

St. Louis City Ordinance 62346

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 106

INTRODUCED BY ALDERMAN DANIEL J. MCGUIRE , FREEMAN BOSLEY, SR., MARTIE J. ABOUSSIE , MARIT CLARK , PHYLLIS YOUNG , DANIEL J. GRUENNANCY S. WEBER , STEPHEN J. CONWAY MARY ROSS

An ordinance accepting the Missouri Neighborhood Improvement District Act, which became law on April 3, 1991, and enacting coordinative procedures to effectively implement said Act in the City of St. Louis; and containing non-discrimination and disadvantaged business enterprise participation and severability and emergency clauses.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

WHEREAS, the 86th General Assembly of the Missouri Legislature has passed an Act, pursuant to Article 3, Section 38(c) of the Missouri Constitution, known as the Neighborhood Improvement District Act, and said Act became law on April 3, 1991; and

WHEREAS, the Board of Aldermen of the City of St. Louis has determined that said Act needs to be supplemented by a coordinative procedural ordinance in order to effectively implement the Act in the City of St. Louis;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Acceptance of the Neighborhood Improvement District Act. The provisions of the "Neighborhood Improvement District Act" (hereinafter referred to as the "Act"), passed by the 86th General Assembly of the Missouri Legislature pursuant to Article 3, Section 38(c) of the Missouri Constitution are hereby accepted and incorporated by reference, including all future amendments thereto, if any. All such provisions shall apply where applicable to any person or corporation acting under this Ordinance.

SECTION TWO. Rule of Construction. It is the intent of the Board of Aldermen to enact this Ordinance as a coordinative procedural supplement to the Neighborhood Improvement District Act. This Ordinance is not to be construed in any instance as permitting what the Act may prohibit or prohibiting what the Act may permit.

SECTION THREE. Definitions. The following terms, whenever used or referred to in this Ordinance, shall be construed to have the following meanings unless a different intent clearly appears from the context:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the City.

(2) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the Board of Aldermen in planning and making improvements.

(3) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by the City in the administration and supervision of the improvement.

(4) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility.

(5) "Improvement", any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement. Improvements do not include services not usually associated with the physical betterment of property, whether real or personal. Improvements include, but are not limited to, the following activities:

(a) To acquire property or interests in property when necessary or desirable for any purpose authorized by the Act and this Ordinance;

(b) To open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and

structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

(c) To improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;

(d) To improve street lights and street lighting systems;

(e) To improve waterworks systems;

(f) To improve parks, playgrounds and recreational facilities;

(g) To improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels;

(j) To improve retaining walls and area walls on public ways or land abutting thereon;

(k) To improve property for off street parking facilities including construction and equipment of buildings thereon; and

(l) To acquire or improve any other public facilities or improvements deemed necessary by the Board of Aldermen;

The term "public facilities or improvements" may include improvements to property located within privately owned subdivisions located within the City of St. Louis if the Board of Aldermen specifically finds that the proposed facilities or improvements directly benefit, convenience and promote the welfare of the City.

(6) "Neighborhood improvement district", an area of the City with defined limits and boundaries which is created by vote or by petition in accordance with the provisions of the Act and this Ordinance and which is benefitted by an improvement and subject to special assessments against the real property therein for the cost of the improvement.

(7) "Owner" or "owner of record", any individual, association, club, joint stock company, syndicate, partnership, corporation, receiver, trustee, or other person or entity lawfully holding title to real property, as shown by the records of the

Recorder of Deeds of the City of St. Louis, which is located within a neighborhood improvement district.

(8) "Property" or "real property", any parcel of land or any condominium located within an established or proposed neighborhood improvement district which is subject to special assessment as a result of any improvement made in accordance with the Act and this Ordinance. The terms "property" or "real property" specifically do not include any parcel of land owned by any governmental entity unless such government entity is otherwise subject to special assessment by law.

