750.73		\$ -
\$ -	\$ -	\$ -	\$ 6,750.73		\$ -
\$ 1,098.75	\$ 1,831.25	\$ 17,130.48	\$ 118,625.29		\$ 434.92

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Monett R-1 School District					
C1	C2	C3	C4		R1
\$ 97.62	\$ 162.70	\$ 976.20	\$ 4,881.01		\$ 38.64
\$ 92.09	\$ 153.49	\$ 920.95	\$ 4,604.73		\$ 36.45
\$ 89.49	\$ 149.15	\$ 894.88	\$ 4,474.41		\$ 35.42
\$ 84.42	\$ 140.70	\$ 844.23	\$ 4,221.14		\$ 33.42
\$ 82.03	\$ 136.72	\$ 820.33	\$ 4,101.67		\$ 32.47
\$ 77.39	\$ 128.98	\$ 773.90	\$ 3,869.50		\$ 30.63
\$ 75.20	\$ 125.33	\$ 752.00	\$ 3,759.99		\$ 29.77
\$ 70.94	\$ 118.24	\$ 709.43	\$ 3,547.16		\$ 28.08
\$ 68.94	\$ 114.89	\$ 689.35	\$ 3,446.77		\$ 27.29
\$ 65.03	\$ 108.39	\$ 650.33	\$ 3,251.67		\$ 25.74
\$ -	\$ -	\$ 631.93	\$ 3,159.64		\$ -
\$ -	\$ -	\$ 596.16	\$ 2,980.79		\$ -
\$ -	\$ -	\$ 579.29	\$ 2,896.43		\$ -
\$ -	\$ -	\$ 546.50	\$ 2,732.48		\$ -
\$ -	\$ -	\$ 531.03	\$ 2,655.15		\$ -
\$ -	\$ -	\$ -	\$ 2,504.85		\$ -
\$ -	\$ -	\$ -	\$ 2,433.96		\$ -
\$ -	\$ -	\$ -	\$ 2,296.19		\$ -
\$ -	\$ -	\$ -	\$ 2,231.20		\$ -
\$ -	\$ -	\$ -	\$ 2,104.91		\$ -
\$ 803.16	\$ 1,338.60	\$ 10,916.50	\$ 66,153.63		\$ 317.92

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Monett SRD Barry County - Road & Bridge					
C1	C2	C3	C4		R1
\$ 4.78	\$ 7.97	\$ 47.84	\$ 239.18		\$ 1.89
\$ 4.78	\$ 7.97	\$ 47.84	\$ 239.18		\$ 1.89
\$ 4.93	\$ 8.21	\$ 49.27	\$ 246.36		\$ 1.95
\$ 4.93	\$ 8.21	\$ 49.27	\$ 246.36		\$ 1.95
\$ 5.08	\$ 8.46	\$ 50.75	\$ 253.75		\$ 2.01
\$ 5.08	\$ 8.46	\$ 50.75	\$ 253.75		\$ 2.01
\$ 5.23	\$ 8.71	\$ 52.27	\$ 261.36		\$ 2.07
\$ 5.23	\$ 8.71	\$ 52.27	\$ 261.36		\$ 2.07
\$ 5.38	\$ 8.97	\$ 53.84	\$ 269.20		\$ 2.13
\$ 5.38	\$ 8.97	\$ 53.84	\$ 269.20		\$ 2.13
\$ -	\$ -	\$ 55.46	\$ 277.28		\$ -
\$ -	\$ -	\$ 55.46	\$ 277.28		\$ -
\$ -	\$ -	\$ 57.12	\$ 285.60		\$ -
\$ -	\$ -	\$ 57.12	\$ 285.60		\$ -
\$ -	\$ -	\$ 58.83	\$ 294.17		\$ -
\$ -	\$ -	\$ -	\$ 294.17		\$ -
\$ -	\$ -	\$ -	\$ 302.99		\$ -
\$ -	\$ -	\$ -	\$ 302.99		\$ -
\$ -	\$ -	\$ -	\$ 312.08		\$ -
\$ -	\$ -	\$ -	\$ 312.08		\$ -
\$ 50.79	\$ 84.66	\$ 791.93	\$ 5,483.95		\$ 20.11

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Monett SRD Barry County - Road & Bridge					
C1	C2	C3	C4		R1
\$ 4.51	\$ 7.52	\$ 45.13	\$ 225.65		\$ 1.79
\$ 4.26	\$ 7.10	\$ 42.57	\$ 212.87		\$ 1.69
\$ 4.14	\$ 6.89	\$ 41.37	\$ 206.85		\$ 1.64
\$ 3.90	\$ 6.50	\$ 39.03	\$ 195.14		\$ 1.54
\$ 3.79	\$ 6.32	\$ 37.92	\$ 189.62		\$ 1.50
\$ 3.58	\$ 5.96	\$ 35.78	\$ 178.88		\$ 1.42
\$ 3.48	\$ 5.79	\$ 34.76	\$ 173.82		\$ 1.38
\$ 3.28	\$ 5.47	\$ 32.80	\$ 163.98		\$ 1.30
\$ 3.19	\$ 5.31	\$ 31.87	\$ 159.34		\$ 1.26
\$ 3.01	\$ 5.01	\$ 30.06	\$ 150.32		\$ 1.19
\$ -	\$ -	\$ 29.21	\$ 146.07		\$ -
\$ -	\$ -	\$ 27.56	\$ 137.80		\$ -
\$ -	\$ -	\$ 26.78	\$ 133.90		\$ -
\$ -	\$ -	\$ 25.26	\$ 126.32		\$ -
\$ -	\$ -	\$ 24.55	\$ 122.75		\$ -
\$ -	\$ -	\$ -	\$ 115.80		\$ -
\$ -	\$ -	\$ -	\$ 112.52		\$ -
\$ -	\$ -	\$ -	\$ 106.15		\$ -
\$ -	\$ -	\$ -	\$ 103.15		\$ -
\$ -	\$ -	\$ -	\$ 97.31		\$ -
\$ 37.13	\$ 61.88	\$ 504.66	\$ 3,058.23		\$ 14.70

