

Wireless Tower Bill Seeks to Substantially Deprive Local Control Over Towers and Antennas – The “Uniform Wireless Communications Infrastructure Deployment Act,” [HB 345 \(Rep. Cierpiot\)](#) and [SB 241 \(Sen. Lager\)](#), significantly preempts current municipal authority to review and regulate telecommunication facilities locating in a municipality. Despite erroneous claims from wireless industry advocates to the contrary, **these bills represent extreme changes in the law regarding local control over siting of wireless towers and antenna to solve problems even the industry has admitted do not currently exist in Missouri.** Among many other provisions, effects on local government control contained in the current versions of the bills include:

- Police Departments cannot prevent interference with police antennas even on city-owned land.
- Prohibits regulation of antennas on poles in rights-of-way – leaving open possibility of unlimited height or size with no local control!
- Prohibits requiring collocation of antennas to reduce number of towers, effectively allowing for a proliferation of new towers.
- Prohibits airport safety zones beyond minimum FAA regulations (that may not address future development, among other concerns).
- Prohibits inquiry into nature of the services being provided – something that is essential to determine regulatory and tax applicability.
- Prohibits local requirements for appearance such as monopole design, lattice or guy wire design regulations or prohibitions, etc.
- Requires Cities to offer private companies long-term leases for use of City property and forces rent to be determined by third-parties appraisers.
- Imposes short time limitations on collocation applications that even the industry-supportive FCC has already rejected as too short for general application.

If your community or residents care about protecting public safety and property values from the construction of wireless towers without meaningful local review or control, you are encouraged to **contact your State Senator and Representative** and make information regarding these bills and their impact on property values and public safety issues available to your residents.

CenturyLink Paying Some Telephone Taxes Under Protest –

Many Cities received telephone gross receipts tax payments from CenturyLink in February containing two checks; one that is being paid under protest (as indicated in the letter accompanying the payments) and one not under protest.

CenturyLink has started making telephone gross receipts tax payments under protest statewide in response to two lawsuits, *City of Aurora v. Spectra Communications Group, LCC* (St. Louis Co. Cir. Ct.) and *City of O’Fallon v. CenturyLink, Inc.* (E.D.Mo.). The *Aurora* case was filed by CVR on behalf of five Cities (not a class action) against CenturyLink and subsidiaries and the *O’Fallon* case is a class action lawsuit filed on behalf of all cities with a telephone gross receipts tax, similar to previous lawsuits against various other landline and wireless phone companies. While these two cases each have unique issues, both cases essentially claim that CenturyLink has been underpaying gross receipt taxes and seek payment of delinquent back taxes and correct full payment of taxes going forward. The protested amount constitutes new gross receipts tax revenue that the lawsuits allege CenturyLink was required to pay.

Amounts received not under protest can be immediately deposited as any other tax payment. **The protested tax payment needs to be sequestered away from other City funds in an interest bearing account under § 139.031 RSMo.** This can either be in a separate account or a line item in a general account as long as protested amounts can be separately accounted for apart from other City money. Protest payments needs to be **kept separate and unspent** for 90 days, until CenturyLink files a tax protest lawsuit in your local county. If and when CenturyLink files such a lawsuit, the protested amount will need to be continued to be kept separate until the lawsuit is resolved. It is also anticipated that these **protest payments will continue to come in on a monthly basis** until the litigation is resolved, regardless of whether your ordinance requires quarterly, semi-annual or annual payments of taxes, so **the sequestration process will need to be repeated when new protest payments come in each month.**

St. Louis County Municipal League Kicks Off Municipal Officials Training Academy –

January and February saw the first two webinars presented by the St. Louis County Municipal League Municipal Officials Training Academy, *Municipal Contracts & Purchasing Best Practices*, presented by Dan Vogel and *Funding Municipal Improvements and Economic Development*, presented by Kristen Erickson.

The Training Academy is an educational collaborative program of the St. Louis County Municipal League with support and participation of Cunningham, Vogel & Rost, P.C., the Training Academy steering committee, and numerous public officials of municipalities within St. Louis County. The Training Academy is designed to provide a unique training experience that brings local government education into the 21st century by using technology to provide convenient training opportunities and is intended solely for educational advancement of those who serve the municipal public sector. The Training Academy aims to provide practical, relevant, and efficient training on municipal issues, laws, and best practices or policies to serve municipalities and their constituent residents and taxpayers.

Many of the webinar topics and information have state-wide applicability and are open to all municipal officials and employees for a nominal fee. Look for additional information on upcoming webinars in these Municipal Issue Reports and on the [St. Louis County Municipal League website](#).

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

- **UPCOMING** – *A City Clerk’s Life: Surviving After the End of the Mayan Calendar* (2013 MoCCFOA Spring Institute – [Paul Rost](#) & [Erin Seele](#))
- [Development Finance](#) (APA/UMSL Chancellor’s Certificate Program in Planning and Zoning) – [Kristen Erickson](#)
- [Municipal Contracts & Purchasing Best Practices](#) (Municipal Officials Training Academy) – [Dan Vogel](#)
- [Funding Municipal Improvements and Economic Development](#) (Municipal Officials Training Academy) – [Kristen Erickson](#)

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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To access previous reports on our website: [CLICK HERE](#).

Municipal Issue Reports are not intended to provide legal advice and should not be understood to create an attorney-client relationship. These Reports are provided as an educational courtesy to municipalities and related local government officials to promote the public sector interests on which our law firm was founded. If you do not wish to receive these Reports, or would like them directed to other or additional persons within your municipality or organization, please respond to this email with appropriate instructions.

Upcoming Dates & Deadlines for Missouri Municipalities*

- Apr. 2** - Municipal Election Day.
- Apr. 8** - Provide a nonbinding estimated tax rate to County Clerk (Applicability depends on County’s receipt of State Tax Commission software); Penalty for failure to provide estimated tax rate is 20% reduction in property tax rate.
- May 1** - Applications for renewal of liquor licenses due from licensees.
- May 1** - Financial disclosure reports due to Ethics Comm’n. (Cities with \$1M+ annual operating budget, if City does not adopt its own biennial financial disclosure policy).
- June 1** - City Clerk deliver to collector special tax bills for weed and trash removal for inclusion on current year’s tax bill.

*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](#)