

1 **BOARD BILL NO. 89 CS** **INTRODUCED BY ALDERWOMAN JENNIFER**
2 **FLORIDA**

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

9 **WHEREAS**, petitions signed by property owners in the area hereinafter described have
10 been filed with the City, requesting the establishment of a Special Business District; and

11 **WHEREAS**, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the
12 desirability and possibility of forming a Special Business District in that portion of the
13 City of St. Louis within the maximum commonly known boundaries beginning at the
14 intersection of the center lines of Grand Boulevard and the McDonald Avenue and Utah
15 Place east-west alleyway; thence westwardly along the centerline of said east-west
16 alleyway to its intersection of the centerline of Roger Place; thence southwardly along the
17 centerline of said place to the intersection of the centerline of Phillips Avenue; thence
18 southwardly along the centerline of said avenue to the intersection of the centerline of
19 Gravois Avenue; thence eastwardly along the centerline of said avenue to the intersection
20 of the centerline of Grand Boulevard; thence northwardly along the boulevard to the
21 point of its beginning, has been conducted and a written report thereof is on file in the
22 office of the City Register as Document _____; and

23 **WHEREAS**, this Board of Aldermen did on May 30, 2008 adopt Resolution Number 72
24 declaring its intention to establish a Special Business District in said area and calling for
25 a public hearing on the matter; and

1 **WHEREAS**, said public hearing, duly noticed, was held at 9:00 a.m. on June 17 2008,
2 by the 2008-09 Committee on Ways & Means of the Board of Aldermen; and

3 **WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special
4 Business District for said area described above is in the best interest of the City of St.
5 Louis and that the property owners and tenants of said area and the public in general will
6 benefit by the establishment of said Special Business District and the increased level of
7 services and improvements provided by the proposed additional tax revenues from said
8 district; and

9 **WHEREAS**, the said district shall be known as the Tower Grove South Concerned
10 Citizens Special Business District;

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

12 **SECTION ONE.** A Special Business District, to be known as the "Tower Grove South
13 Concerned Citizens Special Business District" (hereinafter referred to as the "District"), is
14 hereby established for the area of the City described as follows:

15 Beginning at the intersection of the center lines of Grand Boulevard and the McDonald
16 Avenue and Utah Place east-west alleyway; thence westwardly along the centerline of
17 said east-west alleyway to its intersection of the centerline of Roger Place; thence
18 southwardly along the centerline of said place to the intersection of the centerline of
19 Phillips Avenue; thence southwardly along the centerline of said avenue to the
20 intersection of the centerline of Gravois Avenue; thence eastwardly along the centerline
21 of said avenue to the intersection of the centerline of Grand Boulevard; thence
22 northwardly along the boulevard to the point of its beginning,

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

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2 A. For the purpose of paying for costs and expenses incurred in the establishment and
3 operation of the District, the provision of services and facilities and improvements
4 authorized in Sections Five and Six of this ordinance, and incidental to the leasing,
5 construction, acquisition and maintenance of any improvements authorized herein or for
6 paying principal and interest on bonds or notes authorized for the construction or
7 acquisition of any said improvement, there may be imposed a tax upon all real property
8 within the District which shall not exceed eighty-five cents (\$.85) on the one hundred
9 dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax
10 shall be imposed during the 2009, 2010, 2011, 2012 and 2013 tax years only subject to
11 the renewal of such tax by the qualified voters of the District pursuant to the procedure
12 set forth in Section 71.800 RSMo. (2000).

13 B. If the proposition submitted to the qualified voters residing in the District receives in
14 its favor the votes of the majority of the qualified voters voting at the election conducted
15 pursuant to Section Nine, the initial rate of levy which shall be imposed upon real
16 property within the District shall be eighty-five cents (\$.85) on the one hundred dollars
17 (\$100.00) assessed valuation.