PROJECT-LEVEL IMPACTS AT MINIMUM PROGRAM INVESTMENT LEVELS
CITY OF MONETT, MISSOURI - CHAPTER 353 FISCAL IMPACT & CBA

Incremental Tax (Nominal) by Year & Taxing Entity	
Year	Growth
Year 1	1.0000
Year 2	1.0000
Year 3	1.0300
Year 4	1.0300
Year 5	1.0609
Year 6	1.0609
Year 7	1.0927
Year 8	1.0927
Year 9	1.1255
Year 10	1.1255
Year 11	1.1593
Year 12	1.1593
Year 13	1.1941
Year 14	1.1941
Year 15	1.2299
Year 16	1.2299
Year 17	1.2668
Year 18	1.2668
Year 19	1.3048
Year 20	1.3048
Total	

Surtax					
C1	C2	C3	C4		R1
\$ 8.64	\$ 14.40	\$ 86.41	\$ 432.04		\$ 3.42
\$ 8.64	\$ 14.40	\$ 86.41	\$ 432.04		\$ 3.42
\$ 8.90	\$ 14.83	\$ 89.00	\$ 445.00		\$ 3.52
\$ 8.90	\$ 14.83	\$ 89.00	\$ 445.00		\$ 3.52
\$ 9.17	\$ 15.28	\$ 91.67	\$ 458.35		\$ 3.63
\$ 9.17	\$ 15.28	\$ 91.67	\$ 458.35		\$ 3.63
\$ 9.44	\$ 15.74	\$ 94.42	\$ 472.10		\$ 3.74
\$ 9.44	\$ 15.74	\$ 94.42	\$ 472.10		\$ 3.74
\$ 9.73	\$ 16.21	\$ 97.25	\$ 486.26		\$ 3.85
\$ 9.73	\$ 16.21	\$ 97.25	\$ 486.26		\$ 3.85
\$ -	\$ -	\$ 100.17	\$ 500.85		\$ -
\$ -	\$ -	\$ 100.17	\$ 500.85		\$ -
\$ -	\$ -	\$ 103.17	\$ 515.87		\$ -
\$ -	\$ -	\$ 103.17	\$ 515.87		\$ -
\$ -	\$ -	\$ 106.27	\$ 531.35		\$ -
\$ -	\$ -	\$ -	\$ 531.35		\$ -
\$ -	\$ -	\$ -	\$ 547.29		\$ -
\$ -	\$ -	\$ -	\$ 547.29		\$ -
\$ -	\$ -	\$ -	\$ 563.71		\$ -
\$ -	\$ -	\$ -	\$ 563.71		\$ -
\$ 91.75	\$ 152.92	\$ 1,430.45	\$ 9,905.62		\$ 36.32

PV of Incremental Tax by Year & Taxing Entity	
Year	PV
Year 1	0.9434
Year 2	0.8900
Year 3	0.8396
Year 4	0.7921
Year 5	0.7473
Year 6	0.7050
Year 7	0.6651
Year 8	0.6274
Year 9	0.5919
Year 10	0.5584
Year 11	0.5268
Year 12	0.4970
Year 13	0.4688
Year 14	0.4423
Year 15	0.4173
Year 16	0.3936
Year 17	0.3714
Year 18	0.3503
Year 19	0.3305
Year 20	0.3118
Total	

Surtax					
C1	C2	C3	C4		R1
\$ 8.15	\$ 13.59	\$ 81.52	\$ 407.58		\$ 3.23
\$ 7.69	\$ 12.82	\$ 76.90	\$ 384.51		\$ 3.04
\$ 7.47	\$ 12.45	\$ 74.73	\$ 373.63		\$ 2.96
\$ 7.05	\$ 11.75	\$ 70.50	\$ 352.48		\$ 2.79
\$ 6.85	\$ 11.42	\$ 68.50	\$ 342.50		\$ 2.71
\$ 6.46	\$ 10.77	\$ 64.62	\$ 323.12		\$ 2.56
\$ 6.28	\$ 10.47	\$ 62.79	\$ 313.97		\$ 2.49
\$ 5.92	\$ 9.87	\$ 59.24	\$ 296.20		\$ 2.34
\$ 5.76	\$ 9.59	\$ 57.56	\$ 287.82		\$ 2.28
\$ 5.43	\$ 9.05	\$ 54.31	\$ 271.53		\$ 2.15
\$ -	\$ -	\$ 52.77	\$ 263.84		\$ -
\$ -	\$ -	\$ 49.78	\$ 248.91		\$ -
\$ -	\$ -	\$ 48.37	\$ 241.86		\$ -
\$ -	\$ -	\$ 45.63	\$ 228.17		\$ -
\$ -	\$ -	\$ 44.34	\$ 221.71		\$ -
\$ -	\$ -	\$ -	\$ 209.16		\$ -
\$ -	\$ -	\$ -	\$ 203.24		\$ -
\$ -	\$ -	\$ -	\$ 191.74		\$ -
\$ -	\$ -	\$ -	\$ 186.31		\$ -
\$ -	\$ -	\$ -	\$ 175.77		\$ -
\$ 67.07	\$ 111.78	\$ 911.57	\$ 5,524.05		\$ 26.55

EXHIBIT D

Blight Study (see attached)

Study of Blighting Factors within the Historic Downtown Monett Redevelopment Area

Introduction

In accordance with Chapter 353, this analysis of factors within the Redevelopment Area (the “Redevelopment Area”) described in the Historic Downtown Monett Redevelopment Plan (the “Plan”) has been prepared to assist the Monett City Council (the “City Council”) in determining whether the Redevelopment Area constitutes a “blighted area,” as that term is used and defined in the Urban Redevelopment Corporations Law, Chapter 353 of the Revised Statutes of Missouri, as amended (“Chapter 353”). This analysis was conducted in November and December 2025.

Methodology

We conducted a visual survey of the proposed redevelopment area. We also reviewed information provided by the City of Monett and other information that was publicly available. In addition, we compared the findings to peer-reviewed studies indicating the effects of the visually observed defects on the surrounding environment, the area as a whole, and on the City of Monett.

