

**ORDINANCE #67319**  
**Board Bill No. 270**

**AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI, AS A REDEVELOPMENT AREA KNOWN AS THE TUDOR BUILDING/1818 WASHINGTON REDEVELOPMENT AREA PURSUANT TO THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; APPROVING A REDEVELOPMENT PLAN AND A REDEVELOPMENT PROJECT WITH RESPECT THERETO; ADOPTING TAX INCREMENT FINANCING WITHIN THE REDEVELOPMENT AREA; MAKING FINDINGS WITH RESPECT THERETO; ESTABLISHING THE TUDOR BUILDING/1818 WASHINGTON SPECIAL ALLOCATION FUND; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.**

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis, Missouri (the "TIF Commission"); and

**WHEREAS**, the TIF Commission is duly constituted according to the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (2000), as amended (the "TIF Act"), and is authorized to hold public hearings with respect to proposed redevelopment areas and redevelopment plans and to make recommendations thereon to the City; and

**WHEREAS**, staff and consultants of the City and Tudor Partners, LLC and 1818 Washington Partners, LLC, both Missouri limited liability companies, which entities are affiliates of Tudor TIF, Inc. and 1818 TIF, Inc., respectively, both Missouri corporations (collectively, the "Developers" and each a "Developer"), prepared a plan for redevelopment titled "Tudor Building/1818 Washington TIF Redevelopment Plan" dated April 21, 2006, and revised September 6, 2006 (as amended, the "Redevelopment Plan"), for an area located generally at 1901 Washington Avenue and 1818 Washington Avenue in downtown St. Louis (the "Redevelopment Area" or "Area"), which Redevelopment Area is more fully described in the Redevelopment Plan, attached hereto and incorporated herein as **Exhibit A**; and

**WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by acquiring, renovating and rehabilitating the structure that currently exists in the Area into a mix of commercial and residential uses and other improvements, as set forth in the Redevelopment Plan (the "Redevelopment Project," or "TIF Project"); and

**WHEREAS**, on April 12, 2006 after all proper notice was given, the TIF Commission held a public hearing in conformance with the TIF Act, which hearing was continued to September 13, 2006 and at such hearing the TIF Commission received comments from all interested persons and taxing districts relative to the Redevelopment Area, the Redevelopment Plan, and the Redevelopment Project; and

**WHEREAS**, on September 13, 2006, the TIF Commission found that completion of the Redevelopment Project would provide a substantial and significant public benefit through the creation of new jobs, the elimination of blight, the preservation of historic structures, the strengthening of the employment and economic base of the City, increased property values and tax revenues, stabilization of the Redevelopment Area, and facilitation of economic stability for the City as a whole, and further found that without the assistance of tax increment financing in accordance with the TIF Act, the Redevelopment Project is not financially feasible and would not otherwise be completed; and

**WHEREAS**, on September 13, 2006, the TIF Commission voted to recommend that the Board of Aldermen adopt an ordinance in the form required by the Act (i) adopting tax increment financing within the Redevelopment Area, (ii) approving the Redevelopment Plan, (iii) approving and designating the Redevelopment Area as a "redevelopment area" as provided in the Act, (iv) approving the Redevelopment Project as described within the Redevelopment Plan, and (v) approving the issuance of tax increment financing revenue notes in the amount as specified in the Redevelopment Plan; and

**WHEREAS**, the Developer has demonstrated that the Redevelopment Project would not reasonably be anticipated to be developed without the adoption of tax increment financing and, therefore, redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not feasible and would not otherwise be completed; and

**WHEREAS**, the Board of Aldermen has received the recommendations of the TIF Commission regarding the Redevelopment Area and the Redevelopment Plan and finds that it is desirable and in the best interests of the City to designate the Redevelopment Area as a "redevelopment area" as provided in the TIF Act, adopt the Redevelopment Plan and Redevelopment Project in order to encourage and facilitate the redevelopment of the Redevelopment Area; and

**WHEREAS**, the Redevelopment Area qualifies for the use of tax increment financing to alleviate the conditions that qualify it as a "blighted area" as provided in the TIF Act and as set forth herein; and

**WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt tax increment allocation financing

within the Redevelopment Area and to establish a special allocation fund for the Redevelopment Area in order to provide for the promotion of the general welfare through redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan which redevelopment includes, but is not limited to, assistance in the physical, economic, and social development of the City of St. Louis, providing for a stabilized population and plan for the optimal growth of the City of St. Louis, encouragement of a sense of community identity, safety and civic pride, preservation and restoration of property of historical and architectural value and significance and the elimination of impediments to land disposition and development in the City of St. Louis.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen hereby makes the following findings:

A. The Redevelopment Area on the whole is a “blighted area”, as defined in Section 99.805 of the TIF Act, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. This finding includes, the Redevelopment Plan sets forth, and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Redevelopment Area as a “blighted area” and (ii) an affidavit, signed by the Developer and submitted with the Redevelopment Plan, attesting that the provisions of Section 99.810.1(1) of the TIF Act have been met, which description and affidavit are incorporated herein as if set forth herein.

B. The Redevelopment Plan conforms to the comprehensive plan for the development of the City as a whole.

C. In accordance with the TIF Act, the Redevelopment Plan states the estimated dates of completion of the Redevelopment Project and retirement of the financial obligations issued to pay for certain redevelopment project costs and these dates are twenty three (23) years or less from the date of approval of the Redevelopment Project.

D. A plan has been developed for relocation assistance for businesses and residences in Ordinance No. 62481 adopted December 20, 1991.

E. A cost-benefit analysis showing the economic impact of the Redevelopment Plan on each taxing district which is at least partially within the boundaries of the Redevelopment Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows the impact on the economy if the Redevelopment Project is not built, and is built pursuant to the Redevelopment Plan.

F. Redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is not financially feasible without the assistance of tax increment financing and would not otherwise be completed.

G. The Redevelopment Plan does not include the initial development or redevelopment of any “gambling establishment” as that term is defined in Section 99.805(6) of the TIF Act.

H. The Redevelopment Area includes only those parcels of real property and improvements thereon directly and substantially benefited by the proposed Redevelopment Project.

**SECTION TWO.** The Redevelopment Area described in the Redevelopment Plan is hereby designated as a “redevelopment area” as defined in Section 99.805(11) of the TIF Act.

**SECTION THREE.** The Redevelopment Plan as reviewed and recommended by the TIF Commission on September 13, 2006, including amendments thereto, if any, and the Redevelopment Project described in the Redevelopment Plan are hereby adopted and approved. A copy of the Redevelopment Plan is attached hereto as **Exhibit A** and incorporated herein by reference.

**SECTION FOUR.** There is hereby created and ordered to be established within the treasury of the City a separate fund to be known as the “Tudor Building/1818 Washington Special Allocation Fund.” To the extent permitted by law and except as otherwise provided in the Redevelopment Plan, the City hereby pledges funds in the Tudor Building/1818 Washington Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof.

**SECTION FIVE.** Tax increment allocation financing is hereby adopted within the Redevelopment Area. After the total equalized assessed valuation of the taxable real property in the Redevelopment Area exceeds the certified total initial equalized assessed valuation of the taxable real property in the Redevelopment Area, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 99.855.2 of the TIF Act each year after the effective date of this Ordinance until redevelopment costs have been paid shall be divided as follows:

A. That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid by the City Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the Redevelopment Project and any applicable penalty and interest

over and above the initial equalized assessed value of each such unit of property in the area selected for the Redevelopment Project shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall deposit such payment in lieu of taxes into the Tudor Building/1818 Washington Special Allocation Fund for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Redevelopment Project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

**SECTION SIX.** In addition to the payments in lieu of taxes described in Section Five of this Ordinance, fifty percent (50%) of the total additional revenue from taxes, penalties and interest which are imposed by the City or other taxing districts, and which are generated by economic activities within the area of the Redevelopment Project over the amount of such taxes generated by economic activities within the area of the Redevelopment Project in the calendar year prior to the adoption of the Redevelopment Project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to Section 70.500 of the Revised Statutes of Missouri (2000) as amended, or taxes levied for the purpose of public transportation pursuant to Section 94.660 of the Revised Statutes of Missouri (2000) as amended, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the collecting officer to the City Treasurer or other designated financial officer of the City, who shall deposit such funds in a separate segregated account within the Tudor Building/1818 Washington Special Allocation Fund.

**SECTION SEVEN.** The Comptroller of the City is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Sections Five and Six of this Ordinance and the deposit of the said taxes or payments in lieu of taxes into the Tudor Building/1818 Washington Special Allocation Fund for the payment of redevelopment project costs and obligations incurred in the payment thereof, all in accordance with the TIF Act.

**SECTION EIGHT.** The City Register is hereby directed to submit a certified copy of this Ordinance to the City Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Redevelopment Area as of the date of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Redevelopment Area.

**SECTION NINE.** The Mayor and Comptroller of the City or their designated representatives are hereby authorized and directed to take any and all actions as may be necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such action by the Mayor and the Comptroller or their designated representatives.

**SECTION TEN.** The Mayor and the Comptroller or their designated representatives, with the advice and concurrence of the City Counselor and after approval by the Board of Estimate and Apportionment, are hereby further authorized and directed to make any changes to the documents, agreements and instruments approved and authorized by this Ordinance as may be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out the matters herein authorized, with no such further action of the Board of Aldermen necessary to authorize such changes by the Mayor and the Comptroller or their designated representatives.

**SECTION ELEVEN.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION TWELVE.** After adoption of this Ordinance by the Board of Aldermen, this Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption over his veto; provided that if, within ninety (90) days after the effective date of an Ordinance authorizing the City to enter into a redevelopment agreement with each Developer with respect to a portion of the Redevelopment Project such Ordinance each of the Developers have both failed to (i) execute a redevelopment agreement pertaining to their respective components of the Redevelopment Project and (ii) pay all fees due to the City in accordance with such terms of the redevelopment agreement, the provisions of this Ordinance shall be deemed null and void and of no effect and all rights conferred by this Ordinance on Developer, shall terminate, provided further, however, that prior to any such termination the Developer may seek an extension of time in which to execute the Redevelopment Agreement, which extension may be granted in the sole discretion of the Board of Estimate and Apportionment of the City of St. Louis.

#### **EXHIBIT A**

### **TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN**

#### **TUDOR BUILDING/1818 WASHINGTON**

#### **TIF REDEVELOPMENT PLAN**

Submitted to  
the City of St. Louis  
Tax Increment Financing Commission  
April 21, 2006

Revised  
September 6, 2006

**TUDOR BUILDING / 1818 WASHINGTON  
TIF REDEVELOPMENT PLAN**

**TABLE OF CONTENTS**

**I. INTRODUCTION**

**II. OVERVIEW OF TAX INCREMENT FINANCING**

**III. REDEVELOPMENT PLAN INCLUDING NECESSARY FINDINGS**

1. LEGAL DESCRIPTION AND MAP OF THE REDEVELOPMENT AREA
2. REDEVELOPMENT PLAN OBJECTIVES
3. REDEVELOPMENT PROJECT
4. GENERAL LAND USES TO APPLY
5. REDEVELOPMENT SCHEDULE AND ESTIMATED DATES OF COMPLETION
6. MOST RECENT EQUALIZED ASSESSED VALUE OF PARCELS WITHIN REDEVELOPMENT AREA
7. ESTIMATED EQUALIZED ASSESSED VALUE AFTER REDEVELOPMENT
8. ACQUISITION
9. BLIGHTED AREA
10. CONFORMS WITH THE COMPREHENSIVE PLAN OF THE CITY
11. PLAN FOR RELOCATION ASSISTANCE
12. COST BENEFIT ANALYSIS
13. DOES NOT INCLUDE GAMBLING ESTABLISHMENT
14. REPORTS TO DED
15. HISTORICAL LAND USE

**IV. FINANCING PLAN**

1. ELIGIBLE REDEVELOPMENT PROJECT COSTS
2. ANTICIPATED SOURCES OF FUNDS TO PAY REDEVELOPMENT PROJECT COSTS
3. TIF NOTE FUNDING
4. EVIDENCE OF COMMITMENT TO FINANCE PROJECT COSTS

**TUDOR BUILDING/ 1818 WASHINGTON  
TIF REDEVELOPMENT PLAN  
APPENDICES**

1. LEGAL DESCRIPTION AND MAP OF THE REDEVELOPMENT AREA
2. ANTICIPATED SOURCES AND USES OF FUNDS
3. ANALYSIS OF CONDITIONS REPRESENTING A BLIGHTED AREA FOR THE TUDOR BUILDING/1818 WASHINGTON REDEVELOPMENT AREA
4. REDEVELOPMENT PROJECT SCHEDULE
5. CURRENT AND HISTORICAL INFORMATION CONCERNING THE EQUALIZED ASSESSED VALUE OF AND ECONOMIC ACTIVITY TAXES (EATS) WITHIN THE REDEVELOPMENT AREA
6. DEVELOPER'S AFFIDAVIT
7. EVIDENCE OF COMMITMENT TO FINANCE PROJECT COSTS
8. GENERAL LAND USES TO APPLY
9. REAL PROPERTY TAX INCREMENT ALLOCATION ACT

**I. INTRODUCTION**

The following is a plan prepared for redevelopment of certain real property in the City of St. Louis (the "City") consisting generally of two buildings commonly known as the Tudor Building and 1818 Washington together with exterior areas (the "Redevelopment Area" or "Area"). A legal description and map of the Redevelopment Area are attached hereto as **Appendix 1** and incorporated herein by this reference.

The Redevelopment Area qualifies as a blighted area under Missouri's Real Property Tax Increment Allocation Redevelopment Act, Section 99.800-99.865 of the Revised Statutes of Missouri (2000) (the "TIF Act"). This Redevelopment Plan contemplates the complete redevelopment of the Area into a mix of commercial and residential uses (the "Redevelopment Project" or "Project"). The Redevelopment Project is anticipated to consist of two distinct components: the mixed-use rehabilitation of the property commonly known as 1901 Washington Avenue (the "Tudor Component"), and the mixed-use rehabilitation of the property commonly known as 1818 Washington Avenue (the "1818 Washington Components") (each a "Component").