SECTION FOUR. General Provisions. As a complete alternative to all other methods provided by law or charter, the Board of Aldermen may make, or cause to be made, improvements which confer a benefit upon property within a neighborhood improvement district pursuant to the Act and this Ordinance. The Board of Aldermen may incur indebtedness and issue temporary notes and general obligation bonds of the City pursuant to the Act and this Ordinance to pay for all or part of the cost of such improvements. An improvement may be combined with one or more other improvements for the purpose of issuing a single series of general obligation bonds to pay all or part of the cost of such improvements, but separate funds or accounts shall be established within the records of the City for each neighborhood improvement district as provided in Section 11 of the Act and Section 8(10) of this Ordinance. The City shall assess special assessments on the property deemed by the Board of Aldermen to be benefitted by each improvement pursuant to Section 3 of the Act and Section 6 of this Ordinance. The City shall use the moneys collected from such special assessments to reimburse the City for all amounts paid or to be paid by it as principal of and interest on its general obligation bonds issued for such improvements.

SECTION FIVE. Preliminary Project Statement. Any alderman desiring to introduce an ordinance submitting the question of creating a neighborhood improvement district to qualified voters pursuant to Section 6(1) of this Ordinance shall, and any person desiring to prepare and file with the City Register a petition to create such a district pursuant to Section 6(2) of this Ordinance may, prior to taking any steps to initiate the creation of a district, prepare and submit to the Clerk of the Board of Aldermen a preliminary project statement regarding the proposed district. Said preliminary statement shall contain the following information:

(1) The project name for the proposed district;

- (2) The general nature of the proposed district, including, to the extent possible, an identification and description of all improvements proposed to benefit the proposed district;
- (3) The boundaries of the proposed district to be assessed;
- (4) The estimated cost of all proposed improvements;
- (5) The estimated amount of any bond issue necessary to finance the costs of the proposed improvements and a debt service retirement schedule;
- (6) The proposed method or methods of assessing the benefits inuring to property located within the proposed district;
- (7) An estimate of costs to be assessed against property located within the proposed district, using a per front foot or per square foot basis or any other reasonable assessment basis which results in imposing substantially equal burdens or shares of the cost upon property similarly benefitted;
- (8) A compatibility statement prepared by the City's Community Development Agency describing the relationship of the proposed district and proposed improvements to any existing or contemplated neighborhood, area or City redevelopment plan or planning process, the primary purpose of which shall be to ensure that the proposed district does not conflict with other development efforts, whether short or long term. The Community Development Agency shall respond to any written request for a compatibility statement within fifteen (15) days of the date of such request.

Any alderman attempting to prepare a preliminary project statement may request assistance from the City's Board of Public Service. Any other person attempting to prepare a preliminary project statement may request assistance from his or her alderman, who may then request assistance from the Board of Public Service. The Board of Public Service, within sixty (60) days of such a request, shall, with the cooperation of the requesting alderman and any necessary City department, agency or employee, prepare a preliminary statement and shall mail one copy to the alderman and file one copy with the Clerk of the Board of Aldermen. The Board of Public Service shall include in the preliminary statement its recommendation on the advisability of the proposed district and may include such additional recommendations or information which it deems relevant or necessary.

Pursuant to Section 7 of this Ordinance, the Board of Aldermen is required to consider an applicable project statement prior to making a decision concerning the advisability of the proposed neighborhood improvement district. Any person attempting to create a neighborhood improvement district by petition, therefore, is advised to prepare and submit a preliminary project statement under this section of the Ordinance prior to taking any further steps to initiate the creation of such a district. The preparation of a preliminary project statement under this section will allow a preliminary review of the proposed district prior to incurring the expense of, and exerting the effort necessary for, the petition process. The preparation of a preliminary project statement by a person seeking to initiate by petition a neighborhood improvement district, however, is not a requirement to the filing of a petition under Section 6(2) of this Ordinance.

SECTION SIX. District Initiation. To establish a neighborhood improvement district the Board of Aldermen shall comply with either of the procedures described in subsections (1) or (2) of this section.