Description of Redevelopment Area

The Redevelopment Area is located in the heart of the City of Monett, Missouri, as depicted on Exhibit A attached to the Plan and incorporated by reference in this analysis. The Redevelopment Area is located in an area generally known as historic downtown Monett, which is described in the Redevelopment Plan. This area consists primarily of commercial and industrial structures. Many of the structures located within the Redevelopment Area are part of the Downtown Monett Historic District, which is listed on the National Register of Historic Places. The dominant land use in the Redevelopment Area is commercial. Of the 198 parcels within the Redevelopment Area, an estimated 34 are vacant.

Blight

Chapter 353 requires as a prerequisite to the undertaking of proposed redevelopment activities, including the granting of real property tax abatement, that the City Council make a determination that the Redevelopment Area is a “blighted area,” as that term is used and defined in Chapter 353. A “blighted area” is defined by Chapter 353 to have the same definition as § 99.805(1), RSMo. which reads:

“(1) “Blighted area”, an area which, by reason of [1] the predominance of insanitary or unsafe conditions, [2] deterioration of site improvements, or [3] the existence of conditions which endanger life or property by fire and other causes, [4] or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, or welfare in its present condition and use;”
(§ 99.805(1), RSMo. 2021 (numbering added)).

If the Redevelopment Area contains one or more of these three conditions and either retards housing accommodations or constitutes an economic liability or constitutes a social liability or is a menace to the public health, safety, or welfare, then the Redevelopment Area is a blighted area. The determination of statutory “blight” need not encompass the entire Redevelopment Area. Rather, Chapter 353 expressly provides that “any such area may include buildings and improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, re-planning, reconstruction, rehabilitation of the area of which such buildings, improvements, or real property form a part.”

Based on the analysis detailed below, the City Council has a sufficient factual basis to support a determination that the Redevelopment Area is indeed a “blighted area” under Chapter 353.

Determination of Blight

The following factors demonstrate that the Redevelopment Area is a “blighted area” as that term is defined and used in Chapter 353 and applicable judicial determinations:

- (1) “insanitary or unsafe conditions”
- (2) “deterioration of site improvements”
- (3) “the existence of conditions which endanger life or property by fire and other causes”

Each is discussed below.



Deteriorating sidewalks create safety hazards and barriers to access.



(1) The Redevelopment Area is characterized by insanitary or unsafe conditions.

The Meriam-Webster dictionary defines “insanitary” to mean “unclean enough to endanger health.” Illegal dumping of trash, broken building materials, and deteriorated pavement have been found to constitute “unsafe and insanitary conditions.” (City of Kan. City v. Chung Hoe Ku, 282 S.W.3d 23, 31 (Mo. App. 2009)).

Unsecured construction sites create unsafe conditions and attractive nuisances.

Most of the streets and sidewalks in the area do not meet the standards of the Americans with Disabilities Act (ADA). This makes those streets and sidewalks largely inaccessible to persons with disabilities and parents with strollers. This means fewer people on the streets which has been linked to crime and vandalism. (Wilson and Kelling, 1982). As such the streets, and especially the sidewalks, constitute an unsafe condition in the area.

Much of the Redevelopment Area was built before the bans on asbestos and lead paint. Asbestos was used for a variety of things, including insulation, paint texture, and floor tiles. Lead, which may accumulate in the bloodstream and cause organ damage, was allowed to be used as a paint component until 1978. Unless proven otherwise, any structure built before 1977 is assumed to have these two chemicals, necessitating costly mitigating procedures to isolate them for removal. Visual surveys of the area suggest that most residential and commercial properties fall into this category.

(2) The Redevelopment Area is characterized by deterioration of site improvements.

Improvements in the Redevelopment Area suffer from significant physical deterioration. Peeling paint, broken windows, and other maintenance issues are clearly visible. Many of the structures share adjoining walls. The lack of maintenance on a vacant parcel negatively affects the adjoining parcel, as the owners the adjoining parcel are wary of redeveloping their parcel while the adjoining structure remains vacant and continues deteriorating. Due to the age of many of the structures in the Redevelopment Area and neglect in necessary maintenance of older structures, buildings show loose bricks, broken and deteriorating windows, lack of signage or removal of outdated signage, and portions of buildings that are open to the elements.

In particular, deteriorating infrastructure is closely associated with crime and vandalism. In their famous work “Broken Windows” Kelling and Wilson wrote:



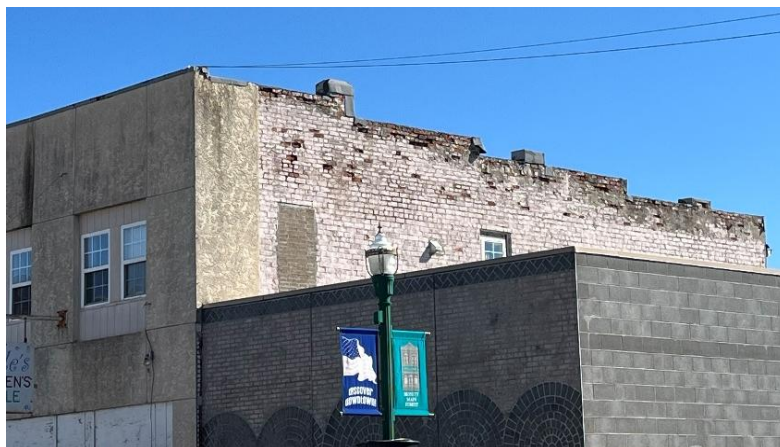
“Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken. This is as true in nice neighborhoods as in rundown ones. Window-breaking does not necessarily occur on a large scale because some areas are inhabited by determined window-breakers whereas others are populated by window-lovers; rather, one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.” (Wilson and Kelling 1982.)

Deteriorating improvements like broken windows and blank sign structures create the appearance that the structure is vacant, creating an opportunity for crime.

Broken sidewalks make the city less accessible, especially for the blind and those who use wheelchairs, canes, or walkers (Shoup, Donald 2010, Access vol. 36). As curb appeal diminishes, properties will be slower to sell and have decreased value (Elam and Stigarll 2012). Therefore, these maintenance issues on individual properties create an anchor, weighing down the values of all the properties in the area. As such they are a clear economic liability to the community.



Deterioration of site improvements like peeling paint, unused sign structures, and loose bricks are visible throughout the Redevelopment Area.