This Redevelopment Plan proposes that the City initially authorize and issue one or more Tax Increment Financing Notes ("TIF Notes") in a total amount up to Three Million Six Hundred Thousand and No/100 Dollars (\$3,600,000.00) plus issuance costs to fund a portion of the costs of the Redevelopment Project. This plan proposes the issuance of separate obligations for cash Components, with such obligations for each Component to be issued upon completion of each Component. The TIF Notes issued shall be reimbursed solely from the revenue stream of Payments In Lieu of Taxes ("PILOTS") and Economic Activity Taxes ("EATS") generated by the Project over a twenty-three year period. Up to one hundred percent of PILOTS within the Redevelopment Area and up to fifty percent of EATS will be allocated to retire the TIF Notes. After completion of the Redevelopment Project, the City may issue TIF Notes or other TIF obligations to the developer of the Project ("Developer") or a third party to evidence the City's obligation to reimburse the Developer for a portion of the costs of the Redevelopment Project. Such TIF Notes will be paid solely from revenues on deposit in the Tudor Building/1818 Washington Special Allocation Fund, in accordance with and pursuant to the TIF Act. Upon receipt by the City of a written request by Developer and evidence that the Developer has met certain criteria agreed upon by the City and Developer in a Redevelopment Agreement, the City shall cause one of its agencies to immediately proceed to issue tax increment financing bonds ("TIF Bonds") to repay the TIF Note.

The TIF Notes may be issued in one or more series and may include notes, temporary notes, or other financial obligations to be redeemed by TIF Notes upon completion of the Redevelopment Project. In addition, these TIF Notes or other financial obligations may be privately placed. It is the City's intent to pay for the principal and interest on these TIF Notes or other financial obligations, in any year, solely with money legally available for such purpose within the City's Special Allocation Fund.

## **II. OVERVIEW OF TAX INCREMENT FINANCING**

In order to promote the redevelopment of a declining area or to induce new activity in an area that has been lacking in growth and development, the State of Missouri has provided statutory tools to counties and municipalities to assist private and initiate public, investment. One such tool is the TIF Act, a copy of which is attached hereto as **Appendix 9**.

The TIF Act allows cities and counties to (1) identify and designate redevelopment areas that qualify as Blighted Areas, Conservation Areas, or Economic Development Areas as each are defined in the TIF Act; (2) adopt a redevelopment plan that designates the redevelopment area and states the objectives to be attained and the program to be undertaken; (3) approve a redevelopment project(s) for implementation of the redevelopment plan; and (4) utilize the tools set forth in the TIF Act to assist in reducing or eliminating those conditions that cause the area to qualify as a redevelopment area. Generally, the TIF Act allows municipalities to foster economic and physical improvements in a redevelopment or project area and to enhance the tax base of all taxing districts that levy taxes in such area. Within redevelopment areas, municipalities may use the power of eminent domain to provide necessary property acquisition for the implementation of a redevelopment plan and redevelopment project.

The concept of tax increment financing is outlined as follows: implementation of a redevelopment project within the redevelopment area will produce increased real estate assessments attributable to the redevelopment within the area. The project then makes PILOTS on the increased assessed value of the improved property. The project also generates new EATS resulting from operations within the redevelopment or project area. The TIF Act authorizes the capture of certain PILOTS and EATS in the redevelopment or project area over and above such levels within that area in the year prior to the approval of the redevelopment project. New development is made possible within the redevelopment area through the municipality's use of incremental revenues to finance certain costs of developing or redeveloping the area.

The municipality segregates these incremental revenues into a special account, the "special allocation fund," during the period of time in which the incremental revenues are dedicated to the purposes identified in the redevelopment plan. The municipality is further authorized to pledge additional net new revenues from the project to the purposes identified in the redevelopment plan. All taxing districts that levy taxes on property within the redevelopment or project area continue to receive tax revenues based upon property values which existed prior to the adoption of ordinances establishing the redevelopment or project area. Taxing districts also benefit from the increase in certain other taxes resulting from the increased economic activity in the redevelopment or project area. These taxes resulting from development of the redevelopment project are not deposited in the special allocation fund pursuant to the provisions of the TIF Act.

The TIF Act requires that, prior to establishing a redevelopment area or approving or amending TIF redevelopment plans and projects, a municipality must create a TIF Commission. A TIF Commission is comprised of six individuals appointed by the chief elected official of the municipality, with the consent of its governing body, and three individuals who are appointed by the other taxing districts within the proposed redevelopment area. Two of these three members are to represent the school district(s) that tax property within the proposed redevelopment area; the other member is appointed by all the remaining taxing districts. The TIF

Commission's role is to review, consider, and make recommendations to the municipality's governing body concerning the adoption of redevelopment plans and redevelopment projects and the designation of redevelopment areas, and to exercise such other powers as are available to it under the TIF Act.

### III. REDEVELOPMENT PLAN INCLUDING NECESSARY FINDINGS

#### 1. Legal Description of the Redevelopment Area

A legal description and map of the Redevelopment Area are included herein as **Appendix 1**.

#### 2. Redevelopment Plan Objectives

The City of St. Louis has established the following objectives for the Tudor Building/1818 Washington TIF Redevelopment Plan. These objectives are consistent with those purposes outlined in the TIF Act, as amended:

- To reduce or eliminate the conditions that cause the Redevelopment Area to be a "blighted area" as defined by Section 99.805(1) of the TIF Act and as described in this Redevelopment Plan;
- To enhance the public health, safety, and welfare of the community by curing blighting conditions and encouraging other improvements necessary for insuring the Area's stability and existing and future redevelopment consistent with this Redevelopment Plan;
- To enhance the tax base by inducing development of the Redevelopment Area to its highest and best use, benefitting taxing districts and encouraging private investment in surrounding areas;
- To promote the health, safety, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development;
- To further objectives outlined in the City of St. Louis Strategic Land Use Plan;
- To increase property values of the Area;
- To provide development opportunities in the Redevelopment Area and surrounding areas; and
- To stimulate construction and permanent employment opportunities and increased demand for services for the Area.

#### 3. Redevelopment Project

To satisfy the above objectives, the Redevelopment Project consists of:

- **Mixed Use** Rehabilitation and renovation of the existing buildings currently located at 1901 Washington and 1808 Washington into a mix of commercial uses and residential uses, together with improvements to the exterior of the Redevelopment Area.

The Redevelopment Project is generalized to leave room for design creativity and owner specifications as needed, so that the Developer can respond to prospective residents' and tenants' needs as well as market conditions as redevelopment of the Redevelopment Project progresses.

It is expected that the Redevelopment Project will capitalize on existing successful redevelopment efforts along Washington Avenue. In addition, it is expected that the Project will complement other commercial and residential development efforts in the vicinity of the Redevelopment Area.

The total estimated Redevelopment Project Costs for the Redevelopment Project at this time equal approximately \$33.9 million, as set forth in greater detail in **Appendix 2**. It should be noted that the costs set forth in **Appendix 2** are estimated based on the knowledge of the Redevelopment Project at this time and that the actual redevelopment cost items for implementing the Redevelopment Project may vary depending on market conditions and other factors.

#### 4. General Land Uses to Apply

The general land uses proposed for the Area include residential uses and a variety of commercial uses. A map profiling the general land uses to apply is attached hereto as **Appendix 8** and incorporated herein by this reference.

#### 5. Redevelopment Schedule and Estimated Dates of Completion

It is estimated that implementation of the Redevelopment Project will be completed within forty-eight (48) months from the execution of a redevelopment agreement between the City and the Developer of this Redevelopment Project as contemplated herein. The estimated date for retirement of obligations incurred to finance the Redevelopment Project shall not be more than

twenty-three (23) years from approval of the Redevelopment Project. The anticipated Redevelopment Program Schedule for the TIF Project is included herein as **Appendix 4**.

6. Recent Equalized Assessed Value of Parcels within the Redevelopment Area

The current Equalized Assessed Value of all property in the Redevelopment Area is attached as **Appendix 5**. These values are established and will be confirmed by the Assessor of the City of St. Louis. **Appendix 5** also includes historical information concerning the Equalized Assessed Value of the Redevelopment Area.

7. Estimated Equalized Assessed Value After Redevelopment

The total estimated Equalized Assessed Value of all property subject to PILOTS in the Redevelopment Area after redevelopment and completion of the Redevelopment Area is approximately \$1,698,117 (2011).

8. Acquisition

The Developer or a related entity is currently the owner of record or under contract of all private parcels within the Area necessary for the Redevelopment Project or has all such parcels under contract.

9. Blighted Area

As described in greater detail in the Analysis of Conditions Representing a Blighted Area for the Tudor Building/1818 Washington Redevelopment Area attached hereto as **Appendix 3** and incorporated herein by this reference, the Redevelopment Area as a whole is a blighted area, and has not been subject to growth and development through investment by private enterprise and will not reasonably be expected to be developed without the adoption of tax increment financing. The Developer has executed an affidavit attesting to the existence of these conditions which is included herein as **Appendix 6**.

The cost of redevelopment precludes private enterprise from developing the Redevelopment Area to its highest and best use without public assistance. The cost of curing the existing conditions of blight and rehabilitation of improvements as contemplated in this Redevelopment Plan is not economically viable if fully borne by the Developer.

10. Conforms with the Comprehensive Plan of the City

The Redevelopment Plan conforms to the development of the City as set forth in the "Strategic Land Use Plan" (2005).

11. Plan for Relocation Assistance

To the extent relocation becomes necessary this Redevelopment Plan adopts the City St. Louis Relocation Policy (Ordinance No. 62481) as the relocation policy for this Redevelopment Plan.

12. Cost Benefit Analysis

A cost benefit analysis showing the fiscal impact of the Project on each taxing district impacted by this Redevelopment Plan and sufficient information to determine the financial feasibility of the Project is on file with the St. Louis Development Corporation, 1015 Locust Street, Suite 1200, St. Louis, MO 63101.

If the TIF Redevelopment Project is completed, then each of the taxing districts will continue to receive all of the tax revenues currently received from the Redevelopment Area.

Additionally, they will benefit from the additional property taxes and economic activity taxes which will be paid and not contributed to the TIF. The TIF Act allows for the collection of only 50% of the EATS for payment of project costs. The other 50% are distributed to the appropriate taxing authorities.

13. Does Not Include Gambling Establishment

The Redevelopment Plan does not include the initial development or redevelopment of any gambling establishment.

14. Reports to DED

As required by the TIF Act, the City shall report to the Department of Economic Development by the last day of February each year, the name, phone number, and primary line of business of any business which locates within the Redevelopment Area.

15. Historical Land Use of Property Within the Redevelopment Area

The Area consists of two buildings along the former Washington Avenue industrial district. The building located at 1901-1937 Washington Avenue was completed in the early 1920's and was formerly the headquarters of the Wrought Iron Range factory. The property located at 1818 Washington was developed in 1924 by the Burdeau Realty Company of St. Louis for printing and publishing manufacturing uses, but is now vacant.

#### IV. FINANCING PLAN

##### 1. Eligible Redevelopment Project Costs

The TIF Act provides for the use of tax increment revenues generated by a designated redevelopment area to pay all reasonable or necessary costs incurred, estimated to be incurred, or incidental to a redevelopment plan or redevelopment project within a designated TIF redevelopment area. A municipality may pledge all or any part of the funds in and to be deposited in the special allocation fund established for a redevelopment project area to the payment of redevelopment project costs and obligations within the redevelopment area, including the retention of funds for the payment of future redevelopment costs.

The estimated Redevelopment Project Costs to be incurred in connection with the TIF Project are approximately \$33.9 million, and are set forth in **Appendix 2**. More specifically, the TIF Act allows the City and/or its designated developer(s) to incur redevelopment costs associated with implementation of an approved Redevelopment Plan and approved Redevelopment Project. These costs include all reasonable or necessary costs incurred, and any costs incidental to a Redevelopment Project. Thus, this Redevelopment Plan anticipates that a portion of the sources of funds used to pay the Project Costs will come from the TIF revenues; such Project Costs, in accordance with the TIF Act, may include but are not limited to:

- Costs of studies, surveys, plans and specifications;
- Professional service costs including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services;
- Property assembly costs including, but not limited to, acquisition of land and other real or personal property rights, or interests therein;
- Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
- Costs of construction of public works or improvements;
- Financing costs including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include the payment of interest on any obligation issued under the provisions of this Redevelopment Plan accruing during the estimated period of construction of any Redevelopment Project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto; and
- All or a portion of a taxing district's capital costs resulting from the Redevelopment Project necessarily incurred or to be incurred in furtherance of the objectives of the Redevelopment Plan and Project, to the extent the City, by written agreement, accepts and approves such costs.

The costs shown on **Appendix 2** represent the total approximate costs of the project regardless of the source of funding. This table does not include all custom finishes over and above Developer-supplied finishes, which are unknown at this time. Typical plan implementation and financing costs are based on the experience of the Developer. It should be noted that these costs are based on the knowledge of the Project at this time and that the actual redevelopment cost items for implementing the Redevelopment Plan and the Redevelopment Project may vary from these estimates.

The following table illustrates the anticipated categories costs that will be funded in part by TIF, assuming the funding of up to \$3,600,000 in Redevelopment Project Costs.

CATEGORY	
	Acquisition Costs
	Demolition Costs (includes, but is not limited to, demolition of existing buildings and structures or parts thereof).
	Site Preparation and Improvements Costs (includes, but is not limited to, site work, street and sidewalk improvements, utility work, resetting of curbs, landscaping and lighting in the right of way).
	Financing Costs (includes, but is not limited to, loan fees, construction period interest, disbursing fees, construction monitoring and inspection fees, lender's legal fees, loan appraisals, flood certificates, title, recording, disbursing costs, tax credit investor fees and any and all other costs incurred by the Developer in connection with obtaining financing for and a tax credit investor in the Redevelopment Project).
	Environmental Testing, Remediation and/or Abatement Costs (includes, but is not limited to, the testing for and removal and disposal of toxic or hazardous substances or materials).

	Professional Service Costs (includes, but is not limited to, architectural, engineering, surveying, legal, marketing, advertising, financial, planning, or special services).
	TIF Costs & Issuance Costs incurred by the Developer.
	Rehabilitation, renovation or reconstruction of existing buildings and structures and construction of common improvements to the Redevelopment Area and construction of new structures as permitted by the TIF Act.
<b>\$ 3,600,000</b>	<b>TOTAL</b>

It is not the intent of **Appendix 2**, the table provided above, or this Redevelopment Plan to restrict the City or the Developer to the cost amounts, categories or allocations as outlined. During the life of the Redevelopment Area, Plan, and Project, other costs may be incurred or adjustments may be made within and among the line items specified in **Appendix 2** and additional categories may be added to the extent allowed by the TIF Act, if necessary and reasonable to accomplish the program objectives of the Redevelopment Plan.

