

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 5, Page 1, Section A, Line 3, by inserting immediately after said line the following:

3 "67.287. 1. As used in this section, the following terms mean:

4 (1) "Minimum standards", adequate and material provision of each of the items listed in  
5 subsection 2 of this section;

6 (2) "Municipality", any city, town, or village located in any county with a charter form of  
7 government and with more than nine hundred fifty thousand inhabitants;

8 (3) "Peace officer", any peace officer as defined in section 590.010 who is licensed under  
9 chapter 590.

10 2. Every municipality shall meet minimum standards within three years of the effective date  
11 of this section by providing the following municipal services, financial services, and reports:

12 (1) A balanced annual budget listing anticipated revenues and expenditures, as required in  
13 section 67.010;

14 (2) Creation, funding, and regular implementation of a capital improvements plan to identify  
15 and prioritize capital expenditures and to ensure adequate maintenance of public roads and streets,  
16 parks, and other public facilities owned by the municipality including, but not limited to, buildings  
17 and equipment valued at one thousand dollars or more;

18 (3) An annual audit by a certified public accountant of the finances of the municipality that  
19 includes a report on the internal controls utilized by the municipality and prepared by a qualified  
20 financial consultant that are implemented to prevent misuse of public funds. The municipality also  
21 shall include its current procedures that show compliance with or reasonable exceptions to the  
22 recommended internal controls;

23 (4) A cash management and accounting system that accounts for all revenues and  
24 expenditures;

25 (5) Adequate levels of insurance to minimize risk to include:

26 (a) General liability coverage;

27 (b) If applicable, liability coverage with endorsements to cover emergency medical  
28 personnel and paramedics;

29 (c) If applicable, police professional liability coverage;

30 (d) Workers compensation benefits for injured employees under the provisions of chapter  
31 287; and

32 (e) Bonds for local officials as required by section 77.390, 79.260, 80.250, or local charter;

33 (6) Access to a complete set of ordinances adopted by the governing body available to the  
34 public within ten business days of a written request. An online version of the regulations or code  
35 shall satisfy this requirement for those ordinances that are codified;

36 (7) A police department accredited or certified by the Commission on Accreditation for Law

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1 Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police service with  
2 a police department accredited or certified by such entities;

3 (8) Written policies regarding the safe operation of emergency vehicles, including a policy  
4 on police pursuit;

5 (9) Written policies regarding the use of force by peace officers;

6 (10) Written general orders for a municipal police department unless contracting with  
7 another municipality or county for police services;

8 (11) Written policies for collecting and reporting all crime and police stop data for the  
9 municipality as required by law. Such policies shall be forwarded to the attorney general's office;

10 (12) Construction code review, directly or by contract with a public or private agency;

11 (13) Refuse and recycling collection that complies with applicable county codes; and

12 (14) Information published annually on the website of the municipality indicating how the  
13 municipality met the standards in this subsection. If there is no municipal website, the information  
14 shall be submitted to the county for publication on its website, if it has a website.

15 3. If any person has belief or knowledge that any municipality has failed to ensure that the  
16 standards listed in subsection 2 of this section are regularly provided and are likely to continue to be  
17 provided, he or she may make an affidavit before any person authorized to administer oaths setting  
18 forth the facts alleging the failure to meet the required standards and file the affidavit with the  
19 attorney general. It shall be the duty of the attorney general, if, in his or her opinion, the facts stated  
20 in the affidavit justify, to declare whether the municipality is operating below minimum standards,  
21 and if it is, the municipality shall have sixty days to rectify the deficiencies in services noted by the  
22 attorney general. If after sixty days the municipality is still deemed by the attorney general to have  
23 failed to rectify sufficient minimum standards to be in compliance with those specified by subsection  
24 2 of this section, the attorney general may file suit in the circuit court of the county. If the court  
25 finds that the municipality is not in compliance with the minimum standards specified in subsection  
26 2 of this section, the circuit court of the county shall order the following remedies in the order listed:

27 (1) Appointment of an administrative authority for the municipality including, but not  
28 limited to, another political subdivision, the state, or a qualified private party to administer all  
29 revenues under the name of the municipality or its agents and all funds collected on behalf of the  
30 municipality. If the court orders an administrative authority to administer the revenues under this  
31 subdivision, it shall send an order to the director of revenue or other party charged with distributing  
32 tax revenue, as identified by the attorney general, to distribute such revenues and funds to the  
33 administrative authority who shall use such revenues and existing funds to provide the services  
34 required under a plan approved by the court. The court shall enter an order directing all financial  
35 and other institutions holding funds of the municipality, as identified by the attorney general, to  
36 honor the directives of the administrative authority. Any salaries and benefits paid to the members  
37 of the governing body shall cease from the time of the appointment of the administrative authority  
38 until such time as the court determines that the governing body is entitled to resume receipt of  
39 income and enters an order to that effect;

40 (2) Remove from office all elected officials of the municipality the court finds are  
41 responsible for the municipality not coming into compliance with the minimum standards specified  
42 in subsection 2 of this section within ninety days from the date the court enters its order finding the  
43 municipality is not in compliance with the minimum standards specified in subsection 2 of this  
44 section. The court shall appoint new officials to fill the remainder of the terms of those removed  
45 from office in a manner to create a logical transition;

46 (3) If the court finds that the minimum standards specified in subsection 2 still are not  
47 established at the end of ninety days from the time of the appointment of new officials, the court may  
48 either enter an order disincorporating the municipality or order placed on the ballot the question of

1 whether to disincorporate the municipality as provided in subsection 2 of section 479.368. The court  
2 also shall place the question of disincorporation on the ballot as provided by subsection 2 of section  
3 479.368 if at least twenty percent of the registered voters residing in the subject municipality or forty  
4 percent of the number of voters who voted in the last municipal election, whichever is lesser, submit  
5 a petition to the court while the matter is pending, seeking disincorporation. If electors vote to  
6 disincorporate, the court shall determine the date upon which the disincorporation shall occur, taking  
7 into consideration a logical transition.

8 4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies  
9 in subsection 3 of this section."; and

10  
11 Further amend said bill by amending the title, enacting clause, and intersectional references  
12 accordingly.  
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