18 C. Real property subject to partial tax abatement under the provisions of Chapter 353,
19 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate
20 taxes levied under the District, be assessed and ad valorem real estate taxes shall be
21 collected upon the same assessed value on which its ad valorem real estate taxes and
22 payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis
23 approving the development plan of any such corporation and authorizing tax abatement;

1 provided, however, that the owners at such real property are strongly encouraged to make
2 additional equitable, annual donations to the District in lieu of the additional District
3 taxes.

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

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

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

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

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

20 A. Membership: The Board of Commissioners shall consist of seven (7) members, and
21 shall be appointed by the Mayor with the advice and consent of the Board of Aldermen,
22 of whom five (5) members shall be owners of real property within the District or their
23 representatives and two (2) members shall be renters within the District or their

1 representatives; provided, however, that no employee or elected official of the City of St.
2 Louis shall be a member of the Board of Commissioners.

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

7 C. Initial Members and Terms: The initial members shall be appointed for the terms set
8 forth as follows: one (1) member shall be appointed for a term expiring December 31,
9 2009; two (2) members shall be appointed for a term expiring December 31, 2010; two
10 (2) members shall be appointed for a term expiring December 31, 2011; and two (2)
11 members shall be appointed for a term expiring December 31, 2012.

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

15 E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,
16 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by
17 the Board of Commissioners. The vacancy shall be filled in like manner as an original
18 appointment no later than thirty (30) days after the date of said report to the Mayor.
19 Appointments to fill vacancies shall be for the unexpired portion of a term only.

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

22 **SECTION FIVE.** All District revenues collected hereunder by the Collector of Revenue,
23 except for those revenues expended for the necessary costs of the establishment and

1 administration of the District, and for collection fees for tax revenue collected hereunder,
2 may be used to carry out any and all of the following improvements, services and
3 activities of the District:

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

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

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

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

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

16 C. Contract and be contracted with, sue and be sued and provide for insurance of all
17 projects and property owned or managed by the District and for insurance covering all
18 members of the Board of Commissioners and employees and agents of the District,
19 providing for coverage of such risks and with such limits as the Board of Commissioners
20 may deem proper;

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

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

4 **SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with the
5 Board of Aldermen an annual budget for the District, which shall set forth the projected
6 revenues and expenditures for the ensuing year, not later than the first day of November
7 each year; provided, however, that no such proposed annual budget shall be filed with the
8 Board of Aldermen until after the date the Board of Commissioners conducts a public
9 hearing within the District on any such proposed annual budget. Notice of any such
10 public hearing shall be published at least ten (10) days prior to the hearing in a daily,
11 twice-weekly, weekly or bi-weekly newspaper of general circulation within the District;
12 and provided further, that in addition to showing the time, date and place of the hearing,
13 the notice shall also show the complete proposed annual budget. The Board of
14 Commissioners shall not expend any funds collected by the Collector of Revenue
15 inconsistent with or until an annual budget for the expenditure of such funds is approved
16 by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said
17 budget by Resolution within thirty (30) days of its filing, said budget will presume to
18 have been approved by the Board of Aldermen.

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

22 **SECTION EIGHT.** The City shall not decrease the level of municipally funded services
23 in the District existing prior to the creation of the District, unless the services at the same

1 time are decreased throughout the City, nor shall the City discriminate in the provision of
2 new municipally funded services between areas included in the District and areas not so
3 included.

4 **SECTION NINE.** The tax levy authorized in Section Two shall not be effective unless
5 and until the following proposition, submitted to the qualified voters residing in the
6 District at a special election in the District to be held on November 4, 2008, shall receive
7 in its favor the votes of the majority of the qualified voters voting at said election for or
8 against said proposition. Said proposition shall be in substantially the following form:

9 **OFFICIAL BALLOT**

10

11 Shall a tax not to exceed \$.85 per \$100.00 valuation be imposed for the tax years, 2009,
12 2010, 2011, 2012 and 2013 on all real property located in the Tower Grove South
13 Concerned Citizens Special Business District as defined in Ordinance No._____,
14 approved June ____, 2008, (Board Bill No. 89) for the purposes as set forth in said
15 Ordinance?

16

17 ____ YES

18 ____ NO

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

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