

SECOND REGULAR SESSION

HOUSE BILL NO. 2658

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

6653H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.287, RSMo, and to enact in lieu thereof one new section relating to minimum standards for municipalities in St. Louis County.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 67.287, RSMo, is repealed and one new section enacted in lieu thereof,
2 to be known as section 67.287, to read as follows:

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

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

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

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

8 2. Every municipality shall meet the following minimum standards within three years of August
9 28, 2015, by providing the following municipal services, financial services, and reports, except that the
10 provision of subdivision (6) of this subsection shall be completed within six years:

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

13 (2) An annual audit by a certified public accountant of the finances of the municipality that
14 includes a report on the internal controls utilized by the municipality [and prepared by a qualified
15 financial consultant] that are implemented to prevent misuse of public funds. The municipality also shall

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 include its current procedures that show compliance with or reasonable exceptions to the
17 recommended internal controls;

18 (3) A cash management and accounting system that accounts for all revenues and
19 expenditures;

20 (4) Adequate levels of insurance to minimize risk to include:

21 (a) General liability coverage;

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

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

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

26 and

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

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

31 (6) A police department accredited or certified by the Commission on Accreditation for Law
32 Enforcement Agencies or the Missouri Police Chiefs Association or a contract for police service with
33 a police department accredited or certified by such entities;

34 (7) Written policies regarding the safe operation of emergency vehicles, including a policy on
35 police pursuit;

36 (8) Written policies regarding the use of force by peace officers;

37 (9) Written general orders for a municipal police department unless contracting with another
38 municipality or county for police services;

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

41 (11) Construction code review by existing staff, directly or by contract with a public or private
42 agency; and

43 (12) Information published annually on the website of the municipality indicating how the
44 municipality met the standards in this subsection. If there is no municipal website, the information shall
45 be submitted to the county for publication on its website, if it has a website. 3. If any resident of
46 a municipality has belief or knowledge that such municipality has failed to ensure that the standards
47 listed in subsection 2 of this section are regularly provided and are likely to continue to be provided,
48 he or she may make an affidavit before any person authorized to administer oaths setting forth the facts
49 alleging the failure to meet the required standards and file the affidavit with the attorney general. It shall

50 be the duty of the attorney general, if, in his or her opinion, the facts stated in the affidavit justify, to
 51 declare whether the municipality is operating below minimum standards, and if it is, the municipality shall
 52 have sixty days to rectify the deficiencies in services noted by the attorney general. If after sixty days
 53 the municipality is still deemed by the attorney general to have failed to rectify sufficient minimum
 54 standards to be in compliance with those specified by subsection 2 of this section, the attorney general
 55 may file suit in the circuit court of the county. If the court finds that the municipality is not in compliance
 56 with the minimum standards specified in subsection 2 of this section, the circuit court of the county shall
 57 order the following remedies:

58 (1) Appointment of an administrative authority for the municipality including, but not limited
 59 to, another political subdivision, the state, or a qualified private party to administer all revenues under
 60 the name of the municipality or its agents and all funds collected on behalf of the municipality. If the
 61 court orders an administrative authority to administer the revenues under this subdivision, it may send
 62 an order to the director of revenue or other party charged with distributing tax revenue, as identified
 63 by the attorney general, to distribute such revenues and funds to the administrative authority who shall
 64 use such revenues and existing funds to provide the services required under a plan approved by the
 65 court. The court shall enter an order directing all financial and other institutions holding funds of the
 66 municipality, as identified by the attorney general, to honor the directives of the administrative authority;

67 (2) If the court finds that the minimum standards specified in subsection 2 of this section still
 68 are not established at the end of ninety days from the time the court finds that the municipality is not in
 69 compliance with the minimum standards specified in subsection 2 of this section, the court may either
 70 enter an order disincorporating the municipality or order placed on the ballot the question of whether
 71 to disincorporate the municipality as provided in subdivisions (1), (2), (4), and (5) of subsection 3 of
 72 section 479.368. The court also shall place the question of disincorporation on the ballot as provided
 73 by subdivisions (1), (2), (4), and (5) of subsection 3 of section 479.368 if at least twenty percent of
 74 the registered voters residing in the subject municipality or forty percent of the number of voters who
 75 voted in the last municipal election, whichever is lesser, submit a petition to the court while the matter
 76 is pending, seeking disincorporation. The question shall be submitted to the voters in substantially the
 77 following form:

78 The city/town/village of has failed to meet minimum standards of governance as
 79 required by law. Shall the city/town/village of be dissolved?

80 YES NO

81

82 If electors vote to disincorporate, the court shall determine the date upon which the disincorporation
 83 shall occur, taking into consideration a logical transition.

84 4. The court shall have ongoing jurisdiction to enforce its orders and carry out the remedies
85 in subsection 3 of this section.

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