(3) The Redevelopment Area is characterized by the existence of conditions which endanger life or property by fire and other causes.



Thirty-four vacant properties have been identified within the Redevelopment Area. However, this reflects only those properties which have been identified as vacant to the City of Monett. It is likely that the number is higher.

Abandoned properties have been directly correlated with higher crime and social disruption (Cui and Walsh 2015). Studies have shown that abandoned properties are “magnets for vandalism, theft, fires, drug trafficking, and more serious crimes, all of which require more and better municipal services.” That same report points out that abandoned properties require more municipal services while at the same time paying lower municipal taxes. In this case, the property pays no property tax and generates no sales tax. Abandoned buildings and empty storefronts act as an economic drag on the area and increase crime.

Structures that are open to the elements create the opportunity for crime, including arson, which endangers life and property.

According to a report issued by H.U.D., “Vacant and abandoned properties have negative spillover effects that impact neighboring properties and, when concentrated, entire communities and even cities. Research links foreclosed, vacant, and abandoned properties with reduced property values, increased crime, increased risk to public health and welfare, and increased costs for municipal governments.” (HUD 2014)

In addition, it has been shown that the longer a property remains abandoned, the more significant the economic impact is on surrounding properties and the further away the negative impacts reach (Han 2014).



Structures with boarded up doors indicate that the structure is vacant, allowing the property to become an attractive area for illegal activities.

Vacant properties are also associated with an increased arson rate, both for them and for surrounding buildings (Schachterle 2012). Thus abandoned properties, by their very nature, encourage crimes and fires, both on the property and nearby.

The Blighting Factors of the Property Constitute an Economic or Social Liability or a Menace to the Public Health, Safety, or Welfare in Its Present Condition and Use.

As detailed above, the blighting conditions found on the property are directly linked to health, safety, and welfare concerns. Missouri courts have previously found that abandoned properties create a social liability by encouraging loitering, juvenile delinquents, and crime. (Land Clearance for Redevelopment Auth. v. Inserra, 284 S.W.3d 641, 647-48 (Mo. App. 2009).) The Han study cited above indicates that the longer a property remains abandoned the greater the impact on the surrounding community (Han 2014). The Land study indicates that abandoned properties disproportionately burden municipal services (Lind 2015).



The HUD study connects vacant properties directly with crime as does the Lind study (HUD 2014). The HUD study also directly links abandoned properties with decreased property values in the area. A more recent study shows that vacant and blighted properties decrease the value of surrounding properties by between 0.04% and 3.5% depending on the distance between them (Furio and Voith 2016).

Conclusion

This analysis demonstrates that the Redevelopment Area exhibits conditions that the meet statutory definition of blight. The Redevelopment Area is characterized by all three blighting factors listed in § 99.805(1), RSMo. (1) “insanitary or unsafe conditions” (2) “deterioration of site improvements” (3) “the existence of conditions which endanger life or property by fire and other causes” These factors can be directly linked to clear and proven social harm as well as an increased risk of physical harm by fire or crime. While not every property in the Redevelopment

Area would meet the definition of 'blight' there are enough properties that do meet the definition to so characterize the entire Area.

There is clear evidence supporting a determination by the City Council that the Redevelopment Area constitutes a "blighted area" so that the clearance, re-planning, reconstruction, or rehabilitation of the Redevelopment Area is necessary to effectuate the purposes of Chapter 353, RSMo., as amended. This analysis recommends that the City Council so find and determine.

EXHIBIT A to Blight Study Redevelopment Area



Sources

- Wilson, James Q, and George L Kelling. 1982. "Broken Windows - The Atlantic."
- Cui, Lin, and Randall Walsh. 2015. "Foreclosure, Vacancy and Crime." *Journal of Urban Economics* 87: 72–84.
- Elam, Emmett, and Andrea Stigarll. 2012. 30 *J. Environ. Hort Landscape and House Appearance Impacts on the Price of Single-Family Houses* 1. http://meridian.allenpress.com/jeh/article-pdf/30/4/182/1757649/0738-2898_30_4_182.pdf.
- Furio, Caitlin, and Richard Voith. 2016. The Economic Case for Fixing Blight. <https://econsultsolutions.com/economic-case-for-fixing-blight-baltimore-case-study>[4/14/2023].
- Han, Hye Sung. 2014. "The Impact of Abandoned Properties on Nearby Property Values." *Housing Policy Debate* 24(2): 311–34.
- HUD. 2014. "Vacant and Abandoned Properties: Turning Liabilities Into Assets." *Evidence Matters*: 1–8.
- Lind, Kermit J. 2015. "Perspectives on Abandoned Property in a Time of Dystopia." *Journal of Affordable Housing & Community Development Law* 24(1): 121–32.
- Schachterle, Stephen E. 2012. "Proximity to Vacant Buildings Is Associated with Increased Fire Risk in Baltimore, Maryland, Homes ." *Injury Prevention*.

EXHIBIT E

Notice to Taxing Jurisdictions (see attached)

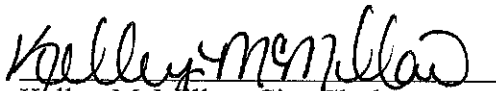
NOTICE

**THE CITY COUNCIL OF
THE CITY OF MONETT, MISSOURI**

PLEASE TAKE NOTICE, pursuant to Section 67.2725, RSMo, that the City Council of the City of Monett, Missouri will hold two upcoming public hearings to consider the proposed Application for Approval for the Historic Downtown Monett Redevelopment Plan.

The first public hearing will be held at 6:00 p.m. on Thursday, February 12, 2026, at Monett City Annex, 100 S., Maple Street, Monett, MO. The second public hearing will be held at 10:00 a.m. on Thursday, February 26, 2026, at Monett City Annex, 100 S. Maple Street, Monett, MO.

Notice was posted at Monett City Hall, 214 S. Fifth Street, Monett, Missouri, at 7:00 p.m., February 5, 2026.


Kelley McMillan, City Clerk



James R. Burke, Mayor
Ken Gaspar, Commissioner • Darren Indovina, Commissioner
Mickey Ary, City Administrator

www.monettmo.gov
217 Fifth Street • Monett, Missouri 65708
(417) 235-3763

Staff Report

To: Mayor & Commissioners

From: City Administrator

Date: February 26, 2026

Re: Clearing and grubbing the roadway for the future extension of Lowes Lane North.