2. Anticipated Sources of Funding to Pay Redevelopment Project Costs

There are nine (9) principal sources of potential funds that are anticipated to be used to pay the costs of implementation of the Redevelopment Plan and the Redevelopment Project previously described. These sources are:

- State Historic Tax Credits;
- Federal Historic Tax Credits;
- Brownfield Remediation Tax Credits • State Low-Income Housing Credits
- Federal Low-Income Housing Credits • AHAP Loan
- Owner equity;
- Private financing;
- Funds available through the issuance of TIF notes, bonds, loans, or other certificates of indebtedness (herein collectively referred to as "TIF Note or other financial obligations").

The anticipated type and term of the sources of funds are set forth in **Appendix 2**. It is not the intent of **Appendix 2** or this Redevelopment Plan to restrict the City or the Developer to the sources or source amounts as outlined. During the life of the Redevelopment Agreement, Plan, and Project, other sources may be found or adjustments may be made within or in addition to the sources specified in **Appendix 2**.

3. TIF Note Funding

This Redevelopment Plan proposes that the City initially authorize and issue one or more Tax Increment Financing Notes ("TIF Note") in an amount up to Three Million Six Hundred Thousand and No/100 Dollars (\$3,600,000.00) plus issuance costs to fund a portion of the Redevelopment Project Costs associated with completion of the Redevelopment Project, with a term of retirement for all such issues not more than 23 years. The TIF Notes or other financial obligations will be issued only to finance the Redevelopment Project and Redevelopment Project Costs as outlined in **Appendix 2** which are eligible costs as specified in Section 99.805(11) of the TIF Act, including any costs of issuing the TIF Notes or other financial obligations.

The Notes may be issued in one or more series and may include notes, temporary notes, or other financial obligations to be redeemed by TIF Notes upon completion of the Redevelopment Project. In addition, these Notes or other financial obligations may be privately placed. It is the City's intent to pay for the principal and interest on these Notes or other financial obligations, in any year, solely with money legally available for such purpose within the Tudor Building/1818 Washington Special Allocation Fund.

The Tudor Building/1818 Washington Special Allocation Fund will contain at least two accounts as provided for and in accordance with the TIF Act:

1. The "PILOTS Account" will contain all payments in lieu of taxes derived from all taxable lots, blocks, tracts, and parcels of real property (or any interest therein) within the Redevelopment Area as contemplated by this Redevelopment Plan and in accordance with the TIF Act; and
2. The "Economic Activity Taxes ("EATS") Account" will contain fifty percent (50%) of the total funds from taxes imposed by the City which are generated by the operations and activities within the Redevelopment Area, excluding licenses, fees or special assessments, and excluding personal property taxes and payments to the PILOTS Account, in accordance with the TIF Act.

Funds on deposit in the PILOTS Account and EATS Account will be pledged to the payment of the Redevelopment Project Costs. Such payment obligations shall not constitute debts or liabilities of the City, the State of Missouri, or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction and neither the City nor the State of Missouri shall be liable thereon except from the PILOTS Account, and, to the extent appropriated by the City on an annual basis, the EATS Account, from funds derived from other taxes deposited into the Special Allocation Fund.

4. *Evidence of Commitment to Finance Redevelopment Project Costs*

**Appendix 7** contains a preliminary commitment letter provided by Gershman Mortgage, which has made a preliminary review of the development proposal and has expressed a commitment to provide financing of Redevelopment Project Costs associated with the Redevelopment Project.

**APPENDIX 1  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
LEGAL DESCRIPTION AND MAP OF REDEVELOPMENT AREA**

Parcel 1:

A Lot in Block 2001 of the City of St. Louis fronting 160 feet 4 inches on the South line of Washington Avenue by a depth Southwardly between parallel lines of 150 feet to the North line of St. Charles Street; bounded North by Washington Avenue, East by property now or formerly of the Trustees of a Home for Women, South by St. Charles Street and West by Nineteenth Street.

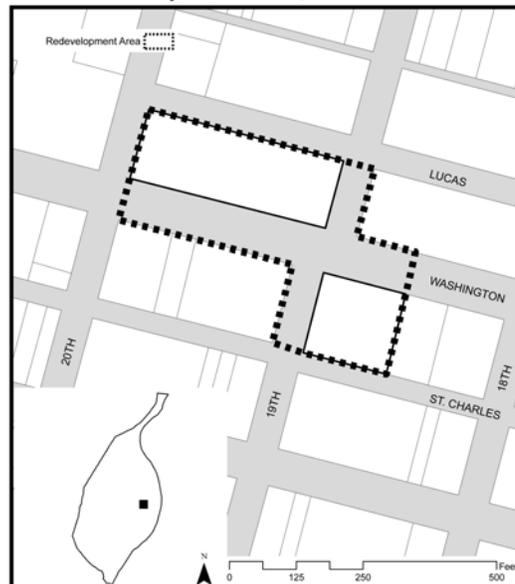
Parcel 2:

City Block 2003 of the City of St. Louis, Missouri, being a tract of land bounded on the North by Lucas Avenue; on the East by 19th Street; on the South by Washington Avenue; and on the West by 20th Street.

Parcel 3:

Beginning at the intersection of Washington Avenue and the Eastern right-of-way line of 20th Street; Eastwardly including the entire right-of-way of Washington Avenue to the intersection of Washington Avenue and 19th Street; thence Eastwardly including the entire right-of-way of Washington Avenue to a line from the Northern extension of the Northeast corner of said property described as 1818 Washington, a said property of the Tudor Building/1818 Washington TIF Redevelopment Area.

**BOUNDARY**  
Tudor Building / 1818 Washington  
Redevelopment Area  
City of St. Louis, Missouri



**APPENDIX 2  
ANTICIPATED SOURCES AND USES OF FUNDS**

**TUDOR BUILDING  
Anticipated Sources and Uses  
(excluding developer fees)**

**SOURCES**

State HTCs	\$ 4,606,159
Federal HTCs	\$ 3,894,298
AHAP Loan	\$ 348,615
Construction Loan	\$ 1,968,206
TIF	\$ 1,600,000
Brownfields	\$ 652,500
LIHTC-Federal	\$ 5,810,000
LIHTC-State	\$ 2,471,000
<b>Total Sources</b>	<b>\$ 21,350,778</b>

**USES**

Acquisition	\$ 1,260,000
Predevelopment Costs	\$ 130,000
Construction Contract	\$ 15,589,147
Construction Contingency	\$ 1,558,915
Tenant Improvements	\$ 428,200
Architect and Engineering	\$ 449,610
Construction Loan Fee	\$ 42,371
Construction Loan Interest	\$ 398,196
Construction Period Insurance	\$ 100,000
Soft Cost Contingency	\$ 200,000
HTC 2.5% Fee	\$ 107,566
Title and Disbursing	\$ 15,000
Legal & Accounting	\$ 200,000
Environmental	\$ 20,000
Marketing Costs	\$ 150,000
Lease-up Period Operating Losses	\$ 385,013
Capital Improvement Reserves	\$ 66,000
LIHTC Costs	\$ 50,760
Bond Costs	\$ 200,000
<b>Total Uses</b>	<b>\$ 21,350,778</b>

**1818 WASHINGTON**  
**Sources and Uses**  
**(excluding developer fee)**

**SOURCES**

State HTCs	\$ 2,535,303
Federal HTCs	\$ 2,143,483
AHAP Loan	\$ 909,000
Construction Loan	\$ 1,182,020
TIF	\$ 780,000
Brownfields	\$ 326,250
LIHTC-Federal	\$ 3,275,589
LIHTC-State	\$ 1,393,112
<b>Total Sources</b>	<u>\$ 12,544,757</u>

**USES**

Acquisition	\$ 1,236,000
Predevelopment Costs	\$ 225,000
Construction Contract	\$ 8,398,399
Construction Contingency	\$ 839,840
Architect and Engineering	\$ 272,760
Tenant Allowance	\$ 218,080
Construction Loan Fee	\$ 27,135
Construction Loan Interest	\$ 180,566
Construction Period Insurance	\$ 50,000
Soft Cost Contingency	\$ 200,000
HTC 2.5% Fee	\$ 52,321
Title and Disbursing	\$ 15,000
Legal & Accounting	\$ 200,000
Environmental	\$ 20,000
Marketing Costs	\$ 150,000
Lease-up Period Operating Losses	\$ 198,371
Capital Improvement Reserves	\$ 32,000
Bond Costs	\$ 200,000
LIHTC Fees	\$ 29,285
<b>Total Uses</b>	<u>\$ 12,544,757</u>

**APPENDIX 3  
ANALYSIS OF CONDITIONS REPRESENTING A BLIGHTED AREA FOR THE  
TUDOR BUILDING/1818 WASHINGTON REDEVELOPMENT AREA**

**ANALYSIS OF CONDITIONS  
REPRESENTING A BLIGHTED AREA**

**for the  
TUDOR BUILDING / 1818 WASHINGTON TIF REDEVELOPMENT AREA**

**TUDOR BUILDING / 1818 WASHINGTON  
TIF REDEVELOPMENT PLAN**

**April 21, 2006**

**City of St. Louis, Missouri  
Tax Increment Financing Commission**

**TIF ELIGIBILITY**

The Redevelopment Area (the "Area") established in the Tudor Building / 1818 Washington TIF Redevelopment Plan (the "TIF Redevelopment Plan") is a blighted area based upon the fact that it exhibits the factors set in the TIF Act (Section 99.805(1), MO. REV. STAT.).

As defined, a "blighted area" is:

An area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

Blighting factors and conditions present in the Redevelopment Area include:

1) Deterioration of Site Improvements:

- a) Building interior and exterior;
- b) Sidewalks and curbs; and
- c) Systems and components.

2) Unsanitary and unsafe conditions resulting from:

- a) Deficiencies in access standards;
- b) Inadequate utilities;
- c) Trash and debris; and
- d) Exterior site conditions.

3) Existence of Conditions which Endanger Lives or Property by Fire or Other Causes;

4) Menace to the Public Health, Safety, Morals, or Welfare;

5) Economic and Social Liability:

- a) Deferred maintenance and lack of investment;
- b) Excessive Vacancy; and
- c) Uncompetitive position.

The factors listed above will persist and continue to decline until the comprehensive redevelopment of the Area is undertaken.

A map providing an overview of such conditions is attached hereto as Exhibit 1, along with Photographs of Conditions in the Area attached hereto as Exhibit 2.

**DATA COLLECTION METHODS**

This study has been designed and conducted to comply with the specific requirements of Section 99.805 (1) RSMo. The study and the requisite fieldwork were performed during the month of April 2006. Observations and conclusions are based upon on-site inspections of the Redevelopment Area and familiarity with the local market.

In determining if the proposed Redevelopment Area meets the eligibility requirements for TIF per the TIF Act, a number of sources of information were utilized. These include, but are not limited to, the following:

- a. Survey of the condition and use of the Redevelopment Area;
- b. Public documents relating to the history and/or condition of the Area;
- c. Professional assessments of the condition of the Area; and
- d. Analysis of existing uses and their relationships.

#### OVERVIEW OF REDEVELOPMENT AREA

The Redevelopment Area consists of two parcels in City Blocks 2001 and 2003, as shown on [Appendix 1](#) to the TIF Redevelopment Plan. The Area contains two largely vacant structures.

#### DISCUSSION OF BLIGHT IN THE REDEVELOPMENT AREA

- 1) Deterioration of Site Improvements. In general, deterioration refers to any physical deficiencies or disrepair in buildings or site improvements requiring treatment or repair. Deterioration may be evident in basically sound buildings containing minor defects, such as a lack of painting, loose or missing roof tiles, floor or ceiling panes, or holes and cracks over limited areas. Deterioration which is not easily curable, however, and which cannot be accomplished in the course of normal maintenance, includes buildings with defects in the primary and secondary building components. Primary building components include the foundation, exterior walls, floors, roofs, wiring, plumbing, etc. Secondary building components include the doors, windows, frames, fire escapes, gutters, downspouts, fascia materials, etc. Deterioration of streets and alleys includes evidence of pot holes, cracks, depressions, overgrowth, and poor drainage. Deterioration of sidewalks is evidenced by settled areas, cracks, gravel sections, overgrowth, or depressed curb areas.

The Area suffers from deterioration of several interior building components. Leaking roofs have caused interior water damage as floors and walls exhibit signs of significant degeneration with rot and degradation. Most of the ceiling has been completely destroyed. More significantly, due to the building's age and lack of maintenance or updating, several important building components are outmoded and insufficient for their intended use, including: heating, plumbing, and electric systems.

The exterior condition of the Area also exhibits clear evidence of deterioration of building components. The buildings' fascia materials are degraded, missing, and skewed with peeling paint. Broken, cracked, or shattered window panes expose the buildings' interior to elements as glass fragments cover areas adjacent to the building. The dilapidated roofs reveal signs of leaks with missing and skewed shingles.

Furthermore, some portions of the exterior brick walls reveal significant structural defects such as bowing, while many portions were discolored from corrosion of internal steel elements and require tuckpointing. Door and window frames along with soffits were degraded in various places with rust, discoloration, peeling paint, and rotten wood components. Gutters and down spouts are bent, smashed, and broken, and are unusable. Finally, HVAC and circulation system components on the exterior of the structure are rusted and/or dented, while signs of graffiti have left noticeable blemishes.

The sidewalks and curbing are substantially deteriorated and need to be replaced as they are uneven and crumbling, impairing the attractiveness, marketability, and safety of the Area. The Area also suffers from the presence of debris and refuse, as deleterious conditions have not been remedied, evidencing a general lack of maintenance.

- 2) Unsanitary or Unsafe Conditions. In addition to the general physical deterioration stated above, the Area contains unsanitary or unsafe conditions.

The outdated mechanical and utilities infrastructure in the Area is unsafe, especially with respect to electrical and fire prevention systems. The existence of refuse and debris inside both buildings and on the exterior portions of the Area are clearly detrimental and unsanitary. Furthermore, the condition of exterior sidewalks and parking area is also unsafe. In addition, portions of the Area contain significant amounts of bird excrement. These unsanitary conditions pose a serious risk of illness or disease to any modern inhabitants, and contribute to the vacancies, underutilization, and blight of the Area.