(1) The Board of Aldermen may by ordinance submit the question of creating a neighborhood improvement district to all qualified voters residing within such district at a general or special election called for that purpose. Such ordinance shall set forth the project name for the proposed district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvements, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment and a legal notice of the neighborhood improvement district election. The notice of election shall contain the date and time of the election, a statement that the Board of Aldermen has called the election, the project name for the proposed neighborhood improvement district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvements, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment, a statement that the final cost of any such improvements assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvements, as stated in such notice, by more than twenty five percent, and a sample ballot containing the question of creating a neighborhood improvement district. The notice of election shall be in substantially the form established by Exhibit A to this Ordinance.

Upon the passage of such an ordinance and the signing by the Mayor and the enactment of said ordinance the Clerk of the Board of Aldermen, not later than 5:00 p.m. on the eighth Tuesday prior to the anticipated election day, shall (1)

notify the St. Louis Board of Election Commissioners in writing that the Board of Aldermen has called for a neighborhood improvement district election and (2) include in such notice a certified copy of the election ordinance.

The ballot upon which the question of creating a neighborhood improvement district is submitted to the qualified voters residing within the proposed district shall contain a question in substantially the following form:

Shall the City of St. Louis be authorized to create a neighborhood improvement district proposed for the and (project name for the proposed district) incur indebtedness and issue general obligation bonds to pay for all or part of the cost of public improvements within such district, the cost of all indebtedness so incurred to be assessed by the Board of Aldermen of the City of St. Louis on the property benefited by such improvements?

The Board of Aldermen may create a neighborhood improvement district when the question of creating such district has been approved by the vote of the percentage of electors within such district voting thereon that is equal to the percentage of voter approval required for the issuance of general obligation bonds of the City under Article VI, Section 26 of the Missouri Constitution. (See Appendix A.)

(2) As an alternative to the procedure described in subsection (1) of this section, the Board of Aldermen may create a neighborhood improvement district when a proper petition has been signed by the owners of record of at least two thirds by area of all real property proposed to be assessed within such proposed district. The petition, in order to become effective, shall be filed with the City Register who shall immediately forward a legible copy thereof to the Assessor of the City of St. Louis and the Clerk of the Board of Aldermen. A proper petition for the creation of a neighborhood improvement district shall set forth the project name for the proposed district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvement, the boundaries of the proposed neighborhood improvement district to be assessed, the proposed method or methods of assessment, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the City Register, and a notice that the final cost of any such improvements assessed against property within the district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such improvements, as stated in such petition, by more than twenty five percent. The petition shall be prepared in substantially the form established by Exhibit B to this Ordinance.

(a) The petition shall be verified by the Assessor of the City of St. Louis by (1) compiling a list of the owners of record of all real property proposed to be assessed within the proposed district at the time of filing the petition with the City Register, (2) calculating the total area of such real property, (3) calculating the total area of the real property represented by signatures, and (4) comparing the total area of the real property represented by signatures with the total area of all real property proposed to be assessed within the proposed district. The signatures of all owners of record for any single parcel of real property located within a proposed neighborhood improvement district must appear on the petition in order to be considered by the Assessor in the calculation of real property area for purposes of verifying the petition. No signature appearing on a neighborhood improvement district petition shall be considered valid unless the following information is printed on the face of the petition next to the signature: (1) the petitioner's name, (2) the address of the petitioner's real property located within the proposed district, and (3) the address of the petitioner, if different from the address of his or her real property located within the proposed district. Owners of real property located within the proposed district other than individuals may be included in the petition by the signature of any officer, director or other agent authorized to sign the petition on their behalf.

(b) Owners of condominiums pursuant to Missouri's Uniform Condominium Act, Chapter 448, R.S.Mo. 1986, which are located within a proposed neighborhood improvement district are owners of record of real property for purposes of the petition process. In calculating the area of a condominium owner's real property interest the Assessor shall refer to the records of the Assessor and the condominium declaration on file in the office of the City's Recorder of Deeds. The Assessor shall multiply that percentage of interest assigned to the owner as found in the applicable condominium declaration against the total area of the tract of land on which the condominium is located to determine the owner's record interest for purposes of the petition process.