GENERAL INFORMATION

Lowes Lane North is a planned extension for future development within the TIF #3 boundaries. The intersection at Lowes Lane North and Highway 60 was designed for an extension to the North. The proposed clearing will extend to the designated North point as outlined in the TIF agreement. The clearing will allow for clarity of right-of-way and enhance planning for the TIF #3 development.

PROPOSAL

Contract the work of excavating, clearing, and grubbing of the designated roadway. There are two abandoned structures that reside in the designated ROW. Demolition of both structures was within the bid packet. This includes stump removal as well.

RECOMMENDATION

Approve the bid from Vaughn Company, Inc. for \$27,999. The urgency to approve lies with the need to complete the work prior to March 30. This deadline is in place due to an endangered species of bats. Habits of the bats cannot be disturbed after March 30.

ATTACHMENTS

- Resolution No. 9139
- Email from City Engineer to serve as bid sheet and recommendation
- Vaughn Company, Inc. (bid)
- Elements Construction Concepts (bid)

**A RESOLUTION AUTHORIZING THE CITY COUNCIL OF MONETT,
MISSOURI TO ENGAGE IN A CONTRACT FOR CLEARING AND
GRUBBING A PORTION OF LOWES LANE NORTH**

WHEREAS, the City of Monett has a need for road improvements from Highway 60 to an extension of Lowes Lane to the North; and

WHEREAS, the discussion and planning for road improvements for Lowes Lane North has been an ongoing concern for City Council and City Staff; and

WHEREAS, the City recognizes the need for such road improvements for the growth of the city specifically in regard to TIF #3; and

WHEREAS, the request for services will allow Council and Staff to begin work for the overall road improvements for budgeting purposes within TIF #3.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONETT, MISSOURI AS FOLLOWS:

SECTION 1: Selection of Vaughn Company, Inc. to complete the road improvement work limited to the clearing and grubbing of the roadway.

SECTION 2: Selection of Vaughn Company, Inc. to include the demolition and removal of two abandoned wooden structures within the designed roadway.

SECTION 3: Council consider this item with urgency due to the need for work to be completed prior to March 30, 2026, due to the possible habitation disturbance of an endangered species of bat.

Whereupon a roll call vote was taken:

Ayes: _____

Nays: _____

Passed and approved this 26th day of February, 2026

James R. Burke, Mayor

ATTEST:

Kelley McMillan, City Clerk



22453 Highway H, Monett, MO 65708 - 417.235.7700

Project: Lowes Lane North ROW Clearing

Date: 2/20/2026

Clearing and grubbing of existing Lowes Lane rights-of-way north of US60 in Monett, MO. All vegetation and wooden structure shall be taken down to the ground, including removal of stumps.

\$27,999

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A310

Bid Bond

Bond No.: 521809

KNOW ALL MEN BY THESE PRESENTS, that we Vaughn Dirtworks, LLC

22453 Highway H, Monett, MO 65708

as Principal, hereinafter call the Principal, and Merchants National Bonding, Inc.

P.O. Box 14498, Des Moines, IA 50306-3498

a corporation duly organized under the laws of the State of Iowa

as Surety, hereinafter called the Surety, are held and firmly bound unto City of Monett

City Hall, 217 5th Street, Monett, MO 65708

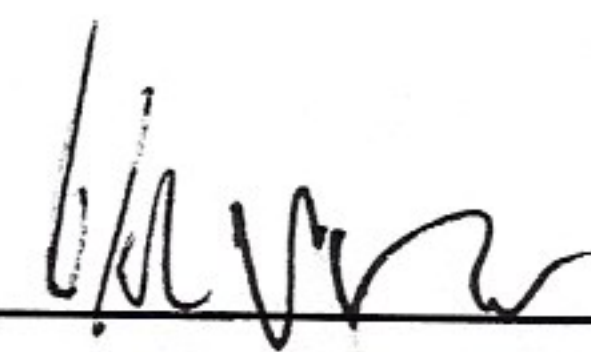
as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Bid Amount

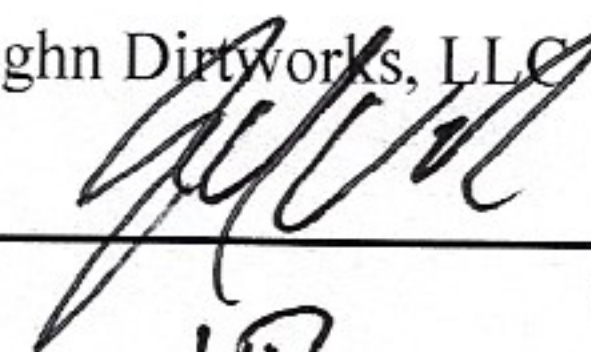
Dollars (\$ 5 %),
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these
presents.

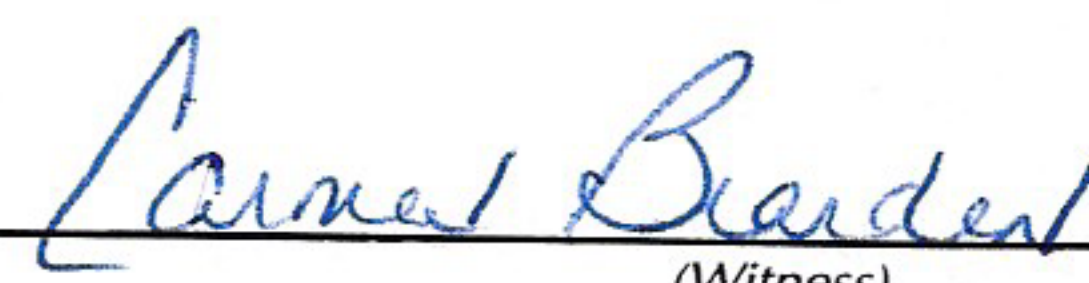
WHEREAS, the Principal has submitted a bid for Clearing and grubbing of Lowes Lane right-of-way north of
US60

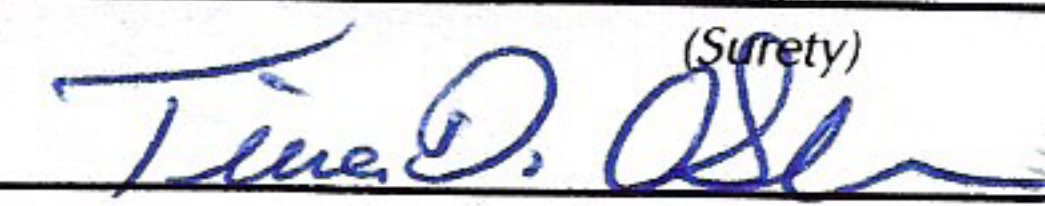
NOW THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with
the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding
or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt
payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter
such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the
penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith
contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise
to remain in full force and effect.