- 3) Existence of Conditions which Endanger Lives or Property by Fire and Other Causes. Endangerment by fire and other causes is typically due to the presence of structures below minimum code standards. Such code standards include building, housing, property maintenance, fire, environmental, or other governmental codes applicable to a particular property. The principal purpose of such codes is to require buildings to be constructed and maintained so that they will have the capacity to support the type of occupancy, and necessary fire and similar hazard protection, or to establish the minimum standards essential for safe and sanitary use, occupation, and/or habitation. The deteriorated structures and site improvements within the Area are not only below minimum code standards but are also beyond repair. Such conditions pose a significant safety hazard and endanger lives or property within the Area by fire or other causes.

Due to the deterioration of site improvements of the Redevelopment Area, the Area suffers from endangerment by fire

and/or other causes. The Area lacks contemporary safety, access, and other security measures in several places. These unsafe conditions endanger life and property and render the vast majority of the Area uninhabitable for modern commercial or residential uses.

- 4) Menace to the Public Health, Safety, Morals or Welfare. As discussed above, the Redevelopment Area exhibits many factors which constitute a menace to the public health, safety, morals, or welfare in its present condition and use. The deteriorating, unsanitary, and unsafe building conditions as illustrated above represent a menace to the public health and safety; the economic liability of the deteriorated structures also represent a menace to the public welfare

#### **ECONOMIC AND SOCIAL LIABILITY**

Due to the predominance of blighting factors discussed above, the Area in its current condition is a significant liability to the social welfare and economic independence of the City. As noted above, the Area suffers from obvious neglect and a clear lack of investment. This disparity has fostered a state of economic obsolescence as the property is no longer marketable because of its condition and location, and has become an economic burden to the City. Deterioration and subsequent obsolescence of the Area has contributed to the lack of physical maintenance, abandonment, and excessive vacancies.

The Area in its current condition hampers the economic vitality and independence of the City by failing to generate tax revenue and discouraging reinvestment in or maintenance of this property. The Area's physical condition and level of underutilization, combined with the vacancies of the buildings, diminishes its potential to generate property tax revenues for the City up to its full potential. Without the comprehensive renovation and redevelopment of the Area, its physical condition will continue to deteriorate and its economic efficiency will continue to decrease.

The Redevelopment Area has been nearly vacated with deferred maintenance, and it has become further blighted. The physical condition of and resulting lack of reinvestment in the Area have resulted in significant vacancy and economic underutilization. The type of economic underutilization seen in the Redevelopment Area has been recognized as a blighting condition by the Missouri Supreme Court case Tierney v. Planned Industrial Expansion Authority of Kansas City, Missouri, 742 S.W. 2d 146, 151 (Mo. 1987).

In Tierney at 151, the Court stated:

*...(10) The owners, finally, attack the concept of "economic underutilization"... They suggest that almost all land could be put to a higher and better use, and argue that the concept of economic under-utilization is so broad...*

*We do not find the fault or the danger perceived. The concept of urban redevelopment has gone far beyond "slum clearance" and the concept of economic underutilization is a valid one. This is explicit in State ex rel. Atkinson v. Planned Industrial Expansion Authority of St. Louis, 517 S.W.2d 36 (Mo. Banc 1975), sustaining the statutes governing this case. Centrally located urban land is scarce. The problems of assembling tracts of sufficient size to attract developers, and of clearing uneconomic structures, are substantial and serious... We need not repeat all of the evidence which has before the city council tending to show that redevelopment of this area would promote a higher level of economic activity, increased employment, and greater services to the public...*

The economic underutilization of the properties contributes to the eligibility of the Redevelopment Area. The comprehensive redevelopment of the site will foster much needed economic activity and add to the success of City.

Indeed, the Area is now in an especially precarious position, as most tenants have vacated the premises. These vacancies have resulted in the continued lack of maintenance and corresponding physical deterioration of the Area, which problems can only be remediated by the type of comprehensive redevelopment such as is a part of the Redevelopment Project. If such physical deterioration is allowed to continue, the Area, in addition to failing to generate tax revenue and economic activity anywhere near its potential, will become an increased economic liability to the City. In addition, the condition of the Area, located in close proximity to successful redevelopments along Washington Avenue to the east, constitutes a social liability as these properties pose a barrier to the westward expansion of such redevelopment efforts and create a negative perception of the western portion of Washington Avenue. Because of the blighting conditions that are present, the Area represents an economic and social liability to the City.

Exhibit 1

Blight Analysis

# BLIGHT ANALYSIS

## Tudor Building / 1818 Washington Redevelopment Area City of St. Louis, Missouri

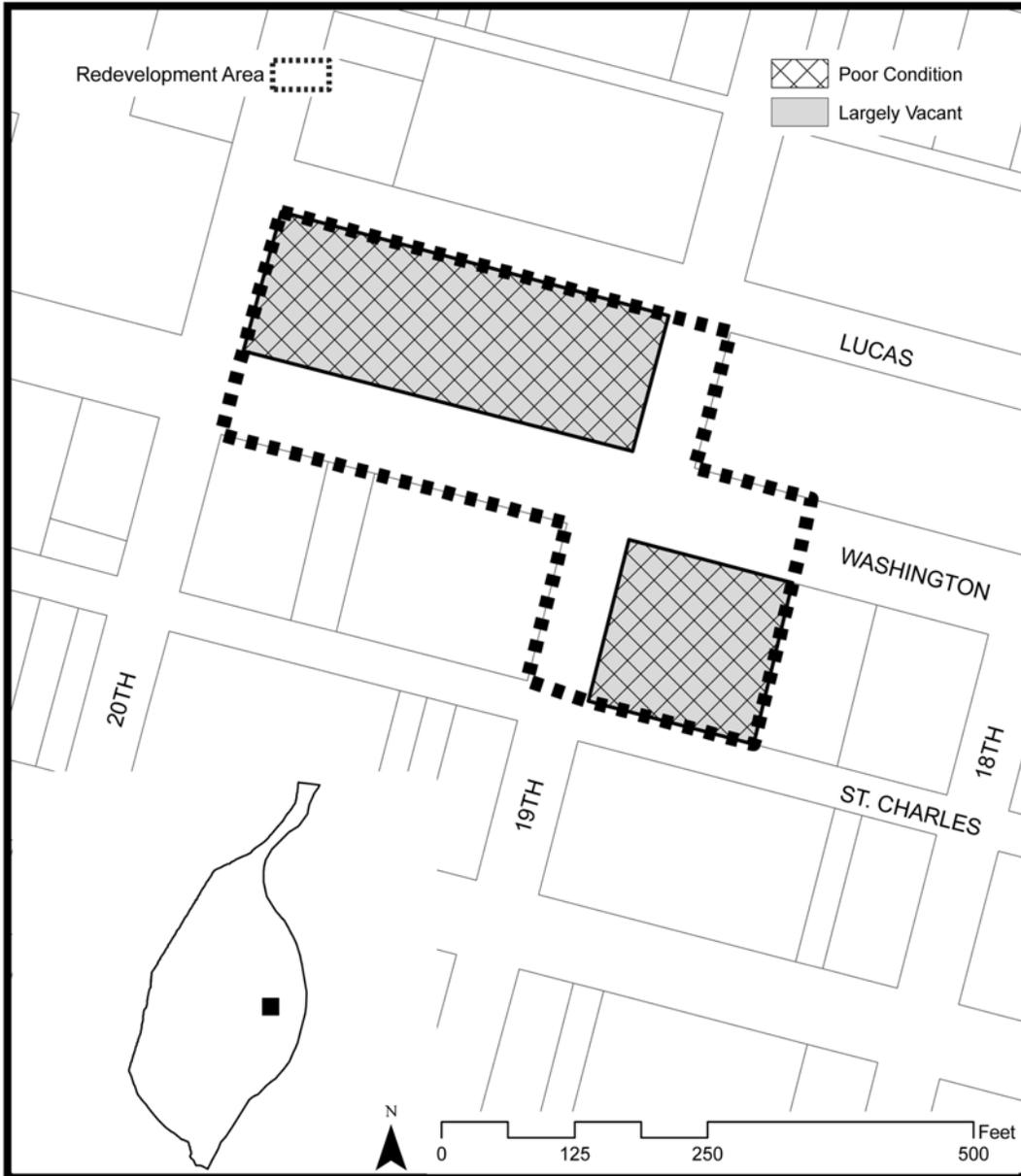


Exhibit 2

Photographs of Conditions in the Area













**APPENDIX 4  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
ANTICIPATED REDEVELOPMENT PROJECT SCHEDULE**

<b>First TIF Commission Meeting</b>	4/12/06
<b>Submit Redevelopment Plan to TIF Commission</b> (at least 45 days prior to public hearing)	4/21/06
<b>Mailing of Notice of TIF Commission Public Hearing to Taxing Districts</b> (not less than 45 days prior to hearing) (RSMo. 99.830.3)	4/28/06
<b>First Publication of Notice of TIF Commission Public Hearing</b> (not more than 30 days prior to hearing) (RSMo. 99.830.1)	5/22/06
<b>Written Notice to Property Owners</b> (not less than 10 days prior to public hearing) (RSMo. 99.830.3)	5/22/06
<b>Second Publication of Notice of TIF Commission Public Hearing</b> (not more than 10 days prior to public hearing) (RSMo. 99.830.1)	6/05/06
<b>Public Hearing by TIF Commission</b> (RSMO. '99.825)	9/13/06
<b>TIF Commission Recommendation to Board of Aldermen</b> (within 90 days of TIF Public Hearing) (RSMo. 99.820.3)	9/13/06
<b>TIF Ordinances Introduced adopting plan, approving project, establishing district, establishing special allocation fund, approving redevelopment agreement and authorizing issuance of TIF Notes</b> (between 14 and 90 days after hearing) (RSMo. 99.820.1[1])	10/06/06
<b>HUDZ Committee Hearing on TIF Ordinances</b>	10/11/06
<b>Second Reading of TIF Ordinances</b>	10/13/06
<b>Perfection of Board Bill(s)</b>	10/20/06
<b>Third Reading and Final Passage of TIF Ordinances</b>	10/27/06
<b>Mayor Signs Bills</b>	11/07/06
<b>Full Construction Commences</b>	3/01/07
<b>Construction Complete</b>	3/01/11

**APPENDIX 5  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
CURRENT AND HISTORICAL INFORMATION CONCERNING THE EQUALIZED ASSESSED VALUE  
OF REDEVELOPMENT AREA AND ECONOMIC ACTIVITY TAXES  
WITHIN THE REDEVELOPMENT AREA**

<u>Street Address</u>	<u>Tax ID</u>	<u>Equalized Assessed Value</u>
1818 Washington Ave.	20010000100	\$ 153,600
1901 Washington Ave.	20030000100	\$ 311,500

**HISTORY OF ASSESSED VALUE**

<b>TERM</b>	<b>AV</b>	<b>% CHANGE</b>
2000	\$228,400	
2001	\$228,400	0.0 %
2002	\$255,600	11.9 %
2003	\$255,600	0.0 %



STATE OF MISSOURI )  
 )  
 CITY OF ST. LOUIS )

AFFIDAVIT

I, the undersigned, am over the age of 18 years and have personal knowledge of matters stated herein.

The undersigned swears, affirms and certifies the following to be true to induce the approval of Tax Increment Financing for the Redevelopment Area described in the Tudor Building/1818 Washington Tax Increment Financing Redevelopment Plan, initially dated April 21, 2006 (the "Redevelopment Plan").

1. I am a duly authorized representative of 1818 Washington Partners, LLC (the "Developer") and am authorized by the Developer to attest to the matters set forth herein.

2. I am familiar with the Redevelopment Area described in the Redevelopment Plan. In my opinion, based on the factors set forth in the Redevelopment Plan, the Redevelopment Area, on the whole, qualifies as a "blighted area" as defined in Section 99.805(3) of the Missouri Revised Statutes (2000), and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing.

And Further Affiant Sayeth Not.

1818 Washington Partners, LLC  
a Missouri limited liability company  
By: 19<sup>th</sup> Stree Partners, LLC,  
a Missouri limited liability company, Member  
By: Tyler Investment Company, LLC,  
a Missouri limited liability company, its  
Manager

By: [Signature]  
Robert W. Wood, Manager

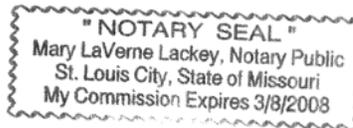
By: DTW Partners, LLC,  
a Missouri limited liability company, Member

By: [Signature]  
M.D. Rothschild, II, Manager

Subscribe and sworn to before me this 21<sup>st</sup> day of April, 2006.

