

1 **BOARD BILL NO. 253 INTRODUCED BY ALDERMAN STEPHEN CONWAY**

2
3 An ordinance renewing the Gardenside Subdivision Special Business District pursuant
4 to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its
5 boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters,
6 bonding authority, and uses to which tax revenue may be put; creating a board of
7 commissioners; and containing severability, effectiveness, and emergency clauses.

8 WHEREAS, the Gardenside Subdivision Special Business District was established by
9 the qualified voters residing within the boundaries of such district on August 6, 2002; and

10 WHEREAS, the Gardenside Subdivision Special Business District was continued by the
11 qualified voters residing within the boundaries of such district on November 7, 2006; and

12 WHEREAS, said public hearing, duly noticed, was held at 9:00 a.m. on February 13,
13 2012 by the 2011-2012 Committee on Ways & Means of the Board of Aldermen; and

14 WHEREAS, this Board of Aldermen hereby finds that the renewal of the Gardenside
15 Subdivision Special Business District is in the best interest of the City of St. Louis and
16 that the property owners and tenants of said area and the public in general will benefit by
17 the renewal of said Special Business District and the continuation of the level of services
18 and improvements provided by the proposed additional tax revenues from said district;

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

20 **SECTION ONE.** The "Gardenside Subdivision Special Business District" (hereinafter
21 referred to as the "District"), is hereby renewed for the area of the City described as
22 follows:

23 Beginning at the intersection of the center lines of Kingshighway Boulevard and
24 Interstate 44; thence eastwardly along the center line of said interstate to its intersection

1 with the centerline of Tower Grove Avenue; thence southwardly along the centerline of
2 said avenue to the intersection of the centerline of Magnolia Avenue; thence westwardly
3 along the centerline of said avenue to the intersection of the centerline of Kingshighway
4 Boulevard; thence northwardly along the centerline of said boulevard to the point of its
5 beginning.

6 **SECTION TWO.** Taxes for the District shall be assessed and collected as follows:

7 A. For the purpose of paying for costs and expenses incurred in the establishment
8 and operation of the District, the provision of services and facilities and improvements
9 authorized in Sections Five and Six of this ordinance, and incidental to the leasing,
10 construction, acquisition and maintenance of any improvements authorized herein or for
11 paying principal and interest on bonds or notes authorized for the construction or
12 acquisition of any said improvement, there may be imposed a tax upon all real property
13 within the District which shall not exceed eighty-five cents (\$.85) on the one hundred
14 dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax
15 shall be imposed during the 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021
16 and 2022 tax years only subject to the renewal of such tax by the qualified voters of the
17 District pursuant to the procedure set forth in Section 71.800 RSMo.

18 B. If the proposition submitted to the qualified voters residing in the District
19 receives in its favor the votes of the majority of the qualified voters voting at the election
20 conducted pursuant to Section Nine, the initial rate of levy which shall be imposed upon
21 real property within the District shall be eighty-five cents (\$.85) on the one hundred
22 dollars (\$100.00) assessed valuation.

1 C. Real property subject to partial tax abatement under the provisions of Chapter
2 353, R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real
3 estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be
4 collected upon the same assessed value on which its ad valorem real estate taxes and
5 payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis
6 approving the development plan of any such corporation and authorizing tax abatement;
7 provided, however, that the owners at such real property are strongly encouraged to make
8 additional equitable, annual donations to the District in lieu of the additional District
9 taxes.

10 D. The levy shall not be imposed upon real property exempt from ad valorem real
11 estate taxes because of charitable, religious, educational or other public or private uses;
12 provided, however, that the owners of such real property are strongly encouraged to make
13 equitable, annual donations to the District in lieu of District taxes.

14 E. The tax provided for by this ordinance shall be collected by the Collector of
15 Revenue and held in a special account to be used only for all purposes authorized
16 hereunder, as provided by law.

17 F. If the District for any reason is dissolved, all delinquent taxes collected after the
18 date of dissolution shall be credited and forwarded to the general fund of the City of St.
19 Louis after all debts of the District, if any, are discharged.

20 **SECTION THREE.** For the purposes of paying costs and expenses to be incurred in
21 the acquisition, construction, improvement, expansion and/or maintenance of any
22 facilities of the District, the District may incur indebtedness and issue bonds or notes for
23 the payment thereof under the terms of, and subject to, the requirements set forth by law.

1 **SECTION FOUR.** There shall be a Board of Commissioners to administer the
2 District. The Board of Commissioners shall be selected as follows:

3 A. Membership: The Board of Commissioners shall consist of seven (7) members,
4 and shall be appointed by the Mayor with the advice and consent of the Board of
5 Aldermen, of whom five (5) members shall be owners of real property within the District
6 or their representatives and two (2) members shall be renters within the District or their
7 representatives; provided, however, that no employee or elected official of the City of St.
8 Louis shall be a member of the Board of Commissioners.

9 B. Term of Office: Each member of the Board of Commissioners shall serve for a
10 four (4) year term (except as provided herein with respect to the initial members), with
11 terms expiring as of December 31st of the designated year or when their successors are
12 appointed as provided herein, whichever is later.