Signed and sealed this 10th day of February 2026 XXX


(Witness)

Vaughn Dirtworks, LLC

(Principal) (Seal)
VP
(Title)


(Witness)

Merchants National Bonding, Inc.

(Surety) (Seal)
Tina D Osborne Attorney-in-Fact
(Title)

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Bond #: 521809

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, and MERCHANTS NATIONAL INDEMNITY COMPANY, an assumed name of Merchants National Bonding, Inc., (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Tina D Osborne

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the By-Laws adopted by the Board of Directors of the Companies.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 10th day of February, 2026.



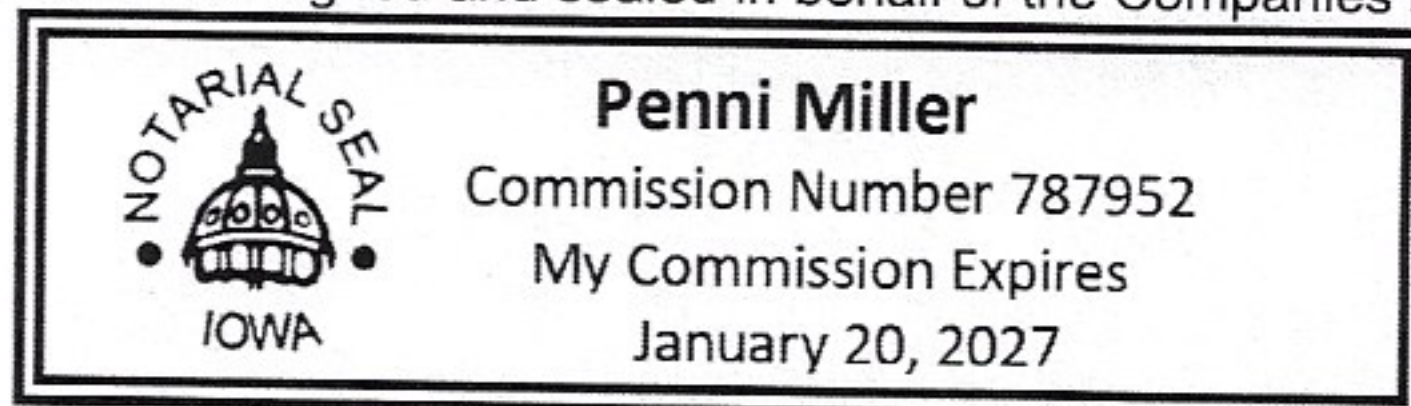
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
MERCHANTS NATIONAL INDEMNITY COMPANY

By

President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 10th day of February 2026, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL), MERCHANTS NATIONAL BONDING, INC., and MERCHANTS NATIONAL INDEMNITY COMPANY; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.



(Expiration of notary's commission
does not invalidate this instrument)

Notary Public

I, Elisabeth Sandersfeld, Secretary of MERCHANTS BONDING COMPANY (MUTUAL), MERCHANTS NATIONAL BONDING, INC., and MERCHANTS NATIONAL INDEMNITY COMPANY do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 10th day of February, 2026.



Secretary

POA 0018 (5/25)

Mickey Ary

From: Kevin Sprenkle <ksprenkle@sprenkle.com>
Sent: Friday, February 20, 2026 3:04 PM
To: Mickey Ary
Cc: Kelley McMillan; ksprenkle; Sandra Phipps
Subject: Monett, Lowes Lane N, clearing & Grubbing Bids
Attachments: Elements, bid & bid bond.pdf; Vaughn Dirtworks, bid & bid bond.pdf

Caution: This message originated outside the organization. Please pay close attention to Cybersecurity threats.

Mickey,

We received two bids today for the referenced project.

Elements Construction Concepts, Joplin, MO in the amount of \$34,490.00
Vaughn Company, Inc. in the amount of \$27,999.00.

Both bids included bid bonds in the amount of 5%.

It is my recommendation to accept the bid from Vaughn Company in the amount of \$27,999.00.

Once reviewed and approved, please prepare PO.

It is anticipated that the work will be completed before April 1.

Thanks

Kevin R. Sprenkle, PE
Sprenkle Engineering Services, LLC
5704 Lawrence 2220
Pierce City, MO 65723
417.236.8025



2/20/26

City of Monett
City Hall
217 5th Street
Monett, MO 65708

Bid For Clearing and Grubbing of Lowes Ln rights-of-way north of US60

Proposed work and scope includes: clearing and grubbing of existing Lowes Lane rights-of-way north of US60 in Monett, MO. Bid includes removal of vegetation and wooden structure down to ground, including stumps. The cleared area will be smooth graded. Unsuitable debris shall be hauled off site and deposited at an approved location. All will be completed while preserving and protecting utilities.

Proposed lump sum to complete work is \$34,490.00



Bo Bennett, President

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Elements Construction Concepts
5850 E. 20th Street, Joplin, MO 64801

as Principal, hereinafter called the Principal, and National American Insurance Company
PO Box 9, Chandler, OK 74834

a corporation duly organized under the laws of the State of Oklahoma

as Surety, hereinafter called the Surety, are held and firmly bound unto City of Monett
217 5th Street, Monett, MO 65708

as Obligee, hereinafter called the Obligee, in the sum of **FIVE PERCENT OF TOTAL AMOUNT BID**

Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Clearing and Grubbing of Lowes Lane Right of Way
North of US60, Monett, MO

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 20th day of February, 2026

Elements Construction Concepts

(Principal)

(Seal)

(Witness)

By:

(Title)

National American Insurance Company

(Surety)

(Seal)

(Witness)

By:

Kathy L. Fagan
Attorney-in-Fact

Kathy L. Fagan

(Title)

**NATIONAL AMERICAN INSURANCE COMPANY
CHANDLER, OKLAHOMA
POWER OF ATTORNEY**

BID BOND USE ONLY

DUPLICATES SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORIGINAL ONLY WHEN ISSUED IN CONJUNCTION WITH THE ORIGINAL.