Mary LaVerne Lackey  
Notary Public

My Commission Expires: 3/8/2008



APPENDIX 7  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
EVIDENCE OF COMMITMENT TO FINANCE PROJECT COSTS



## Gershman Mortgage

7 North Bemiston Avenue  
St. Louis, MO 63105-3399

(314) 889-0600  
1 (800) 437-7462  
Fax: (314) 862-1636  
www.gershman.com

April 21, 2006

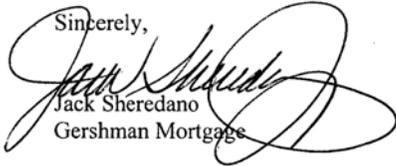
Robert Wood  
Robert Wood Realty Company  
625 N. Euclid – STE 601  
St. Louis, MO 63108

Re: Tudor Building / 1818 Redevelopment Project

Dear Bob:

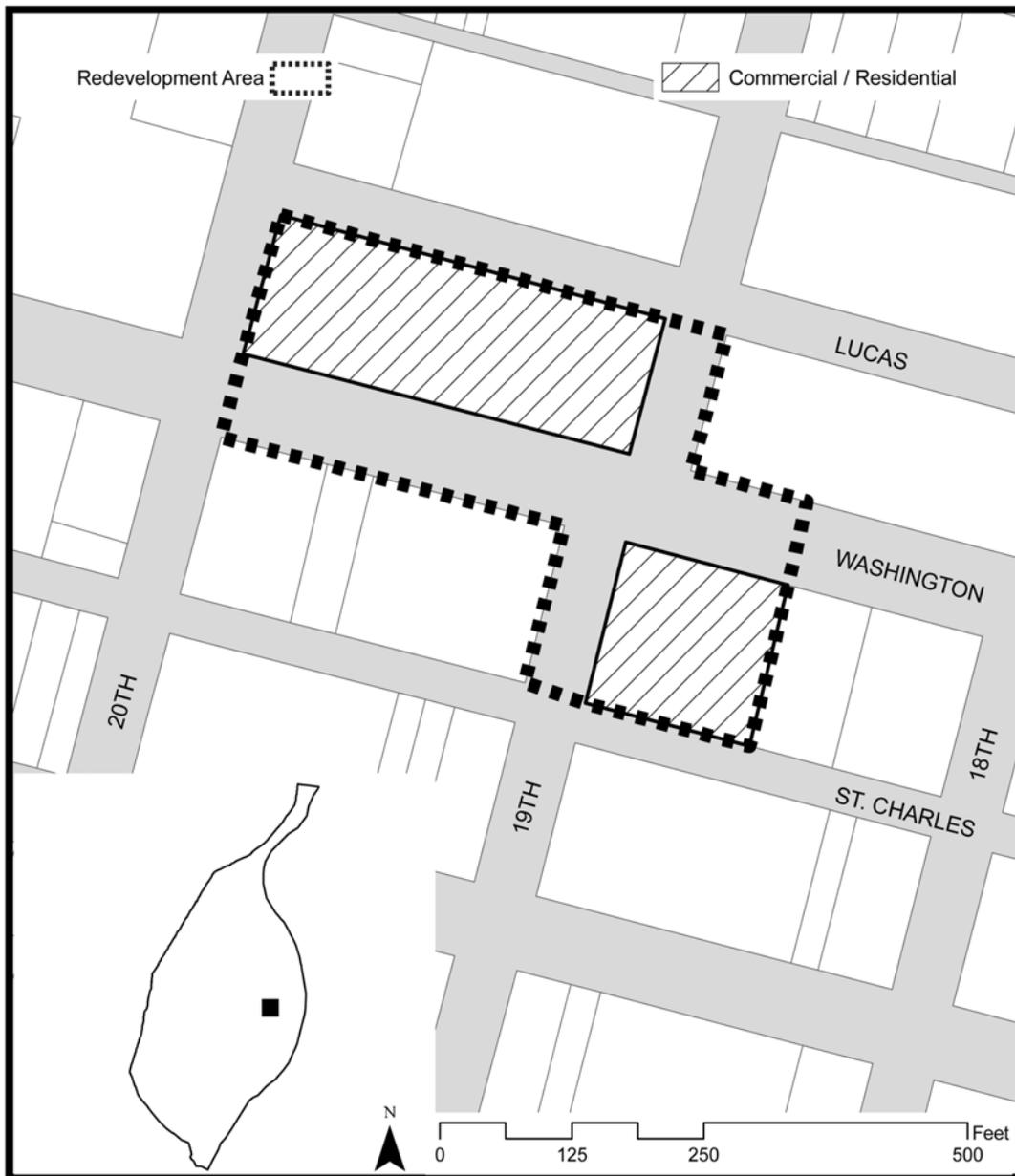
The purpose of this letter is to evidence Gershman Mortgage's initial commitment to provide financing for your proposed project involving the rehabilitation and redevelopment of the real property commonly known as 1901 and 1818 Washington Avenue in the City of St. Louis, Missouri (the "Project"). Our commitment is subject to review and approval by the U.S. Department of Housing and Urban Development to provide mortgage insurance.

As we have discussed, financing of the Project would not be feasible without the assistance of tax increment financing. Therefore, please be advised that we are excited to provide financing for the Project should the City of St. Louis issue the necessary tax increment financing and the other applicable requirements stated above are met.

Sincerely,  
  
Jack Sheredano  
Gershman Mortgage

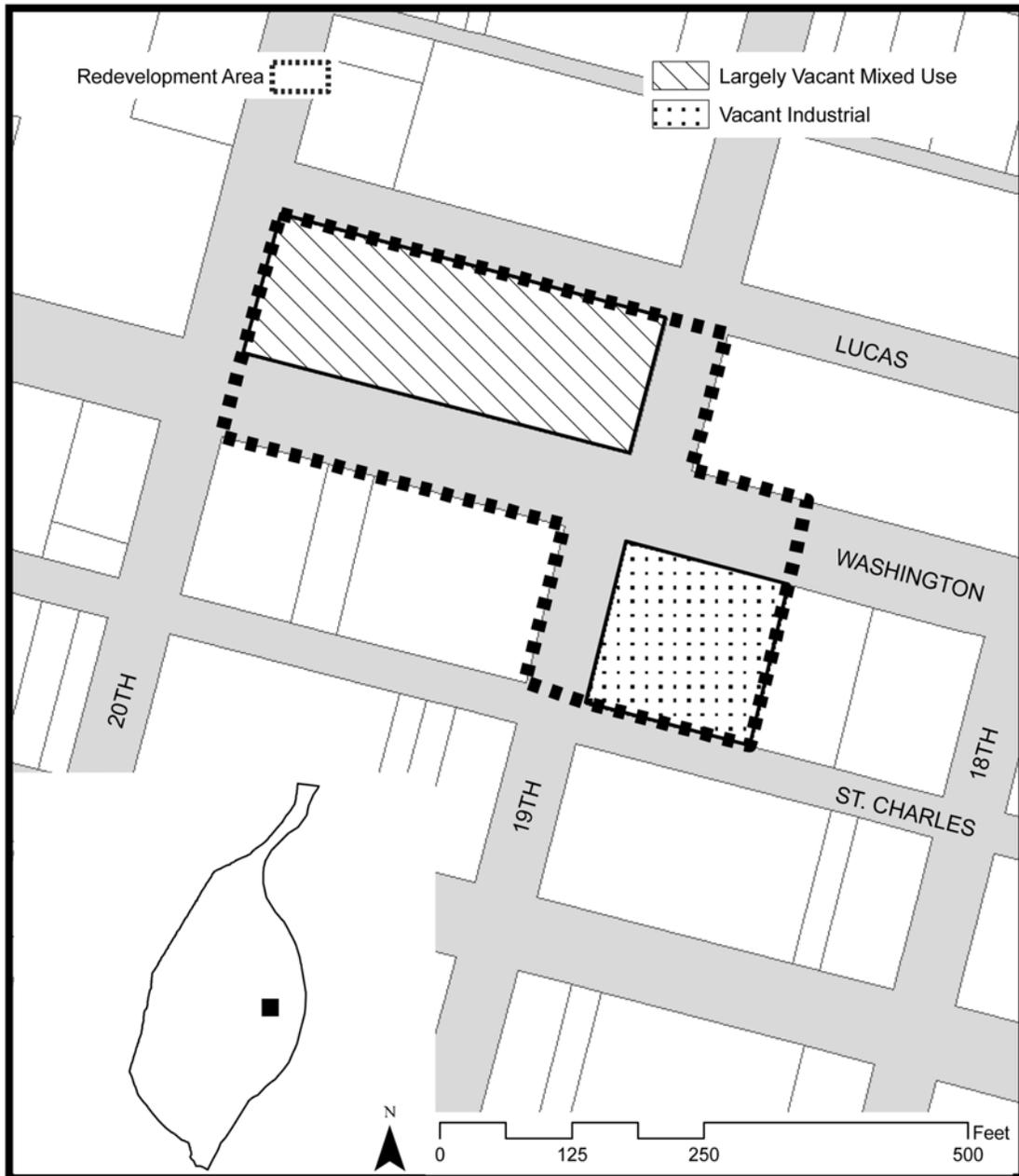
APPENDIX 8  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
GENERAL LAND USES TO APPLY

**GENERAL LAND USE**  
Tudor Building / 1818 Washington  
Redevelopment Area  
City of St. Louis, Missouri



# EXISTING LAND USE

## Tudor Building / 1818 Washington Redevelopment Area City of St. Louis, Missouri



**APPENDIX 9  
TUDOR BUILDING/1818 WASHINGTON TIF REDEVELOPMENT PLAN  
REAL PROPERTY TAX INCREMENT ALLOCATION ACT**

**SECTIONS 99.800 to 99.865, MISSOURI REVISED STATUTES**

**Law, how cited.**

99.800. Sections 99.800 to 99.865 shall be known and may be cited as the "Real Property Tax Increment Allocation Redevelopment Act".

(L. 1982 H.B. 1411 & 1587 § 1)

**Definitions.**

99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;
- (2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;
- (3) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;
- (4) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;
- (5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:
  - (a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
  - (b) Result in increased employment in the municipality; or
  - (c) Result in preservation or enhancement of the tax base of the municipality;
- (6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;
- (7) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties

- established for at least one year prior to such date;
- (8) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;
  - (9) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;
  - (10) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;
  - (11) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;
  - (12) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;
  - (13) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;
  - (14) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:
    - (a) Costs of studies, surveys, plans, and specifications;
    - (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;
    - (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
    - (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
    - (e) Initial costs for an economic development area; (f) Costs of construction of public works or improvements;
    - (g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;
    - (h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;
    - (i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;
    - (j) Payments in lieu of taxes;
  - (15) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

- (16) "Taxing districts", any political subdivision of this state having the power to levy taxes;
- (17) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and
- (18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

(L. 1982 H.B. 1411 & 1587 § 2, A.L. 1986 H.B. 989 & 1390 merged with S.B. 664, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**Redevelopment plan, contents, adoption of plan, required findings --time limitations--reports by department of economic development, required when, contents.**

99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

- (1) The redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;
- (2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;
- (3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;
- (4) A plan has been developed for relocation assistance for businesses and residences;
- (5) A cost-benefit analysis showing the economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;
- (6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.

(L. 1982 H.B. 1411 & 1587 § 3 subsec. 1, A.L. 1986 S.B. 664 merged with H.B. 989 & 1390, A.L. 1987 S.B. 367 Revision, A.L. 1991 H.B. 502, A.L. 1993 H.B. 566, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**County implementing project within boundaries of municipality, permission required--definition of municipality to include county.**

99.815. When a county of this state desires to implement a tax increment financing project within the boundaries of a municipality partially or totally within the county, such county shall first obtain the permission of the governing body of the municipality located within the county. When the term "municipality" is used within sections 99.800 to 99.865, such term may be interpreted to include a county implementing a tax incremental financing project.

(L. 1982 H.B. 1411 & 1587 § 3 subsec. 2)

**Municipalities' powers and duties--commission appointment and powers--public disclosure requirements--officials' conflict of interest, prohibited.**

99.820. 1. A municipality may:

- (1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon directly and substantially benefited by the proposed redevelopment project improvements; (2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;
- (3) Pursuant to a redevelopment plan, subject to any constitutional limitations, acquire by purchase, donation, lease or, as part of a redevelopment project, eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Each municipality or its commission shall establish written procedures relating to bids and proposals for implementation of the redevelopment projects. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. Such procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;
- (4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;
- (5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;
- (6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;
- (7) Within a redevelopment area, fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;
- (8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;
- (9) Acquire and construct public facilities within a redevelopment area;
- (10) Incur redevelopment costs and issue obligations;
- (11) Make payment in lieu of taxes, or a portion thereof, to taxing districts;
- (12) Disburse surplus funds from the special allocation fund to taxing districts as follows:
  - (a) Such surplus payments in lieu of taxes shall be distributed to taxing districts within the redevelopment area which impose ad valorem taxes on a basis that is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment area;
  - (b) Surplus economic activity taxes shall be distributed to taxing districts in the redevelopment area which impose economic activity taxes, on a basis that is proportional to the amount of such economic activity taxes the taxing district would have received from the redevelopment area had tax increment financing not been adopted;
  - (c) Surplus revenues, other than payments in lieu of taxes and economic activity taxes, deposited in the special allocation fund, shall be distributed on a basis that is proportional to the total receipt of such other revenues in such account in the year prior to disbursement;
- (13) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, which property is designated to be acquired or improved pursuant to a redevelopment project, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest, then that individual

shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs;

- (14) Charge as a redevelopment cost the reasonable costs incurred by its clerk or other official in administering the redevelopment project. The charge for the clerk's or other official's costs shall be determined by the municipality based on a recommendation from the commission, created pursuant to this section.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of nine persons if the municipality is a county or a city not within a county and not a first class county with a charter form of government with a population in excess of nine hundred thousand, and eleven persons if the municipality is not a county and not in a first class county with a charter form of government having a population of more than nine hundred thousand, and twelve persons if the municipality is located in or is a first class county with a charter form of government having a population of more than nine hundred thousand, to be appointed as follows:

- (1) In all municipalities two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;
- (2) In all municipalities one member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;
- (3) In all municipalities six members shall be appointed by the chief elected officer of the municipality, with the consent of the majority of the governing body of the municipality;
- (4) In all municipalities which are not counties and not in a first class county with a charter form of government having a population in excess of nine hundred thousand, two members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;
- (5) In a municipality which is a county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the cities in the county which have tax increment financing districts in a manner in which the cities shall agree;
- (6) In a municipality which is located in the first class county with a charter form of government having a population in excess of nine hundred thousand, three members shall be appointed by the county of such municipality in the same manner as members are appointed in subdivision (3) of this subsection;
- (7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in sections 99.800 to 99.865, except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of or amendment to redevelopment plans and redevelopment projects and the designation of redevelopment areas. The requirements of subsection 2 of this section and this subsection shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991.

(L. 1982 H.B. 1411 & 1587 § 3 subsec. 3, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1, A.L. 1998 S.B. 707 & 484, A.L. 2003 S.B. 11)

(2000) Proposed city charter amendment requiring two-thirds voter approval on every tax increment financing measure violated section and thus was unconstitutional pursuant to article VI, section 19(a). State ex rel. Hazelwood Yellow Ribbon Committee v. Klos, 35 S.W.3d 457 (Mo.App.E.D.).

**Adoption of ordinance for redevelopment, public hearing required --objection procedure--hearing and notices not required, when --restrictions on certain projects.**

99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within an economic development area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

(L. 1982 H.B. 1411 & 1587 § 4, A.L. 1986 S.B. 664 merged with H.B. 989 & 1390, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**Notice of public hearings, publication and mailing requirements, contents.**

99.830. 1. Notice of the public hearing required by section 99.825 shall be given by publication and mailing. Notice by publication shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to the hearing, in a newspaper of general circulation in the area of the proposed redevelopment. Notice by mailing shall be given by depositing such notice in the United States mail by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the redevelopment project or redevelopment area which is to be subjected to the payment or payments in lieu of taxes and economic activity taxes pursuant to section 99.845. Such notice shall be mailed not less than ten days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property.

2. The notices issued pursuant to this section shall include the following:

- (1) The time and place of the public hearing;
- (2) The general boundaries of the proposed redevelopment area or redevelopment project by street location, where possible;
- (3) A statement that all interested persons shall be given an opportunity to be heard at the public hearing;
- (4) A description of the proposed redevelopment plan or redevelopment project and a location and time where the entire plan or project proposal may be reviewed by any interested party;
- (5) Such other matters as the commission may deem appropriate.