13 C. Initial Members and Terms: The initial members shall be appointed for the terms
14 set forth as follows: one (1) member shall be appointed for a term expiring December 31,
15 2003; two (2) members shall be appointed for a term expiring December 31, 2004; two
16 (2) members shall be appointed for a term expiring December 31, 2005; and two (2)
17 members shall be appointed for a term expiring December 31, 2006.

18 D. Removal: The Mayor with approval of the Board of Aldermen may remove any
19 member of the Board of Commissioners for misconduct or neglect of duty upon written
20 charges and after a public hearing.

21 E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,
22 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by
23 the Board of Commissioners. The vacancy shall be filled in like manner as an original

1 appointment no later than thirty (30) days after the date of said report to the Mayor.

2 Appointments to fill vacancies shall be for the unexpired portion of a term only.

3 F. Compensation: The members of the Board of Commissioners shall serve without
4 compensation of any kind.

5 **SECTION FIVE.** All District revenues collected hereunder by the Collector of
6 Revenue, except for those revenues expended for the necessary costs of the establishment
7 and administration of the District, and for collection fees for tax revenue collected
8 hereunder, may be used to carry out any and all of the following improvements, services
9 and activities of the District:

10 A. To provide special police and/or security facilities, equipment, vehicles and/or
11 personnel for the protection and enjoyment of the property owners and the general public
12 within the District;

13 B. To construct, install, improve and/or maintain useful, or necessary, or desired,
14 security related improvements;

15 **SECTION SIX.** The District shall have all the powers necessary to carry out any and
16 all activities and improvements authorized by law and may:

17 A. Cooperate with any public agencies and with any industry or business located
18 within the District in the implementation of any project within the District;

19 B. Enter into any agreement with the City, any other public agency, any person,
20 firm, or corporation to effect any of the provisions contained in Sections 71.790 through
21 71.808 R.S.Mo.;

22 C. Contract and be contracted with, sue and be sued and provide for insurance of all
23 projects and property owned or managed by the District and for insurance covering all

1 members of the Board of Commissioners and employees and agents of the District,
2 providing for coverage of such risks and with such limits as the Board of Commissioners
3 may deem proper;

4 D. Accept gifts, grants, loans or contributions from the City, the United States of
5 America, the State of Missouri, political subdivisions, foundations, other public or private
6 agencies, individuals, partnerships, or corporations; and

7 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and
8 other assistance as the Board of Commissioners may deem advisable; the District may
9 also contract with independent contractors for any such assistance.

10 **SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with
11 the Board of Aldermen an annual budget for the District, which shall set forth the
12 projected revenues and expenditures for the ensuing year, not later than the first day of
13 November each year; provided, however, that no such proposed annual budget shall be
14 filed with the Board of Aldermen until after the date the Board of Commissioners
15 conducts a public hearing within the District on any such proposed annual budget. Notice
16 of any such public hearing shall be published at least ten (10) days prior to the hearing in
17 a daily, twice-weekly, weekly or bi-weekly newspaper of general circulation within the
18 District; and provided further, that in addition to showing the time, date and place of the
19 hearing, the notice shall also show the complete proposed annual budget. The Board of
20 Commissioners shall not expend any funds collected by the Collector of Revenue
21 inconsistent with or until an annual budget for the expenditure of such funds is approved
22 by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said

1 budget by Resolution within thirty (30) days of its filing, said budget will presume to
2 have been approved by the Board of Aldermen.

3 B. Annual Report. The Board of Commissioners shall also file an annual report with
4 the Board of Aldermen, which shall set forth the programs, revenues and expenditures of
5 the District for the previous calendar year, not later than the first day of March each year.

6 **SECTION EIGHT.** The City shall not decrease the level of municipally funded
7 services in the District existing prior to the creation of the District, unless the services at
8 the same time are decreased throughout the City, nor shall the City discriminate in the
9 provision of new municipally funded services between areas included in the District and
10 areas not so included.

11 **SECTION NINE.** The tax levy authorized in Section Two shall not be effective unless
12 and until the following proposition, submitted to the qualified voters residing in the
13 District at a special election in the District to be held on August 7, 2012, shall receive in
14 its favor the votes of the majority of the qualified voters voting at said election for or
15 against said proposition. Said proposition shall be in substantially the following form:

16 **OFFICIAL BALLOT**

17 Shall a tax not to exceed \$.85 per \$100.00 valuation be renewed and continued for
18 the tax years, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 on
19 all real property located in the Gardenside Subdivision Special Business District as
20 defined in Ordinance No._____, approved _____ (Board Bill No. ---) for the
21 purposes as set forth in said Ordinance?

22 _____ YES

23 _____ NO

1 **SECTION TEN.** If any section, subsection, sentence, clause, phrase, or portion of this
2 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any
3 court of competent jurisdiction, such portion shall be deemed and is hereby declared to be
4 separate, distinct and independent provisions of this ordinance, and such holding or
5 holdings shall not affect the validity of the remaining portions of this ordinance.

6 **SECTION ELEVEN:** This being an ordinance for the immediate preservation of
7 public peace, health and safety, it is declared to be an emergency measure within the
8 meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and
9 therefore this ordinance shall become effective upon its passage and approval by the
10 Mayor.