

SEMINAR ON New & Evolving Telecom Mandates on Cities –

Dan Vogel, of Cunningham, Vogel & Rost, P.C., and Ryan Moehlman, Assistant City Counselor, City of Columbia, will provide a comprehensive overview of recent changes in telecommunications laws at the Municipal Officials Training Academy Seminar on March 26, 2015. Register [here](#) to learn about the new amendments to Missouri's new restrictions on municipal rights-of-way, zoning, leasing and utility poles, the FCC's new 2015 [rule](#) on wireless siting, and the United States Supreme Court's recent decision in *T-Mobile v. City of Roswell* regarding requirements for cities' denials of applications to build cell towers, among other telecom updates.

REMINDER: Municipalities Must Provide Estimate of Property Tax Levy to County Clerk by April 8, 2015 –

As a reminder, municipalities located, or partially located, in charter counties are required to provide a nonbinding estimate of their property tax levy for the year to the county clerk by April 8, 2015. See [§ 137.243 RSMo.](#) This estimate is required to be made in odd-numbered years, which are years of general reassessment for property tax purposes. In order to assist municipalities with calculating the projected tax levy, county clerks will provide valuations of real, personal, and tangible property to each municipality or political subdivision by March 15. These valuations can be used to calculate the estimated tax levy using the property tax calculators available on the [Missouri State Auditor's website](#). If a municipality fails to provide a projected tax levy to the county clerk by April 8, the municipality's tax levy will be reduced by twenty percent. The requirement to provide an estimated tax levy will eventually also apply to cities located in any non-charter county that has received the software necessary to implement the requirements of [§ 137.180 RSMo.](#) by December 31 of the prior year; however, the State Auditor has indicated that as of December 31, 2014, no such software had been received by any non-charter county.

FEMA Issues Updated Flood Insurance Rate Maps –

Since the flooding catastrophe during Hurricane Katrina in 2005, FEMA has re-evaluated flood risk on a massive scale. FEMA has issued updated flood insurance rate maps (FIRM) for 92% of the Nation's population. In some places, new FIRM show vast new flood prone areas (special flood hazard areas). Even small flood hazard determinations have a huge impact by revealing new areas that are subject to flood risk. This risk implicates floodplain building codes and restrictions, as well as mandatory flood insurance in some situations. This [map](#) provided by the Missouri State Emergency Management Agency shows the status of mapping throughout Missouri. The map indicates that FEMA is still collecting data in large watersheds, even in communities that have recently adopted new maps. Communities should be aware that flood insurance rate maps will continue to change, possibly more quickly in identified watershed areas. Communities should be diligent in communicating preliminary map information to residents and owners in new special flood hazard areas. This will provide better notice to affected owners, and give them an opportunity to verify the accuracy of any new special flood hazard areas. Please contact [Kim Diamond](#) with any questions about community flood plain mapping and regulation.

City Has Discretion to Establish Procedural Framework for Collective Bargaining –

In *West Central Missouri Region Lodge #50 of the Fraternal Order of Police, et al. v. The City of Grandview, Missouri, WD77250 (Mo. App. Jan. 27, 2015)*, the Court of Appeals held the City of Grandview's ordinance creating a framework for collective bargaining for Police Department personnel did not violate the City's constitutional duty to negotiate in good faith. The court stated the City has the right to enact framework for collective bargaining in the absence of state requirements, and specifically found that mandating employees use a secret ballot to select a collective bargaining representative or preventing supervisory and non-supervisory employees from being in the same bargaining unit does not prevent an employee from selecting a "representative of their own choosing." The court further noted that simply having a framework did not prohibit good faith negotiation because nothing in the ordinance prevents the City from later negotiating some issue addressed in the ordinance; however, the court cautioned that to the extent the City may in the future refuse to negotiate an issue addressed in the ordinance in good faith, the petitioner may at that time challenge the City's refusal. This case should serve as a starting guide for cities that wish to enact a framework for collective bargaining.

Public Hearings Require Meaningful Opportunity to be Heard –

In *Campbell v. County Comm'n of Franklin County., No. SC94339 (Mo. Feb. 3, 2015)*, the Missouri Supreme Court reversed the dismissal of a petition by residents asserting that the county commission held a legally insufficient hearing on proposed zoning amendments allowing a utility company to build a coal-ash landfill. The residents alleged that during the hearing on the proposed zoning amendments which would allow the landfill, the commission announced to the public that they could not speak regarding the landfill and that the commission interrupted speakers when they attempted to discuss the landfill. The Court stated that if those allegations were true, the hearing was insufficient and the commission denied the public a fair opportunity to be heard and present their side of the case. The Court held that a public hearing requires, at a minimum, that the public be given the opportunity to present its views about the subject matter of the proposed zoning amendment. Accordingly, your city should be careful to provide the public an opportunity to present its views about the actual, underlying subject matter at issue to avoid conducting a legally insufficient hearing that could void the city's decision.

Steven Lucas Joins CVR –

CVR is pleased to announce that Steven Lucas has joined the firm as an Associate Attorney. Steven will represent the firm's municipal clients in general municipal law, land use matters, and other municipal practice areas. Steven received his J.D., with an emphasis in Urban, Land Use and Environmental Law, in 2009 from the University of Missouri – Kansas City School of Law. He also received a Masters in Urban Planning from the University of Kansas in 2011, and previously served as an elected Councilmember for Mission, Kansas.

Presentations by CVR Attorneys –

The following upcoming educational presentations and resources from CVR attorneys will be available for your review:

- UPCOMING – [New & Evolving Telecom Mandates on Cities \(AKA All the Special Laws that Money Can Buy\) & Municipal Impacts on Zoning, ROW, Leasing and City Poles](#) (Municipal Officials Training Academy) – [Dan Vogel](#) and Ryan Moehlman

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](#).

Upcoming Dates & Deadlines for Missouri Municipalities*

Mar. 5 – Notify DOR of ordinance opting-in to "Show Me Green" Appliance Sales Tax Holiday (at option of City).

Apr. 7 – Municipal Election Day.

1st Meeting of April – Collector prepares and governing body approves delinquent tax list.

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](#)