3. Not less than forty-five days prior to the date set for the public hearing, the commission shall give notice by mail as provided in subsection 1 of this section to all taxing districts from which taxable property is included in the redevelopment area, redevelopment project or redevelopment plan, and in addition to the other requirements pursuant to subsection 2 of this section, the notice shall include an invitation to each taxing district to submit comments to the commission concerning the subject matter of the hearing prior to the date of the hearing.

4. A copy of any and all hearing notices required by section 99.825 shall be submitted by the commission to the director of the department of economic development. Such submission of the copy of the hearing notice shall comply with the prior notice

requirements pursuant to subsection 3 of this section.

(L. 1982 H.B. 1411 & 1587 § 5, A.L. 1991 H.B. 502, A.L. 1993 H.B. 566, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**Secured obligations authorized--interest rates--how retired--sale --approval by electors not required--surplus fund distribution --exception--county collectors' and municipal treasurers' duties--no personal liability for commission, municipality or state.**

99.835. 1. Obligations secured by the special allocation fund set forth in sections 99.845 and 99.850 for the redevelopment area or redevelopment project may be issued by the municipality pursuant to section 99.820 or by the tax increment financing commission to provide for redevelopment costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations by the receipts of payments in lieu of taxes as specified in section 99.855 and, subject to annual appropriation, other tax revenue as specified in section 99.845. A municipality may, in the ordinance or resolution, pledge all or any part of the funds in and to be deposited in the special allocation fund created pursuant to sections 99.845 and 99.850 to the payment of the redevelopment costs and obligations. Any pledge of funds in the special allocation fund may provide for distribution to the taxing districts of moneys not required for payment of redevelopment costs or obligations and such excess funds shall be deemed to be surplus funds, except that any moneys allocated to the special allocation fund as provided in subsection 4 of section 99.845, and which are not required for payment of redevelopment costs and obligations, shall not be distributed to the taxing districts but shall be returned to the department of economic development for credit to the general revenue fund. In the event a municipality only pledges a portion of the funds in the special allocation fund for the payment of redevelopment costs or obligations, any such funds remaining in the special allocation fund after complying with the requirements of the pledge, including the retention of funds for the payment of future redevelopment costs, if so required, shall also be deemed surplus funds. All surplus funds shall be distributed annually to the taxing districts in the redevelopment area by being paid by the municipal treasurer to the county collector who shall immediately thereafter make distribution as provided in subdivision (12) of section 99.820.

2. Without limiting the provisions of subsection 1 of this section, the municipality may, in addition to obligations secured by the special allocation fund, pledge any part or any combination of net new revenues of any redevelopment project, or a mortgage on part or all of the redevelopment project to secure its obligations or other redevelopment costs.

3. Obligations issued pursuant to sections 99.800 to 99.865 may be issued in one or more series bearing interest at such rate or rates as the issuing body of the municipality shall determine by ordinance or resolution. Such obligations shall bear such date or dates, mature at such time or times not exceeding twenty-three years from their respective dates, when secured by the special allocation fund, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance or resolution shall provide. Obligations issued pursuant to sections 99.800 to 99.865 may be sold at public or private sale at such price as shall be determined by the issuing body and shall state that obligations issued pursuant to sections 99.800 to 99.865 are special obligations payable solely from the special allocation fund or other funds specifically pledged. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to sections 99.800 to 99.865.

4. The ordinance authorizing the issuance of obligations may provide that the obligations shall contain a recital that they are issued pursuant to sections 99.800 to 99.865, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

5. Neither the municipality, its duly authorized commission, the commissioners or the officers of a municipality nor any person executing any obligation shall be personally liable for such obligation by reason of the issuance thereof. The obligations issued pursuant to sections 99.800 to 99.865 shall not be a general obligation of the municipality, county, state of Missouri, or any political subdivision thereof, nor in any event shall such obligation be payable out of any funds or properties other than those specifically pledged as security therefor. The obligations shall not constitute indebtedness within the meaning of any constitutional, statutory or charter debt limitation or restriction.

(L. 1982 H.B. 1411 & 1587 § 6, A.L. 1990 H.B. 1564, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**Obligation, refunded to pay redevelopment costs, requirements--other obligations of municipality pledged to redevelopment may qualify.**

99.840. 1. A municipality may also issue its obligations to refund, in whole or in part, obligations theretofore issued by such municipality under the authority of sections 99.800 to 99.865, whether at or prior to maturity; provided, however, that the last maturity of the refunding obligations shall not be expressed to mature later than the last maturity date of the obligations to be refunded.

2. In the event a municipality issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with sections 99.800 to 99.865, retire such obligations from funds in the special allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of sections 99.800 to 99.865.

(L. 1982 H.B. 1411 & 1587 § 7)

**Tax increment financing adoption--division of ad valorem taxes--payments in lieu of tax, deposit, inclusion and exclusion of current equalized assessed valuation for certain purposes, when--other taxes included, amount-supplemental tax increment financing fund established, disbursement.**

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

- (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;
- (2)
  - (a) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;
  - (b) Notwithstanding any provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to article VI, section 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes;
  - (c) The county assessor shall include the current assessed value of all property within the taxing district in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri Constitution;
- (3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

- (1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or
- (2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

- (1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or
- (2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of

a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

- (1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:
  - (a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;
  - (b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;
  - (c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;
  - (d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;
  - (e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;
  - (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and
  - (g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
  - (h) The name, street and mailing address, and phone number of the mayor or chief executive officer of the municipality;
  - (i) The street address of the development site;
  - (j) The three-digit North American Industry Classification System number or numbers characterizing the development project;
  - (k) The estimated development project costs;
  - (l) The anticipated sources of funds to pay such development project costs;
  - (m) Evidence of the commitments to finance such development project costs;
  - (n) The anticipated type and term of the sources of funds to pay such development project costs; (o) The anticipated type and terms of the obligations to be issued;
  - (p) The most recent equalized assessed valuation of the property within the development project area;
  - (q) An estimate as to the equalized assessed valuation after the development project area is developed in accordance with a development plan;
  - (r) The general land uses to apply in the development area;
  - (s) The total number of individuals employed in the development area, broken down by full-time, part-time, and temporary positions;
  - (t) The total number of full-time equivalent positions in the development area;
  - (u) The current gross wages, state income tax withholdings, and federal income tax withholdings for individuals employed in the development area;
  - (v) The total number of individuals employed in this state by the corporate parent of any business benefitting from public expenditures in the development area, and all subsidiaries thereof, as of December thirty-first of the prior

- fiscal year, broken down by full-time, part-time, and temporary positions;
- (w) The number of new jobs to be created by any business benefiting from public expenditures in the development area, broken down by full-time, part-time, and temporary positions;
  - (x) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time, and temporary positions;
  - (y) For project sites located in a metropolitan statistical area, as defined by the federal Office of Management and Budget, the average hourly wage paid to nonmanagerial employees in this state for the industries involved at the project, as established by the United States Bureau of Labor Statistics;
  - (z) For project sites located outside of metropolitan statistical areas, the average weekly wage paid to nonmanagerial employees in the county for industries involved at the project, as established by the United States Department of Commerce;
  - (aa) A list of other community and economic benefits to result from the project;
  - (bb) A list of all development subsidies that any business benefiting from public expenditures in the development area has previously received for the project, and the name of any other granting body from which such subsidies are sought;
  - (cc) A list of all other public investments made or to be made by this state or units of local government to support infrastructure or other needs generated by the project for which the funding pursuant to this act\*\* is being sought;
  - (dd) A statement as to whether the development project may reduce employment at any other site, within or without the state, resulting from automation, merger, acquisition, corporate restructuring, relocation, or other business activity;
  - (ee) A statement as to whether or not the project involves the relocation of work from another address and if so, the number of jobs to be relocated and the address from which they are to be relocated;
  - (ff) A list of competing businesses in the county containing the development area and in each contiguous county;
  - (gg) A market study for the development area;
  - (hh) A certification by the chief officer of the applicant as to the accuracy of the development plan;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;
- (4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall

also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

(L. 1982 H.B. 1411 & 1587 § 8 subsec. 1, A.L. 1986 S.B. 664 merged with H.B. 989 & 1390, A.L. 1990 H.B. 1564, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1, A.L. 1998 S.B. 707 & 484, A.L. 2003 H.B. 289 merged with S.B. 235)

\*This section was amended by H.B. 289, S.B. 235, and S.B. 620 during the first regular session of the 92nd General Assembly, 2003. Due to a contingent expiration date in § 135.284, two versions of this section appear here.

\*\*"This act" (H.B. 289, 2003) contained numerous sections. Consult Disposition of Sections table for a definitive listing.

(1995) This statute creates an exception to the county sales tax statutes (67.582 & 67.700). County of Jefferson v. Quiktrip Corp., 912 S.W.2d 487 (Mo.banc 1995).

**Tax increment financing adoption--division of ad valorem taxes--payments in lieu of tax, deposit, certain evaluation not to be used in calculating state school aid formula, when--other taxes included, amount--supplemental tax increment financing fund established, disbursement--net new jobs from relocation, effect of.**

99.845. 1. A municipality, either at the time a redevelopment project is approved or in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

- (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;
- (2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;
- (3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

- (1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or
- (2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

- (1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or
- (2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

- (1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:
  - (a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;
  - (b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;
  - (c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;
  - (d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;
  - (e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;
  - (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and
  - (g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;
- (3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;
- (4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or

more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development.

14. For redevelopment plans or projects approved by ordinance that result in net new jobs from the relocation of a national headquarters from another state to the area of the redevelopment project, the economic activity taxes and new state tax revenues shall not be based on a calculation of the incremental increase in taxes as compared to the base year or prior calendar year for such redevelopment project, rather the incremental increase shall be the amount of total taxes generated from the net new jobs brought in by the national headquarters from another state. In no event shall this subsection be construed to allow a redevelopment project to receive an appropriation in excess of up to fifty percent of the new state revenues.

(L. 1982 H.B. 1411 & 1587 § 8 subsec. 1, A.L. 1986 S.B. 664 merged with H.B. 989 & 1390, A.L. 1990 H.B. 1564, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1, A.L. 1998 S.B. 707 & 484, A.L. 2003 S.B. 620)

Effective 6-18-03

Contingent expiration date, see § 135.284

\*This section was amended by H.B. 289, S.B. 235 and S.B. 620 during the first regular session of the 92nd General Assembly, 2003. Due to a contingent expiration date in § 135.284, two versions of this section appear here.

**Reimbursement from special allocation fund for emergency services, when--no new TIF projects authorized for flood plain areas in St. Charles County, applicability of restriction.**

99.847. 1. Any district providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment.

2. Notwithstanding the provisions of sections 99.800 to 99.865 to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.

3. This subsection shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects including redevelopment project costs by not more than forty percent of such project original projected cost including redevelopment project costs as such projects including redevelopment project costs as such projects redevelopment projects including redevelopment project costs existed as of June 30, 2003, and shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003.

(L. 1996 H.B. 1237 § 24, A.L. 2002 S.B. 1107)

(2004) Subsections 2 and 3 of section as added by Senate Bill No. 1107 in 2002 violated single subject requirement of article III, section 23 and are void. City of St. Charles v. Holden and Nixon, Case No. 02CV325669 (Cole County Circuit Court, 5/11/04).

**Emergency services district, reimbursement from special allocation fund authorized, when.**

99.848. Notwithstanding subsection 1 of section 99.847, any district providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

(L. 2004 H.B. 1529 & 1655)

**Costs of project paid--surplus fund in special allocation fund --distribution-dissolution of fund and redevelopment area.**

99.850. 1. When such redevelopment project costs, including, but not limited to, all municipal obligations financing redevelopment project costs incurred under sections 99.800 to 99.865 have been paid, all surplus funds then remaining in the special allocation fund

shall be paid by the municipal treasurer to the county collector who shall immediately thereafter pay such funds to the taxing districts in the area selected for a redevelopment project in the same manner and proportion as the most recent distribution by the collector to the affected districts of real property taxes from real property in the area selected for a redevelopment project.

2. Upon the payment of all redevelopment project costs, retirement of obligations and the distribution of any excess moneys pursuant to section 99.845 and this section, the municipality shall adopt an ordinance dissolving the special allocation fund for the redevelopment area and terminating the designation of the redevelopment area as a redevelopment area. Thereafter the rates of the taxing districts shall be extended and taxes levied, collected, and distributed in the manner applicable in the absence of the adoption of tax increment financing.

3. Nothing in sections 99.800 to 99.865 shall be construed as relieving property in such areas from paying a uniform rate of taxes, as required by article X, section 3 of the Missouri Constitution.

(L. 1982 H.B. 1411 & 1587 § 8 subsecs. 2, 3, 4, A.L. 1991 H.B. 502)

**Tax rates for districts containing redevelopment projects, method for establishing--county assessor's duties--method of extending taxes to terminate, when.**

99.855. 1. If a municipality by ordinance provides for tax increment allocation financing pursuant to sections 99.845 and 99.850, the county assessor shall immediately thereafter determine total equalized assessed value of all taxable real property within such redevelopment project by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such project, and shall certify such amount as the total initial equalized assessed value of the taxable real property within such project.

2. After the county assessor has certified the total initial equalized assessed value of the taxable real property in such redevelopment project, then, in respect to every taxing district containing a redevelopment project, the county clerk, or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such district for the purpose of computing any debt service levies to be extended upon taxable property within such district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project by including in such amount the certified total initial equalized assessed value of all taxable real property in such area in lieu of the equalized assessed value of all taxable real property in such area. For the purpose of measuring the size of payments in lieu of taxes under sections 99.800 to 99.865, all tax levies shall then be extended to the current equalized assessed value of all property in the redevelopment project in the same manner as the tax rate percentage is extended to all other taxable property in the taxing district. The method of extending taxes established under this section shall terminate when the municipality adopts an ordinance dissolving the special allocation fund for the redevelopment project.

(L. 1982 H.B. 1411 & 1587 § 9, A.L. 1986 S.B. 664 merged with H.B. 989 & 1390, A.L. 1991 H.B. 502)

**Severability.**

99.860. If any section, subsection, subdivision, paragraph, sentence or clause of sections 99.800 to 99.860 is, for any reason, held to be invalid or unconstitutional, such decision shall not affect any remaining portion, section, or part thereof which can be given effect without the invalid provision.