(c) In the event that the total area of real property represented by signatures equals or exceeds two thirds of the total area of all real property subject to assessment within the proposed district, the Assessor shall then verify that the signatures appearing on the petition are the signatures of owners of record of real property located within the proposed district. The Assessor shall verify the signatures through the records of the City's Recorder of Deeds or by any other reasonable, accurate means.

(d) Upon verification, the Assessor shall forward a certified copy of the verified petition to the Clerk of the Board of Aldermen. The Board of Aldermen shall

not consider the advisability of the proposed district or the proposed improvements until such time as a certified copy of the verified petition has been received.

SECTION SEVEN. Consideration and Establishment of District; Proposed Assessments; Hearing. In the creation of a neighborhood improvement district the Board of Aldermen shall consider the advisability of the district, propose assessments to be made against the real property located within the district, hold a hearing on the establishment of the district and the proposed assessments and establish the district in accordance with the following procedures:

(1) Upon receiving the requisite voter approval at an election or upon the filing of a proper petition with the City Register, the Clerk of the Board of Aldermen shall refer the proposal to create the neighborhood improvement district, whether by the election or petition process, to the City's Board of Public Service for the preparation of a project statement. In the event of an election the Clerk shall refer the original ordinance. In the event of the filing of a petition the Clerk shall refer a copy of the verified petition. The Board of Public Service, within sixty (60) days of any such referral, shall, with the cooperation of any necessary City department, agency or employee, prepare the aforementioned project statement and file said statement with the Clerk of the Board of Aldermen. A copy of the project statement shall be mailed to the person or persons who introduced the election ordinance to the Board of Aldermen or to the person or persons who filed the neighborhood improvement district petition with the City Register. A copy of the project statement shall also be filed with the City Register and shall be open for public inspection. The project statement shall contain the following information:

- (a) The project name for the proposed district;
- (b) The general nature of the proposed district, including, to the extent possible, an identification and description of all improvements proposed to benefit the proposed district;
- (c) The boundaries of the proposed district to be assessed;
- (d) The estimated cost of all proposed improvements; (e) The estimated amount of any bond issue necessary to finance the costs of the proposed improvements, and a debt service retirement schedule;
- (f) The proposed method or methods of assessing the benefits inuring to property located within the proposed district;

(g) An estimate of costs to be assessed against property located within the proposed district, using a per front foot or per square foot basis or any other reasonable assessment basis which results in imposing substantially equal burdens or shares of the cost upon property similarly benefitted;

(h) A compatibility statement prepared by the City's Community Development Agency describing the relationship of the proposed district and proposed improvements to any existing or contemplated neighborhood, area or City redevelopment plan or planning process, the primary purpose of which shall be to ensure that the proposed district does not conflict with other development efforts, whether short or long term. The Community Development Agency shall respond to any request from the Board of Public Service for a compatibility statement within fifteen (15) days of the date of such request.

The Board of Public Service shall include in the project statement its recommendation on the advisability of the proposed district and may include such additional recommendations or information as it deems relevant or necessary. The Board of Aldermen shall not determine the advisability of any proposed district or improvements or order the establishment of any neighborhood improvement district or take any action whatsoever until such time as the Board of Public Service files an applicable project statement as required by this section. However, in the event the Board of Public Service fails to file the statement within the time required, the Board of Aldermen may proceed to take whatever action allowed by the Act and this Ordinance. In the event that the Board of Public Service has already prepared and filed a preliminary project statement in accordance with Section 5 of this Ordinance, the Board of Public Service may adopt said statement as the project statement required by this section or may otherwise prepare a separate project statement as it deems necessary.

(2) The Board of Aldermen shall consider the project statement as required by subsection (1) of this section and may by ordinance determine the advisability of the proposed district and improvements and order that the district be established and that preliminary plans and specifications for the improvements be made. Such ordinance shall state and make findings as to the project name for the proposed district, the general nature of the improvement or improvements proposed, the estimated cost of any such improvements, the boundaries of the neighborhood improvement district to be assessed, the proposed method or methods of assessment, and shall also state that the final cost of any such improvements assessed against the property within the neighborhood improvement district and the amount of general obligation bonds

issued therefor shall not, without a new election or petition, exceed the estimated cost of such improvements by more than twenty-five percent.