KNOW ALL MEN BY THESE PRESENTS: That the National American Insurance Company, a corporation duly organized under the laws of the State of Oklahoma, having its principal office in the city of Chandler, Oklahoma, pursuant to the following resolution, adopted by the Board of Directors of the said Company on the 8th day of July, 1987, to wit:

"Resolved, that any officer of the Company shall have authority to make, execute and deliver a Power of Attorney constituting as Attorney-in-fact, such persons, firms, or corporations as may be selected from time to time.

Resolved that nothing in this Power of Attorney shall be construed as a grant of authority to the attorney(s)-in fact to sign, execute, acknowledge, deliver or otherwise issue a policy or policies of insurance on behalf of National American Insurance Company.

Be It Further Resolved, that the signature of any officer and the Seal of the Company may be affixed to any such Power of Attorney or any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such powers so executed and certified by facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond and documents relating to such bonds to which it is attached."

National American Insurance Company does hereby make, constitute and appoint

Casey Parisoff, Kathy L. Fagan, Kari Hohn

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred in its name, places and stead, to sign, execute, acknowledge and deliver in its behalf, and its act and deed, as follows:

To bind the company for bonds, not to exceed \$6,000,000.00 for any single bond. And to bind National American Insurance Company thereby as fully and to the same extent as if such bonds and documents relating to such bonds were, signed by the duly authorized officer of the National American Insurance Company, and all the acts of said Attorney(s) pursuant to the authority herein given, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the National American Insurance Company has caused these presents to be signed by any officer of the Company and its Corporate Seal to be hereto affixed.



NATIONAL AMERICAN INSURANCE COMPANY

W. Brent LaGere

W. Brent LaGere, Chairman & Chief Executive Officer

STATE OF OKLAHOMA)
COUNTY OF LINCOLN) SS:

On this 28th day of July, 2025, before me personally came W. Brent LaGere, to me known, who being by me duly sworn, did depose and say; that he resides in the County of Lincoln, State of Oklahoma; that he is the Chairman and Chief Executive Officer of the National American Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name, thereto by like order.



Crystal Earp

Notary Public
My Commission Expires August 27, 2029
Commission #13007877

STATE OF OKLAHOMA)
COUNTY OF LINCOLN) SS:

I, the undersigned, Secretary of the National American Insurance Company, an Oklahoma Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force.

Signed and Sealed at the City of Chandler.

Dated the 20th day of February, 2026



R. Patrick Gilmore

R. Patrick Gilmore, Secretary



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- Integrated technology to your systems for seamless billing and cost recovery
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- No upfront costs
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- EMS billing with hardware and software options
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info@firerecoveryusa.com

www.firerecoveryusa.com

📍 2271 Lava Ridge Ct. Suite 120, Roseville, CA 956614

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RATE

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Fire Recovery USA will help you increase your revenue and collection percentages by providing complete accounts receivable billing, processing, recording, and ultimately payments to you. We offer complete transparency, real time 24/7 reporting and the highest customer satisfaction rate in the industry. You do the inspections; we do the rest.

- ✓ Transfer data from your Records Management System (RMS)
- ✓ Create your own invoices using our portal
- ✓ Electronic invoicing and payment portals
- ✓ Accept E-checks and credit cards
- ✓ Two way API integration with Streamline Inspections

Invoice

Invoice # 12345678
To: Fire Recovery USA
From: Streamline Inspections
Invoice Date: 01/15/2021
Due Date: 02/15/2021



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EXHIBIT A
MITIGATION RATES
BASED ON PER HOUR

The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

MOTOR VEHICLE INCIDENTS

Level 1 - \$618.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$705.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 - CAR FIRE - \$860.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

ADD-ON SERVICES:

Extrication - \$1,859.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Creating a Landing Zone - \$567.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

HAZMAT

Level 1 - \$999.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$3,566.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 - \$8,420.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$391.00 per HAZMAT team.**

FIRES

Assignment - \$568.00 per hour, per engine / \$711.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common "billing level". This occurs almost every time the fire department responds to an incident.

OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

ILLEGAL FIRES

Assignment - \$568.00 per hour, per engine / \$711.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Billed at \$583 plus \$70 per hour, per rescue person.

Level 2

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$1,170 plus \$70 per hour, per rescue person.

Level 3

Advanced Response: Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,897 plus \$70 per hour per rescue person, plus \$140 per hour per HAZMAT team member.

Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$583 plus \$70 per hour, per rescue person. Additional rates of \$583 per hour per response vehicle and \$70 per hour per rescue person.

CHIEF RESPONSE

This includes the set-up of Command and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at \$356 per hour.

MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

ADDITIONAL TIME ON-SCENE (for all levels of service)

Engine billed at \$568 per hour.

Truck billed at \$771 per hour.

Command at \$356 per hour

Miscellaneous equipment billed at \$427.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels" for one hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

AN ORDINANCE OF THE CITY OF AURORA, MISSOURI AMENDING TITLE V "BUILDING CODE" CHAPTER 520 "FIRE CODE AND PROTECTION" ARTICLE III "FIRE PROTECTION" ADDING SECTION 520.140 "COST RECOVERY FOR SERVICE BY THE AURORA FIRE DEPARTMENT" OF THE MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City of Aurora, Missouri, is a city of the third class and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of the constitution and laws of the State of Missouri, and

WHEREAS, the demand for emergency and non-emergency services continue to increase each year, as well as environmental protections requirements involving equipment and training to deal with calls for service; and

WHEREAS, it has been determined that maintaining a high level of emergency and non-emergency service capability decreases cost for citizens on insurance premiums while at the same time increases the likelihood of saving lives, reducing property damage, and preventing environmental harm; and

WHEREAS, charging the responsible party needing these services for these costs is more equitable than a general real property tax increase; and

WHEREAS, the City of Aurora now wishes to establish a fee for emergency and non-emergency services performed by the Aurora Fire Department. These fees would only be charged to non-residents of the City of Aurora, Missouri.