(L. 1982 H.B. 1411 & 1587 § 10)

**Joint committee on real property tax increment allocation redevelopment, members, appointment, duties.**

99.863. Beginning in 1999, and every five years thereafter, a joint committee of the general assembly, comprised of five members appointed by the speaker of the house of representatives and five members appointed by the president pro tem of the senate, shall review sections 99.800 to 99.865. A report based on such review, with any recommended legislative changes, shall be submitted to the speaker of the house of representatives and the president pro tem of the senate no later than February first following the year in which the review is conducted.

(L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

**Report by municipalities, contents, publication--satisfactory progress of project, procedure to determine--reports by department of economic development required, when, contents--rulemaking authority--department to provide manual, contents.**

99.865. 1. Each year the governing body of the municipality, or its designee, shall prepare a report concerning the status of each redevelopment plan and redevelopment project, and shall submit a copy of such report to the director of the department of economic development. The report shall include the following:

- (1) The amount and source of revenue in the special allocation fund;
- (2) The amount and purpose of expenditures from the special allocation fund;

- (3) The amount of any pledge of revenues, including principal and interest on any outstanding bonded indebtedness;
- (4) The original assessed value of the redevelopment project;
- (5) The assessed valuation added to the redevelopment project;
- (6) Payments made in lieu of taxes received and expended;
- (7) The economic activity taxes generated within the redevelopment area in the calendar year prior to the approval of the redevelopment plan, to include a separate entry for the state sales tax revenue base for the redevelopment area or the state income tax withheld by employers on behalf of existing employees in the redevelopment area prior to the redevelopment plan;
- (8) The economic activity taxes generated within the redevelopment area after the approval of the redevelopment plan, to include a separate entry for the increase in state sales tax revenues for the redevelopment area or the increase in state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;
- (9) Reports on contracts made incident to the implementation and furtherance of a redevelopment plan or project;
- (10) A copy of any redevelopment plan, which shall include the required findings and cost benefit analysis pursuant to subdivisions (1) to (6) of section 99.810;
- (11) The cost of any property acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled;
- (12) The number of parcels acquired by or through initiation of eminent domain proceedings; and
- (13) Any additional information the municipality deems necessary.

2. Data contained in the report mandated pursuant to the provisions of subsection 1 of this section and any information regarding amounts disbursed to municipalities pursuant to the provisions of section 99.845 shall be deemed a public record, as defined in section 610.010, RSMo. An annual statement showing the payments made in lieu of taxes received and expended in that year, the status of the redevelopment plan and projects therein, amount of outstanding bonded indebtedness and any additional information the municipality deems necessary shall be published in a newspaper of general circulation in the municipality.

3. Five years after the establishment of a redevelopment plan and every five years thereafter the governing body shall hold a public hearing regarding those redevelopment plans and projects created pursuant to sections 99.800 to 99.865. The purpose of the hearing shall be to determine if the redevelopment project is making satisfactory progress under the proposed time schedule contained within the approved plans for completion of such projects. Notice of such public hearing shall be given in a newspaper of general circulation in the area served by the commission once each week for four weeks immediately prior to the hearing.

4. The director of the department of economic development shall submit a report to the speaker of the house of representatives and the president pro tem of the senate no later than February first of each year. The report shall contain a summary of all information received by the director pursuant to this section.

5. For the purpose of coordinating all tax increment financing projects using new state revenues, the director of the department of economic development may promulgate rules and regulations to ensure compliance with this section. Such rules and regulations may include methods for enumerating all of the municipalities which have established commissions pursuant to section 99.820. No rule or portion of a rule promulgated under the authority of sections 99.800 to 99.865 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The department of economic development shall provide information and technical assistance, as requested by any municipality, on the requirements of sections 99.800 to 99.865. Such information and technical assistance shall be provided in the form of a manual, written in an easy-to-follow manner, and through consultations with departmental staff.

(L. 1982 H.B. 1411 & 1587 § 11, A.L. 1990 H.B. 1564, A.L. 1991 H.B. 502, A.L. 1997 2d Ex. Sess. S.B. 1)

Effective 12-23-97

(2000) Proposed city charter amendment requiring two-thirds voter approval on every tax increment financing measure violated section and thus was unconstitutional pursuant to article VI, section 19(a). State ex rel. Hazelwood Yellow Ribbon Committee v. Klos, 35 S.W.3d 457 (Mo.App.E.D.).

**Approved: November 27, 2006**

**ORDINANCE #67320**  
**Board Bill No. 273**

AN ORDINANCE DESIGNATING A PORTION OF THE CITY OF ST. LOUIS, MISSOURI AS A DEVELOPMENT AREA UNDER THE AUTHORITY OF THE MISSOURI DOWNTOWN AND RURAL ECONOMIC STIMULUS ACT, SECTIONS 99.915 TO 99.1060 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED (THE "ACT"); APPROVING A DEVELOPMENT PLAN FOR AN AREA GENERALLY BOUNDED BY TUCKER BOULEVARD, 13TH STREET AND 14TH STREET ON THE WEST, ST. CHARLES STREET, WASHINGTON AVENUE AND LUCAS AVENUE ON THE NORTH, 4TH STREET ON THE EAST, AND PINE STREET AND CHESTNUT STREET ON THE SOUTH ALONG WITH TUCKER BOULEVARD EXTENDING TO WALNUT STREET (THE "DEVELOPMENT AREA"), AND A DEVELOPMENT PROJECT THEREIN AND MAKING FINDINGS RELATING THERETO; ADOPTING DEVELOPMENT FINANCING; ESTABLISHING A SPECIAL ALLOCATION FUND; AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS; AND CONTAINING A SEVERABILITY CLAUSE.

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, the Missouri Downtown and Rural Economic Stimulus Act, Sections 99.915 to 99.1060 of the Revised Statutes of Missouri, as amended (the "Act"), authorizes cities to undertake development projects in development areas, as defined in the Act; and

**WHEREAS**, the Board of Aldermen of the City created the Downtown Economic Stimulus Authority of the City of St. Louis (the "Authority") pursuant to Ordinance No. 67097; and

**WHEREAS**, the Act authorizes the Authority to hold hearings with respect to proposed development areas, plans and projects and to make recommendations thereon to the Board of Aldermen; and

**WHEREAS**, the Authority has reviewed a plan for development titled "Development Plan, Downtown St. Louis Core Development and Streetscape Enhancements Development Area" (the "Development Plan"), for an area generally bounded by Tucker Boulevard, 13th Street and 14th Street on the west, St. Charles Street, Washington Avenue and Lucas Avenue on the north, 4th Street on the east, and Pine Street and Chestnut Street on the south along with Tucker Boulevard extending to Walnut Street (the "Development Area"), as more fully described in the Development Plan attached hereto as Exhibit A and incorporated herein; and

**WHEREAS**, the Development Plan envisions retail, commercial and residential development, as well as streetscape, park and other infrastructure improvements, as more fully described therein (collectively, the "Development Project"); and

**WHEREAS**, the Authority held a public hearing in conformance with the Act on October 5, 2006, and received comments from all interested persons and taxing districts relative to the Development Plan, the designation of the Development Area and the Development Project; and

**WHEREAS**, on October 5, 2006, after due deliberation, the Authority adopted a resolution recommending, among other matters, that the Board of Aldermen designate the Development Area as a "development area" pursuant to the Act, adopt the Development Plan and the Development Project, and adopt development financing within the Development Area; and

**WHEREAS**, the Board of Aldermen hereby determines that the Development Area qualifies for the use of development financing to alleviate the conditions that qualify it as a "development area" as provided in the Act and that it is necessary and desirable and in the best interest of the City to adopt development financing within the Development Area;

**WHEREAS**, it is necessary and desirable and in the best interest of the City to adopt development financing within the Development Area and to establish a special allocation fund for the Development Area in order to provide for the promotion of the general welfare through development of the Development Area in accordance with the Development Plan which development includes, but it not limited to, assistance in the physical, economic, and social development of the City, providing for a stabilized population and plan for the optimal growth of the City, preservation of historic structures, encouragement of a sense of community identity, safety and civic pride, and the elimination of impediments to land disposition and development in the City.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen finds that a reasonable person would believe:

A. The Development Area on the whole is a blighted area, as defined in Section 99.918(3) of the Act. This finding includes, and the Development Plan sets forth and the Board of Aldermen hereby finds and adopts by reference: (i) a detailed description of the factors that qualify the Development Area as a blighted area and qualify the Development Project as a development project pursuant to the Act as set forth in the blighting studies included in the Development Plan, and (ii) a written statement signed by the members of the Authority's governing body, that the information in the Development Plan has been independently reviewed by such members with due diligence to confirm its accuracy, truthfulness and completeness.

B. The Development Area has not been subject to growth and development through investment by private enterprise

and would not reasonably be anticipated to be developed without the implementation of one or more development projects and the adoption of local and state development financing.

C. The Development Plan conforms to the comprehensive plan for the development of the municipality as a whole.

D. The estimated dates of completion of the Development Project and retirement of obligations incurred to finance Development Project costs have been stated in the Development Plan, and these dates are 25 years or less from the date of approval of the Development Project.

E. The City has developed a plan for relocation assistance for businesses and residences in conformity with the requirements of Sections 523.200 through 523.215 of the Revised Statutes of Missouri, as amended in the event any business or residence is to be relocated as a direct result of the implementation of the Development Plan.

F. A cost-benefit analysis showing the economic impact of the Development Plan on the municipality and school district, as well as each other taxing district which is at least partially within the boundaries of the Development Area is on file with the St. Louis Development Corporation, which cost-benefit analysis shows the impact on the economy if the Development Project is not built and is built pursuant to the Development Plan. The cost-benefit analysis also includes a fiscal impact study on the municipality and the school district as well as each taxing district which is at least partially within the boundaries of the Development Area. The cost-benefit analysis also includes sufficient information from the Authority to evaluate whether the Development Project as proposed is financially feasible, and the Board of Commissioners found that the Development Project as proposed is financially feasible.

G. The Development Plan does not include the initial development or redevelopment of any gambling establishment.

H. An economic feasibility analysis is on file with the St. Louis Development Corporation, which economic feasibility analysis includes the information required by Section 99.942.3(8) of the Act.

I. The Development Area: (i) includes only parcels of real property directly and substantially benefitted by the Development Plan; (ii) can be renovated through the Development Project; (iii) is located in a "central business district," as defined in Section 99.918(4) of the Act; (iv) has structures in the area fifty percent or more of which have an age of thirty-five years or more; (v) is contiguous; (vi) does not exceed ten percent of the entire area of the municipality; and (vii) does not include any property that is located within the one hundred year flood plain, as designated by the Federal Emergency Management Agency flood delineation maps.

J. The Development Project constitutes a "major initiative," as defined in Section 99.918(14) of the Act, in furtherance of the objectives of the Development Plan. The Development Plan includes a legal description of the area selected for the Development Project, which is coterminous with the Development Area.

**SECTION TWO.** The Development Area is hereby designated as a "development area" as defined in Section 99.918(7) of the Act.

**SECTION THREE.** The Development Plan is hereby adopted and approved. A copy of the Development Plan is attached hereto as **Exhibit A** and incorporated herein by reference.

**SECTION FOUR.** The Development Project is hereby adopted and approved. The Board of Aldermen finds that the area selected for the Development Project includes only those parcels of real property and improvements thereon directly and substantially benefitted by the proposed Development Project. The term "development project area," and similar terms and phrases used in the Act, as used herein, shall be comprised of the Development Area in its entirety, including all phases or portions of the Development Project which may be developed within the Development Area.

**SECTION FIVE.** Development financing is hereby adopted within the Development Area (as legally described in the Development Plan). After the total equalized assessed valuation of the taxable real property in the Development Area exceeds the certified total initial equalized assessed value of all taxable real property in the Development Area, the ad valorem taxes and payments in lieu of taxes, if any, arising from the levies upon taxable real property in the Development Area by taxing districts at the tax rates determined in the manner provided in Section 99.968 of the Act each year after the effective date of this Ordinance until the payment in full of all Development Project costs shall be divided as follows:

A. That portion of taxes, penalties, and interest levied upon each taxable lot, block, tract, or parcel of real property in such development project area which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the Development Area shall be allocated to and, when collected, shall be paid by the City Collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of development financing; and

B. Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the Development Area and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the Development Area shall be allocated to and, when collected, shall be paid to the City Treasurer, who shall deposit such payments in lieu of taxes into a special fund called the "City of St. Louis, Missouri, Special Allocation Fund for the Downtown St. Louis Core Development and Streetscape Enhancements Development Area" (the "Special Allocation Fund") for the purpose of paying development costs and obligations incurred in the payment thereof. Payments

in lieu of taxes which are due and owing shall constitute a lien against the real estate of the Development Area from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable.

**SECTION SIX.** In addition to the payments in lieu of taxes described in paragraph A of Section 5 of this Ordinance, fifty percent (50%) of the economic activity taxes generated within the Development Area shall be allocated to, and paid by the collecting officer to the City Treasurer, who shall deposit such funds into a separate segregated account within the Special Allocation Fund. However, the City shall not collect and deposit any economic activity taxes in the Special Allocation Fund unless the Development Project has been approved for state supplemental development financing pursuant to Section 99.960 of the Act.

**SECTION SEVEN.** The Special Allocation Fund is hereby established. The Special Allocation Fund shall consist of at least four separate accounts into which payments in lieu of taxes ("PILOTS") are deposited in one account (the "PILOTS" Account), economic activity taxes ("EATs") are deposited in a second account (the "EATs Account"), other net new revenues ("NNRs") are deposited in a third account (the "NNR Account") and other revenues, if any, received by the Authority or the City for the purpose of implementing the Development Plan or Development Project are deposited in a fourth account (the "Miscellaneous Account"). Each of the PILOTS Account, the EATs Account, and the NNR Account shall contain the following sub-accounts: (1) the St. Louis Centre Sub-Account, (2) the One City Centre Sub-Account, (3) the Jefferson Arms Sub-Account, (4) the Mercantile Library Sub-Account, (5) the Dillard's Building Sub-Account, (6) the Arcade Building Sub-Account and (7) the Park Pacific Sub-Account. The PILOTS, EATs and NNRs generated by the following parcels shall be deposited in the following sub-accounts .of the applicable account within the Special Allocation Fund:

- (a) St. Louis Centre Sub-Account: Parcel Nos. 1270000161, 1270000170, 1270001011;
- (b) One City Centre Sub-Account: Parcel No. 1270001021;
- (c) Jefferson Arms Sub-Account: Parcel Nos. 08240000351, 08240000451, 08240000401, 08240000501;
- (d) Mercantile Library Sub-Account: Parcel Nos. 01170000100, 01170000200, 01170000400, 01170000500, 01170000800, 01170000900, 011700001200;
- (e) Dillard's Building Sub-Account: Parcel No. 01250000151;
- (f) Arcade Building Sub-Account: Parcel No. 01920000250;
- (g) Park Pacific Sub-Account: Parcel Nos. 05040000100, 05040000200, 05040000300, 05040000400, 05040000500, 05010000100, 05050000100;

The Board of Aldermen may establish such additional accounts, sub-accounts, funds or sub-funds within the Special Allocation Fund as it determines appropriate. All moneys deposited in the Special Allocation Fund shall be applied in such manner consistent with the Development Plan as determined by the Board of Aldermen.