(3) The boundaries of the proposed district shall be described by metes and bounds, streets or other sufficiently specific description. The area of the neighborhood improvement district finally determined by the Board of Aldermen to be assessed may be less than, but shall not exceed, the total area comprising such district.

(4) The portion of the cost of any improvement to be assessed against the property in a neighborhood improvement district shall be apportioned against such property in accordance with the benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the Board of Alderman which results in imposing substantially equal burdens or shares of the cost upon property similarly benefited. The Board of Aldermen may from time to time determine and establish by ordinance reasonable general classifications and formulae for the methods of assessing the benefits.

(5) After the Board of Aldermen has made the findings specified in Section 3 of the Act and Section 7 of this Ordinance and plans and specifications for the proposed improvements have been prepared, the Board of Aldermen shall by ordinance order assessments to be made against each property deemed to be benefited by any improvement based on the revised estimated cost of the improvement or, if available, the final cost thereof, and shall order a proposed assessment roll to be prepared.

(6) The plans and specifications for all improvements and the proposed assessment roll shall be filed with the City Register and shall be open for public inspection. The City Register shall thereupon, at the direction of the Board of Aldermen, publish notice that an appropriate committee of the Board of Aldermen will conduct a hearing to consider the proposed district improvements and assessments. Such notice shall be published in a newspaper of general circulation at least once not more than twenty days and not less than ten (10) days before the hearing and shall state the project name for the proposed district, the date, time and place of such hearing, the general nature of the improvement or improvements proposed, the revised estimated cost or, if available, the final cost of any such improvements, the boundaries of the neighborhood improvement district to be assessed, and that written or oral objections will be considered at the hearing. The notice of hearing shall be in substantially the form established by Exhibit C to this Ordinance. At the same

time, the City Register shall mail to the owners of record of the property made liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed against the property so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings.

(7) The hearing to conduct the proposed improvements and assessments shall be conducted by an appropriate committee of the Board of Aldermen, and said committee shall hear any objections to the proposed improvements and assessments and shall report said objections to the Board for its consideration. The Board of Aldermen shall pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance the Board of Aldermen shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in the Act and this Ordinance.

SECTION EIGHT. Special Assessments.

(1) After construction of the improvement has been completed in accordance with the plans and specifications therefor, the Board of Aldermen shall compute the final costs of the improvement and apportion the costs among the property benefited by such improvement in such equitable manner as the Board of Aldermen shall determine, charging each parcel of property with its proportionate share of the costs, and by ordinance assess the final cost of the improvement or the amount of general obligation bonds issued or to be issued therefor as special assessments against the property described in the assessment roll.

(2) After the passage or adoption of the ordinance assessing the special assessments, the City Register shall mail a notice to each property owner within the district which sets forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance, on or before a specified date determined by the effective date of the ordinance, or may pay such assessment in annual installments as provided in Section 6.4 of the Act and Section 8(3) of this Ordinance.

(3) The special assessments shall be assessed upon the property included therein concurrent with general property taxes, and shall be payable in not more

than twenty substantially equal annual installments, taking into account such assessments and interest thereon, as the Board of Aldermen determines. The first installment shall be payable after the first collection of general property taxes following the adoption of the assessment ordinance unless such ordinance was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the Board of Aldermen determines, not to exceed the rate permitted for bonds by Section 108.170 RSMo. Interest on the assessment between the effective date of the ordinance assessing the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. All of the installments, together with the interest accrued or to accrue thereon, may be certified by the City Register in one instrument at the same time. Such certification shall be good for all of the installments, and the interest thereon payable as special assessments.

(4) Special assessments shall be collected by the City's Collector of Revenue and paid over to the City Treasurer in the same manner as property taxes of the City are collected and paid.

