

Missouri Supreme Court Order Regarding Municipal Courts and Minimal Operating Standards

– On September 20, 2016, the Missouri Supreme Court issued an order regarding municipal courts, which **will take effect on July 1, 2017**. [Rule 37.04](#) sets out several minimum operating standards for municipal courts. The standards include, but are not limited to, the following: defendants must be allowed to present financial information when the court assesses their ability to pay a fine; municipal courts shall not assess or collect unauthorized fines, costs, or surcharges (for example, fines for “minor traffic violations” must not exceed \$225.00); municipal judges shall complete certain training requirements; municipal courts must operate in facilities reasonably convenient to the public (courtrooms must be open to persons of all ages and be reasonably large enough to accommodate the public, parties, and attorneys); municipal courts must maintain a clerk’s office that is open to the public at least 30 hours per week during regular business hours for the purpose of paying fines; municipal courts must allow online payment of fines or be “actively pursuing” online access to payment of fines and information regarding pending cases; and clerks of court and other non-judicial personnel shall not perform any functions that constitute an apparent or actual conflict of interest. For a full description of the standards and rule, [see here](#).

New Legislation Increases State Auditor’s Authority Over TDDs and CIDs

– On August 28th, [HB 1418](#) and [SB 1002](#) went into effect, increasing the State Auditor’s oversight of Transportation Development Districts (TDDs) and Community Improvement Districts (CIDs). HB 1418 modifies the process for TDDs to file annual financial statements and the penalties for failure to do so. The State Auditor is now required to report to the Missouri Department of Revenue any TDD’s failure to file its financial statement (financial statements are required per [§ 105.145 RSMo.](#)). The fine for failing to submit the annual financial statement will be \$500 per day, and the new laws provide a mechanism for collection of the fine. Fines will begin accruing on the 31st day after the TDD is sent notice of its failure to file the financial statement. All TDDs must also submit to the State Auditor’s office by December 31st, 2016 the names and contact information of their current board and the date the TDD was formed. Regarding CIDs, [SB 1002](#) now allows the State Auditor to audit a CID in the same manner as any state agency – a petition from CID residents is no longer required to initiate an audit.

Unsuccessful Bidders Have Standing to Challenge the Bidding Process in Limited Circumstances

– The Missouri Supreme Court recently held in [Byrne & Jones Enterprises, Inc. v. Monroe City R-1 School Dist.](#), that an unsuccessful bidder has a legally protectable interest in a fair and equal bidding process, and therefore has standing to challenge the process on the basis of being denied “a fair and equal opportunity to compete in the bidding process.” Typically, in Missouri, an unsuccessful bidder does not have standing to challenge the award of a contract to someone else, as they have no special pecuniary interest in the contract. The Court held, however, that an unsuccessful bidder does have an interest in the fairness of the process, and may sue to challenge an unfair bidding process.

United States Supreme Court Holds that Local Governments May Draw Legislative Districts or Wards Based on Total Population

– An appeal from Texas voters seeking to require the State of Texas to use voter-eligible population, instead of total population, to draw legislative districts was unanimously rejected by the Supreme Court in [Evenwel v. Abbott](#). The Court held that “[a]s constitutional history, precedent, and practice demonstrate, a State or locality may draw its legislative districts based on total population,” and a state or local government is not required to base districts on voter-eligible population. The Court’s reasoning hinged on, among other things, the notion that individual representatives represent not just the voting population of their district. The Court did not decide whether a district *could* be drawn on voter-eligible population rather than total population, or whether states and local governments are *required* to redistrict based on total population.

Presentations by CVR Attorneys

– The following recent and upcoming educational presentations and resources from CVR attorneys are available for your review:

- [Statutory Requirements for Public Works Contracts](#) (Missouri Municipal League Annual Conference) – [Erin Seele](#)
- [All You Need to Know About the Board of Adjustment](#) (Municipal Officials Training Academy)– [Erin Seele](#) and [Maggie Eveker](#)
- [UPCOMING – Legalities of Planning and Zoning](#) (APA/UMSL Chancellor’s Certificate Program in Planning and Zoning) – [Dan Vogel](#)

Feedback – Your comments are greatly appreciated. If you have suggestions for improving these Municipal Issue Reports, please let us know at the contacts below.

Upcoming Dates & Deadlines for Missouri Municipalities*

Mid-late Sept. – Conduct public hearing on property tax rate with 7-day newspaper notice (cities in charter counties).

Oct. 1 – Set property tax levy (cities in charter counties).

Mid-Nov. – TIF Annual reports due to DOR. Penalty for failing to file report is loss of ability to implement new TIFs for 5 years.

*This list is not exhaustive. For the complete **Calendar of Procedural Deadlines for Missouri Municipalities**, click below:

[Jan. 1–Dec. 31 Fiscal Year](#)

[July 1–June 30 Fiscal Year](#)

Also see CVR’s [Annual Requirements for Missouri Municipal Special Purpose Entities](#)

Municipal Links

[Missouri Municipal League](#)

[Municipal League of Metro St. Louis](#)

[Mid-America Regional Council \(KC Area\)](#)

[East-West Gateway Council of Governments](#)

For more, visit CVR’s [Resources Page](#)

If you need further assistance on any of these matters, please consult your City Attorney or Legal Department for particularized guidance or contact us at:

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