NOW, THEREFORE, BE IT ORDAINED, by the Aurora City Council of and for the City of Aurora, Missouri, as follows:

SECTION 1: Title V "Building Code" Chapter 520 "Fire Code and Protection" Article III "Fire Protection" be amended to add Section 520.140 "Cost Recovery for Service by the Aurora Fire Department" and read as follows:

SECTION 520.140: COST RECOVERY FOR SERVICE BY THE AURORA FIRE DEPARTMENT

A. The City of Aurora shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents as listed in Exhibit "A". The mitigation rates shall be based on actual costs of the services, and which are usual, customary, and reasonable (UCR) as shown in Exhibit "A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

B. A claim may be filed through the responsible party (s) insurance carrier. In some circumstances, the responsible party (s) will be billed directly. Those that will be charged are as follows:

1. Hazardous Materials (spiller pays)
2. Technical Rescue
3. Fires involving a crime (criminal damage to property, arson, etc.)
4. Accidents involving non-Aurora Taxpayers
5. Accidents involving a crime (drugs, under the influence or commission of a crime)

C. The Aurora City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

D. It is found and determined that all formal actions of the Aurora City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of the Aurora City Council, and that all deliberations of the Aurora City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Aurora City Council.

E. If any section, subdivision, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance and each section, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases be declared invalid.

F. This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

G. The Mitigation Rates listed in Exhibit "A" will increase by five point nine percent (5.9%) annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance to keep the fire department's cost recovery program in conformity with increasing operating expenses.

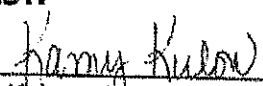
***PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AURORA, MISSOURI
THIS 11th DAY OF APRIL, 2023.***

APPROVED:



Jason Lewis, Mayor

ATTEST:



Kamy Kulow, City Clerk

EXHIBIT A

MITIGATION RATES BASED ON PER HOUR

The mitigation rates below are average "billing levels" and are typical for the incident responses listed; however, when a claim is submitted, it may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department's actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

MOTOR VEHICLE INCIDENTS

Level 1- \$584.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$667.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. The City of Aurora will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

CAR FIRE - \$813.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

ADD-ON SERVICES:

Extrication - \$1,757.00

Includes heavy rescue tools, ropes, airbags, cribbing, etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. The City of Aurora will not bill at this level if the patient is simply unconscious and the fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Creating a Landing Zone - \$537.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

HAZMAT

Level 1 - \$943.00

Basic Response: Includes engine response, first responder assignment, perimeter establishment, evacuations, set-up, and command.

Level 2 - \$3,369.00

Intermediate Response: Includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 - \$7,953.00

Advanced Response: Includes engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time -- **each additional hour @ \$381.00 per HAZMAT team.**

FIRES

Assignment - \$538.00 per hour, per engine / \$673.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire/Hazard Control

ILLEGAL FIRES

\$538.00 per hour, per engine / \$673.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire, the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

WATER INCIDENTS

Level 1 - Billed at \$538 plus \$66 per hour, per rescue person.

Basic Response: Includes engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Level 2 - Billed at \$1,077 plus \$66 per hour, per rescue person.

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. The City of Aurora will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Level 3 - Billed at \$2,665 plus \$66 per hour, per rescue person, plus \$134 per hour per HAZMAT team member.

Advanced Response: Includes Level 1 and Level 2 services as well as activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Level 4

Itemized Response: The City of Aurora will have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary, and reasonable. These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE - Minimum billed \$538 plus \$66 per hour, per rescue person. Additional rates of \$538 per hour per response vehicle and \$66 per hour per rescue person.

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary, and reasonable. These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

CHIEF RESPONSE - Billed at \$337 per hour.

This includes the set-up of Command and providing direction of the incident. This could include operations, safety, and administration of the incident.

MISCELLANEOUS/ADDITIONAL TIME ON-SCENE

ADDITIONAL TIME ON-SCENE (for all levels of service)

Engine billed at \$538 per hour.

Truck billed at \$673 per hour.

Miscellaneous equipment billed at \$404 per hour.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels" for one (1) hour of service, and are typical for the incident responses listed, however, when a claim is submitted, it may be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.



Randy Burke, Mayor
Ken Gaspar, Commissioner • Darren Indovina, Commissioner
Mickey Ary, City Administrator

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Staff Report

To: City Council, Mickey Ary, Kelley McMillan
From: Doug Potts
Date: 2/20/2026
Re: 2/26 Work Session Discussion Regarding the Changing of City Fee Structure for Inspections by Ordinance to Reflect Administrative Costs

GENERAL INFORMATION

It has come to the attention of staff in Community Development and other City departments that a number of contractors and builders pulling permits or filing applications that require inspections are failing their inspections repeatedly. I.E. City inspectors are having to inspect the work being reviewed more than twice. Thus far, Community Development and other departments have accommodated re-inspections up until the point the work being reviewed passes, but there are several cases of this process resulting in repeated failures (up to and beyond 10 re-inspections in a few cases) and causing significant strain on staff time and resources.

After consulting with legal counsel, the City can enact an ordinance that authorizes fees accurately reflect the cost of transacting these inspections to the City and the departments that perform them. As an example, the City could change its current fee structure to reflect that the initial fee paid for the permit or inspection includes one inspection & one re-inspection and that any subsequent inspections would incur additional administrative fees. Notice of this change would be provided in writing once enacted, and the fees in question would be non-refundable once the inspection takes place, as they are now.

The ordinance in question does not yet exist and would be drafted subject to discussion and conclusions reached by the City Council.

RECOMMENDATION

I recommend that the City Council consider changing the City fee structure to reflect administrative costs and empower staff to work with legal counsel to draft an ordinance to that effect. Once drafted, an updated staff report and recommendation will be provided.



ATTACHMENTS

There are no attachments to this staff report at this time. If addendums become available, an updated staff report will be provided.
