

MML and Springfield Challenge Telecommunications Bills, but New Laws ARE in Effect – The Missouri Municipal League, along with the City of Springfield and MML Deputy Director Richard Sheets, filed a lawsuit (Case No. 14AC-CC00445, Cole County) on August 26 challenging telecommunications industry-supported [Senate Bill 649](#) (Rights-of-Way Management) and [Senate Bill 650](#) (Zoning and Leasing of Wireless Facilities). The lawsuit challenges these bills on both constitutional procedural and substantive grounds. The 2014 bills readopt provisions from similar 2013 bills (HB 331 and HB 345) that were successfully invalidated by the Cities of Liberty, Gladstone, Lee's Summit, Independence, Cameron, and Butler. The Missouri Supreme Court recently dismissed the State of Missouri's appeal of that judgment, making the invalidation of these 2013 Bills final and unappealable. However, unlike last year, there is no injunction preventing the 2014 Bills from going into effect. **As such, both SB 649 and 650 are currently in effect and Missouri cities cannot ignore the bills' provisions without legal risk.** CVR is not involved in the 2014 litigation, so specific inquiries should be directed to the MML or City of Springfield. **Cities should immediately consult with their City Attorney or other legal counsel to determine the impact and appropriate action plan in response to all of these bills relating (1) tower and antenna applications (2) tower leasing, (3) Row of permits and agreements (4) utility pole regulation, among other issues.**

SEC Extends Deadline for Issuers Under Municipalities Continuing Disclosure Cooperation Initiative – The U.S. Securities and Exchange Commission ("SEC") [announced](#) an extension of the deadline under the Municipalities Continuing Disclosure Cooperation Initiative for municipal bond issuers to self-report misrepresentations made in Official Statements about the issuer's previous compliance with continuing disclosure obligations. The deadline for issuers to self-report potential violations has been extended from September 10, 2014 to **December 1, 2014**. For more information about the Initiative, see [CVR Report No. 2014-02](#) and the SEC's [Municipalities Continuing Disclosure Cooperation Initiative webpage](#).

Direct Garnishment Now Applicable to Cities – [HB 1231](#), modifying provisions related to writs of sequestration and garnishment of employee wages, went into effect on August 28. Prior to this bill, the wages of government employees were not subject to direct garnishment but must have been collected by obtaining a writ of sequestration. A political subdivision employer now has the same duties and obligations as a private employer when served with a garnishment. All garnishments against a political subdivision employer must now proceed in the same manner as any other garnishment, and a writ of sequestration is no longer required where the judgment debtor is an employee of a municipality or political subdivision.

Copyrighted Material Perhaps Closed Under Sunshine Law – [National Council of Teachers, Quality, Inc. v. Curators of the University of Missouri, WD76785](#) (Mo. App. August 26, 2014) held that the University properly denied a Sunshine request for a copy of teachers' copyrighted syllabi, finding such was exempt from disclosure by the Federal Copyright Act. This case creates new ambiguity regarding when and when not to provide copies of copyrighted material in response to a Sunshine request creating a need for new caution.

Vetoed Legislation – Two bills affecting Missouri municipalities that were previously reported in the June CVR Report have been vetoed by the Governor. [SB 593](#), regarding municipal elections, and [SB 675](#), regarding the LAGERS Switch-Over were both vetoed. A veto override session of the General Assembly began September 10 and the legislature has already voted to overturn the veto of SB 593.

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

- [Selected Best Practices for Municipal Lawyers](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Erin Seele](#) and [Kim Diamond](#)
- [Annual Update of Supreme Court and Missouri Land Use Cases](#) (Missouri Municipal Attorneys Association Summer Seminar) – [Ryan Moehlman](#) and [Maggie Eveker](#)
- UPCOMING – [The 15 Critical Court Cases Every Missouri Municipal Official Must Know](#) (Missouri Municipal League Annual Conference) – [Paul Rost](#)
- UPCOMING – [Sunshine/Court Operating Rules](#) (Missouri Association for Court Administration Fall Conference) – [Dave Streubel](#)
- UPCOMING – [Conflicts and Ethics](#) (Municipal Official 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 – 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](#).

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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).

Mid-Nov. – TIF Annual reports due. 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](#)