

HB 245 -- POLITICAL SUBDIVISIONS

SPONSOR: Butler

This bill changes the laws regarding political subdivisions.

MUNICIPAL SERVICES IN ST. LOUIS COUNTY

The bill requires every municipality in St. Louis County to meet minimum standards in the provision of municipal and financial services and reports. "Minimum standards" means adequate and material provision of at least 75% of the following items:

- (1) A balanced annual budget;
- (2) Creation, funding, and regular implementation of a capital improvements plan;
- (3) An annual audit of the municipality's finances by a certified public accountant;
- (4) A cash management and accounting system that accounts for all revenues and expenditures;
- (5) Adequate levels of insurance to minimize certain specified types of risk;
- (6) Public access to a complete set of ordinances adopted by the governing body;
- (7) A law enforcement unit comprised of armed peace officers who are available at all times with at least one officer normally available to respond within 10 minutes of being contacted by the dispatch;
- (8) Written policies regarding the safe operation of emergency vehicles;
- (9) Written policies regarding the use of force by peace officers;
- (10) Construction code review, directly or by contract with a public or private agency;
- (11) Refuse and recycling collection that complies with applicable county codes; and
- (12) Information published annually on the municipality's website indicating how the municipality met these standards. If the municipality does not have a website, the information must be

submitted to the county for publication on its website if it has one.

Upon the filing of a petition signed by at least 30% of the registered voters in the municipality who voted in the last gubernatorial election alleging that the municipality has materially failed to provide at least three of the required standards for at least two months after having been given notice in writing, the county election authority must forward the petition to the presiding judge of the circuit court of that county. The judge must review the petition to determine whether there is probable cause to believe that the allegations are true. If the court decides that probable cause exists, it must notify the municipality and the municipal league of the county or a similar association.

The league or association must request the assistance of a local university, and the university must appoint an advisory committee consisting of three to five persons with relevant experience and qualifications as specified in the bill. The advisory committee must review, as it sees fit, the services in question and the other required services; must develop a plan to permanently correct any deficiencies; and must present the plan to the governing body of the subject municipality within 60 days of its first meeting.

If the municipality continues to fail to provide at least 75% of the standards, the petition may be presented to the county circuit court within 12 months of its original certification by the county election board. The court must conduct a hearing and determine whether the municipality is operating below the minimum standards. If it is, the municipality must have 90 days to rectify the deficiencies. If after 90 days the municipality is still deemed to be operating below the minimum standards, the court must pursue remedies in the following order:

- (1) Appointment of an administrative authority to manage the revenues of the municipality;
- (2) Removal from office of any or all elected officials and the appointment of new officials for the remainder of their terms;
- (3) Placement on the ballot of a proposal to merge the municipality with an adjacent municipality, if one exists. The elected officials of the adjacent municipality must pass a resolution supporting an election to merge the two municipalities. A separate majority of the voters in each municipality must approve the proposed merger for the merger to become effective; and
- (4) Placement on the ballot by the court, upon receipt of a petition signed by at least 40% of the registered voters, a

proposal to order the disincorporation of the municipality.

LAW ENFORCEMENT AGENCIES

Every law enforcement agency must carry liability insurance for each law enforcement officer it employs and pay the premiums therefor, subject to appropriations, to insure against claims or causes of action for property damage or personal injuries, including death, caused while the law enforcement officers are in the exercise of governmental functions. If the premiums for an officer are increased due to improper, overly violent, or risky conduct, the officer must be individually responsible for the increased premium amount.

The bill requires any law enforcement agency that has a disproportionate number of stops compared to the population of a specific race, evidenced by a disparity index of 1.00 or greater, for three consecutive years to be dissolved. A law enforcement agency from an adjoining county, city, town, or village with a disparity index equal to or less than .50 must assume the duties and the funding of the dissolved agency. If there is not an adjoining county, city, town, or village with the required disparity index, the State Highway Patrol must assume the duties of the dissolved agency.