

Issuing Parking Tickets May Violate Federal Law! – In *Senne v. Village of Palatine, Illinois, No. 10-3243 (7th Cir. Aug. 6, 2012)* the federal Seventh Circuit Court held that the Village potentially violated the federal Driver's Privacy Protection Act (18 U.S.C. §2721 et seq.) when Village police left on a vehicle a parking ticket in plain view containing personal information such as gender, weight, and address. Local officials should carefully scrutinize what information is contained on tickets left in plain view.

New Law Preempts Fire District's Authority Related to New Residential Construction – Senate Bill 769 (2012) establishes §321.228 RSMo., which generally deprives fire protection districts of existing authority to adopt and enforce fire codes for new residential construction (defined as "new" construction relating to single-family or two-family dwellings or development sites). Local officials should ensure that fire codes have been adopted by the City and are subject to enforcement and inspection by City officials (or under agreement with the fire districts based on City adopted codes).

Previously-Authorized Election Dates May Now be Unavailable – House Bill 1036 (2012) amended section §115.123 RSMo. to remove the first Tuesday following the first Monday in February as an available election date for all issues except bond questions and remove the June election date for all public elections. Any current projects or ordinances that will require a public vote should be reviewed to ensure that these utilize the remaining-available election dates (February (only for bonds), or April, August and November).

Affordable Care Act May Impact City-Provided Health Care Benefits – On June 28, 2012, the Supreme Court upheld the constitutionality of the Affordable Care Act. Employers, including public employers, need to be aware of major changes in health insurance requirements as the Act is steadily implemented in order to avoid penalties for noncompliance starting in 2014. Some new developments to be aware of include: the delivery of medical loss ratio (MLR) rebate checks, healthcare enrollment for employees, and the drafting of clear and concise Summaries of Benefits and Coverage. Various federal agencies are in the process of finalizing regulations for the implementation of the Act. Therefore, how the agencies will implement the Act remains in flux. As the provisions of the Act come into effect, please contact your City Attorney to ensure compliance and avoid potential penalties. Some helpful guidance regarding the Act can be found in the links below.

- [The Affordable Care Act \(Full Text\)](#)
- [MLR Information](#)
- [Employee Enrollment](#)
- [Summary of Benefits and Coverage](#)

BYOD (Bring Your Own Device) – Does your municipality allow employees to use their own electronic devices for work tasks? If so, do you have a policy addressing the use of personal electronic devices in the workplace or for conducting work away from the office? While allowing employees to use their personal laptops, tablets, smart phones and other devices can benefit both the employee and the employer, it also poses additional risks to the employer regarding, among other things, security of confidential information and may increase overtime expenses or increase the risk of wage and hour claims. If your municipality allows employees to use personal electronic devices at the office or home for work tasks, you need a policy to address the risks. Conversely, if your municipality does not allow the use of personal devices, then you may need to adopt a written policy making this prohibition clear.

Presentations by CVR Attorneys – The following recent educational presentations and materials from CVR attorneys are available for your review:

- **UPCOMING – 10/9/12** [Urban Development, Zoning and Planning, Subdivisions, & Annexation](#) (Missouri Bar CLE Guidebook Practice Series – [Tom Cunningham](#) and [Dan Vogel](#))
- [New Developments in Wireless Communications Facilities Siting and Leases](#) (2012 Missouri Municipal Attorneys Association - Dan Vogel and [Ryan Moehlman](#))
- [Intergovernmental Conflicts; Zoning Disputes & Beyond](#) (2012 Missouri Municipal Attorneys Association - Dan Vogel and [Erin Seele](#))
- [Rights-of-Ways Issues](#) (2012 Missouri Municipal Attorneys Association - Ryan Moehlman and St. Joseph Asst. City Attorney Bryan Carter).
- [Treating Employees Equally - Even Those Nobody Likes](#) (Mo. City Clerks & Finance Officers Assoc. Eastern Division – [Dave Davis](#))

Feedback – Please let us know how we are doing. If you have suggestions for improving these Municipal Issue Reports, please let us know at the contacts below.

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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Upcoming Dates & Deadlines for Missouri Municipalities*

Sept.15 – Biennial re-adoption of the City's personal financial disclosures policy. (Required every other year for cities with annual operating budgets over \$1M) Send copy of policy to Ethics Comm'n within 10 days of adoption

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)

Nov. 15 – TIF annual reports due to DED. 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](#)

[St. Louis County Municipal League](#)

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

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

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