(5) No suit to set aside the special assessments made under the Act and this Ordinance or to otherwise question the validity of the proceedings relating thereto shall be brought after the expiration of ninety (90) days from the date of mailing of notice to property owners of the assessments required by Section 6 of the Act and Section 7 of this Ordinance.

(6) To correct omissions, errors or mistakes in the original assessment which relate to the total cost of any improvements, the Board of Aldermen may, without a notice or hearing, make supplemental or additional assessments on property within a neighborhood improvement district, except that such supplemental or additional assessments shall not, without a new election or new petition as provided in Section 3 of the Act and Section 6 of this Ordinance, exceed twenty five percent of the estimated cost of the improvements determined pursuant to the Act and this Ordinance.

(7) When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any property, or in the event the Board of Aldermen finds that the assessment or any part thereof is excessive or determines on the written advice of the City Counselor that it is or may be invalid for any reason, the Board of Aldermen may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such property.

(8) A special assessment authorized under the provisions of the Act and this Ordinance shall be a lien, from the date of the assessment, on the property against which it is assessed on behalf of the City to the same extent as a tax upon real property.

(9) After any improvement has been authorized pursuant to Section 3 of the Act and Section 7 of this Ordinance, the Board of Aldermen may issue temporary notes of the City to pay the costs of such improvement in an amount not to exceed the estimated cost of such improvement, and such temporary notes shall be general obligations of the City. General obligation bonds of the City shall be issued and sold as provided in Section 2 of the Act and Section 4 of this Ordinance to refund, retire and pay off such temporary notes and any accrued interest thereon to the date of payment.

(10) A separate fund or account shall be created in the city treasury for each neighborhood improvement district and each such fund or account shall be identified by a suitable title. The proceeds from the sale of bonds and temporary notes and other moneys appropriated thereto by the Board of Aldermen shall be credited to such funds or accounts. Such funds or accounts shall be used solely to pay the costs incurred in making each respective improvement benefitting the neighborhood improvement district. Upon completion of all improvements benefitting a district, the balance remaining in the fund or account established for such district, if any, shall be credited against the amount of the original assessment of each parcel of property, on a pro rata basis based on the amount of the original assessment, and with respect to property owners that have prepaid their assessments in accordance with Section 6 of the Act and Section 8 of this Ordinance, the amount of each such credit shall be refunded to the appropriate property owner, and with respect to all other property owners, the amount of each such credit shall be transferred and credited to the city bond and interest fund to be used solely to pay the principal of and interest on the bonds or temporary notes and the assessments shall be reduced accordingly by the amount of such credit.

(11) The total amount of city general obligation bond indebtedness incurred for improvements under the Act and this Ordinance, including temporary notes issued pursuant to the Act and this Ordinance, shall not exceed ten percent of the assessed valuation of all taxable tangible property, as shown by the last completed property assessment for state or local purposes, within the city.

SECTION NINE. Non-Discrimination and Disadvantaged Business Enterprises Participation. Any contract or subcontract for the construction of any improvement benefitting a neighborhood improvement district awarded by the

City of St. Louis shall include a warranty that the successful contractor will not exclude or discriminate against any person solely because of race, color or creed, or for any reason not sanctioned by law and not applicable alike to persons generally.

All specifications and contracts approved and awarded by the City of St. Louis or any of its departments or agencies shall provide for compliance with the Mayor's Executive Order on Equal Opportunity (see Appendix B) and judicial decisions relating to the subject of participation of disadvantaged business enterprises, including, but not limited to, St. Louis Minority Contractors Association v. City of St. Louis, No. 88 1587-c(4) (E.D. Mo., 1990) (see Appendix C), except when otherwise superseded or prohibited by federal or state regulations or the Charter of the City.

SECTION TEN. Severability Clause. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause or section of the Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION ELEVEN. Emergency Clause. This being an Ordinance necessary for the immediate preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/31/91	05/31/91	LEG	06/13/91	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/14/91			06/21/91	06/21/91
ORDINANCE	VETOED		VETO OVR	
62346				