**SECTION EIGHT.** The City Register is hereby directed to submit a certified copy of this Ordinance to the City Assessor, who is directed to determine the total equalized assessed value of all taxable real property within the Development Area as of the date of adoption of this Ordinance, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Development Area, and shall certify such amount as the total initial equalized assessed value of the taxable real property within the Development Area.

**SECTION NINE.** The Comptroller is hereby authorized to enter into agreements or contracts with other taxing districts as is necessary to ensure the allocation and collection of the taxes and payments in lieu of taxes described in Sections 5 and 6 of this Ordinance, and the deposit of said taxes or payments in lieu of taxes into the Special Allocation Fund for the purpose of payment of Development Project costs and obligations incurred in the payment thereof, all in accordance with the Act.

**SECTION TEN.** The Mayor is hereby authorized to submit a State Supplemental Downtown Development Financing Program Application to the Missouri Department of Economic Development pursuant to Section 99.960 of the Act, and to take such further action as may be required so as to enable the Department of Economic Development to make its recommendation to the Missouri Development Finance Board for a determination as to approval of the disbursement of project costs of the Development Project from the state supplemental downtown development fund.

**SECTION ELEVEN.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**EXHIBIT A**

**[Development Plan]**

is on file in the Register's Office.

**APPENDIX**

is on file in the Register's Office.

**Approved: November 27, 2006**

**ORDINANCE #67321  
Board Bill No. 274**

AN ORDINANCE IMPLEMENTING CERTAIN PROVISIONS OF THE MISSOURI DOWNTOWN AND RURAL ECONOMIC STIMULUS ACT BY ESTABLISHING A COMMUNITY DEVELOPMENT CORPORATION REVOLVING FUND (THE "FUND"); AUTHORIZING THE APPOINTMENT OF A BOARD PURSUANT TO SECTION 99.939 OF THE REVISED STATUTES OF MISSOURI, AS AMENDED, TO ADMINISTER THE FUND; AUTHORIZING THE MAYOR OF THE CITY OF ST. LOUIS, ON BEHALF OF SAID CITY, TO APPLY TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT FOR ONE OR MORE GRANTS FOR DEPOSIT TO THE FUND; AUTHORIZING THE BOARD TO ESTABLISH BY-LAWS REGARDING ITS PROCEEDINGS; AUTHORIZING THE BOARD TO PERFORM DUTIES RELATED TO THE FUND AS AUTHORIZED BY MISSOURI STATUTE; APPROVING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM; AND CONTAINING A SEVERABILITY CLAUSE

**WHEREAS**, the City of St. Louis, Missouri (the "City"), is a body corporate and a political subdivision of the State of Missouri, duly created, organized and existing under and by virtue of its charter, the Constitution and laws of the State of Missouri; and

**WHEREAS**, the Missouri Downtown and Rural Economic Stimulus Act, Sections 99.915 through 99.1060 of the Revised Statutes of Missouri, as amended ("RSMo") (the "Act") authorizes municipalities to encourage major development initiatives within designated portions of the municipality and further directs any city not within a county to establish by ordinance a Community Development Corporation Revolving Fund to exercise the powers set forth in the Act; and

**WHEREAS**, the Act also makes it possible for a community development corporation to access state funding for loans and/or grants for community economic development activities implemented by such corporations; and

**WHEREAS**, the City desires to create a Community Development Corporation Revolving Fund (the "Fund") and establish a board to administer the Fund, all in accordance with Section 99.939 RSMo, to exercise such powers set forth in the Act to enable the benefits afforded by such Act to be made available in the City; and

**WHEREAS**, Section 99.993 RSMo requires that any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants approve a disadvantaged business enterprise program to be implemented by its downtown economic stimulus authority, which program shall require all businesses, vendors, and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific worker ethnicity goals for each such business, vendor, and contractor, in accordance with applicable state and federal laws, rules, regulations, and orders; and

**WHEREAS**, the City desires to approve a disadvantaged business enterprise program to be implemented by its downtown economic stimulus authority in accordance with the Act.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** The Board of Aldermen of the City of St. Louis adopts the foregoing recitals as findings and further finds as follows:

- A. it is and would be in the best interest of the public to consider the establishment of the Fund in accordance with the Act; and
- B. the creation and administration of the Fund would be in the interest of the City of St. Louis.

**SECTION TWO.** Pursuant to Section 99.939 of the Revised Statutes of the State of Missouri, as amended ("RSMO"), there is hereby established a fund to be known as the "Community Development Corporation Revolving Fund" (the "Fund"). The Comptroller of the City of St. Louis is hereby authorized and directed to establish the Fund within the accounting system of the City of St. Louis, to deposit into the Fund any monies received from the State of Missouri for the benefit of the Fund, any interest earned

on and any income generated from such monies, and any other monies made available to the Fund by appropriation, gift, grant, bequest, contribution, or otherwise to carry out the purposes of Section 99.939 RSMo. The Comptroller is further authorized and directed to make disbursements from the Fund for grants and forgivable loans to community development corporations for community economic development activities implemented by such corporations pursuant to Section 99.939 RSMo and for no other purpose, upon evidence of approval of one or more specific grant and/or forgivable loans by and pursuant to specific instructions from the Community Development Corporation Revolving Fund Board established in Section Three hereof.

**SECTION THREE:** Pursuant to Section 99.939 RSMo, the Fund shall be administered by a Community Development Corporation Revolving Fund Board (the "CDCRF Board"), which shall consist of six (6) members appointed by the Mayor as chief elected official of the City of St. Louis, one (1) of which shall be a member of the Downtown Economic Stimulus Authority of the City of St. Louis (the "Authority") created pursuant to Ordinance 67097, three (3) of which shall be members of the local regional community development association, and two (2) of which shall be members of local business or financial organizations. Two (2) CDCRF Board members shall have initial terms of one (1) year, two (2) shall have initial terms of two (2) years, and two (2) shall have initial terms of three (3) years, as determined by the Mayor at the time of the appointments. Thereafter, successor CDCRF Board members shall be appointed by the Mayor as provided in this Section, shall serve terms of three (3) years and shall hold office until a successor is appointed. The Mayor is further hereby authorized to appoint the chair of the CDCRF Board and the members of the CDCRF Board are hereby authorized to elect officers from the membership of the CDCRF Board. A majority of the CDCRF Board members shall constitute a quorum of such CDCRF Board for the purpose of conducting business and exercising the powers of the CDCRF Board and for all other purposes. Action may be taken by the CDCRF Board upon a vote of a majority of the CDCRF Board members present. The CDCRF Board shall adopt by-laws governing the conduct of its proceedings consistent with applicable Statutes and with this Ordinance.

**SECTION FOUR.** The CDCRF Board is hereby authorized to exercise those duties, powers and functions authorized by Section 99.939 RSMo, as the same may be amended or revised from time to time, which duties, powers and functions shall include but not be limited to providing grants and/or forgivable loans to community development corporations in the City of St. Louis for community economic development activities implemented by such corporations in the City of St. Louis.

**SECTION FIVE.** It is hereby recognized that the requirements of Missouri Statutes as pertain to the number, qualifications, terms and manner of appointment of persons to serve on the CDCRF Board may, from time to time, be revised. The Mayor and such other persons as may be authorized to act with respect to appointments to the CDCRF Board under Missouri Statutes in the future are hereby authorized to act in accordance with Missouri Statutes, as from time to time revised, so that at all times hereinafter the CDCRF Board shall be and remain legally authorized to exercise the powers of a CDCRF Board under Missouri Statutes, without further action of this Board of Aldermen.

**SECTION SIX.** The Mayor of the City of St. Louis is hereby authorized to make the appointments referenced in Section Three above.

**SECTION SEVEN.** In accordance with Section 99.933 RSMo, the Board of Aldermen hereby adopts Executive Order #28 of the Mayor of the City, dated July 24, 1997, as amended by Executive Order #39 of the Mayor of the City, dated June 7, 2006, and as further amended, and the City of St. Louis DESA Authority Workforce Policy, attached hereto as Exhibit A and incorporated herein, collectively as the disadvantaged business enterprise program to be implemented by the Authority, acting through the St. Louis Development Corporation.

**SECTION EIGHT.** It is hereby declared to be the intention of this Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

#### EXHIBIT A

##### [City of St. Louis DESA Authority Workforce Policy] CITY OF ST. LOUIS DESA AUTHORITY WORKFORCE POLICY

**WHEREAS,** Section 99.933 of the Revised Statutes of Missouri (the "Act") requires that any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city not within a county, and any county with a charter form of government and with more than one million inhabitants shall approve a disadvantaged business enterprise program to be implemented by the downtown economic stimulus authority. The program shall require all businesses, vendors, and contractors working on projects undertaken by the authority to ensure enforcement of an equal opportunity employment plan and a minority and women-owned business program that is based on population and availability that contains specific worker ethnicity goals for each such business, vendor, and contractor, in accordance with applicable state and federal laws, rules, regulations, and orders; and

**WHEREAS,** the City of St. Louis has in place a disadvantaged business enterprise program and that program has been adopted by the Board of Aldermen as the program to be implemented by the downtown economic stimulus authority, but the City of St. Louis does not have in place a program that contains specific worker ethnicity goals as required by the Act and procedures associated therewith; and

**WHEREAS**, in order to meet the requirements of the Act, the City of St. Louis Board of Aldermen has adopted this Policy, which is intended to secure an equal opportunity for minorities to be employed in the workforces of all businesses, vendors, and contractors working on projects undertaken by the Downtown Economic Stimulus Authority of the City of St. Louis ("DESA").

### DESA AUTHORITY WORKFORCE POLICY

**Section 1. REQUIREMENTS.** DESA shall contractually require businesses, vendors and contractors working on DESA projects (either directly or through contracts entered into with the project developers) to do the following:

- exert a good faith effort to accomplish the Utilization Goals as set forth herein;
- comply with all reporting requirements;
- contractually require each contractor, subcontractor and assignee to comply with this Policy; and
- enforce such contractual provisions.

### Section 2. DEFINITIONS:

**Construction Services** - Activities undertaken to complete the building of Project Improvements, including environmental remediation and demolition, but excluding Professional Services.

**Developer** - Any person or organization which enters into a Development Agreement.

**Development Agreement** - Any agreement between DESA and a business organization for the implementation of a development plan.

**Development Project** - Any development project established pursuant to a development plan that is approved by DESA pursuant to the Act.

**DESA** - The Downtown Economic Stimulus Authority of the City of St. Louis, created pursuant to the Missouri Downtown and Rural Economic Stimulus Act, Sections 99.915 to 99.1060 of the Revised Statutes of Missouri, and by Ordinance of the City of St. Louis, for the purpose of holding hearings and making recommendations to the Board of Aldermen of the City of St. Louis with respect to proposed development plans, and carrying out the responsibilities delegated to it by the Board of Aldermen.

**DESA Representative** - A representative designated by DESA, who shall make regular reports at DESA meetings regarding Developers' compliance with this Policy.

**Minorities** - Persons who are citizens or lawful permanent residents of the United States and who:

- a. Have origins in any of the Black racial groups of Africa ("Black Americans");
- b. Have origins in any of the peoples of Mexico, Puerto Rico, Cuba, Central or South America, regardless of race ("Hispanic Americans");
- c. Have origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent or the Pacific Islands ("Asian Americans"); or
- d. Maintain cultural identification through tribal affiliation or community recognition with any of the original peoples of the North American continent; or those who demonstrate at least one-quarter descent from such groups ("Native Americans").

**Professional Services** - Advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, marketing, environmental studies, and financial services contracted for by any Developer necessary to complete Project Improvements, but excluding Construction Services.

**Project Improvements** - Those activities undertaken and facilities constructed in order to implement the provisions of a Development Plan pursuant to a Development Agreement.

**Utilization Goals** - The goals described in Section 3 of this Policy.

**Workforce** - Those persons employed to perform Construction Services.

All terms not otherwise defined herein, shall have the meaning set forth in the Development Agreement or in common usage.

### Section 3. WORKFORCE UTILIZATION GOALS:

The following Workforce Utilization Goals for the participation of minority and female individuals in the workforce involved in the

construction of the Development Project shall be the Workforce Utilization Goals for such Development Project and are hereby expressed as a percentage of the totals of hours worked by individuals employed in the Workforce, in each category below:

**Workforce Percentages:**

<b>Minority Workers-Total All Non-Hispanic Ethnicities:</b>	<b>20.9%</b>
Black American:	17.7%
Native American:	0.6%
Asian American:	1.9%
Other race:	0.7%
<b>Hispanic American:</b>	<b>1.47%</b>

**Section 4. RECORDS AND REPORTS:**

The Developer shall maintain such records as may reasonably be required in order to demonstrate Policy compliance including, but not limited to, documenting the good faith requirements set forth below, such records to be available for audit by the DESA Representative from time to time upon reasonable notice.

The Developer shall provide monthly and cumulative reports as set forth herein. Further, when requested, additional information requested by the DESA Representative will be provided in order to verify that the percentages submitted on reports are accurate. After the approval of any Development Plan or Project by DESA, the Developer shall notify the DESA Representative no later than thirty (30) calendar days prior to the commencement of any work under a Construction Services contract in furtherance of such Development Plan or Project. Thereafter, monthly reports must be completed by the Developer and forwarded to the DESA Representative on or before the 15th day of each month for any work performed in furtherance of a Development Plan or Project in the preceding month. If no work has been performed in such preceding month, such information shall be communicated to the DESA Representative in writing. In the sole discretion of DESA, for good cause shown, waivers of the monthly reports may be granted. Each monthly report shall detail and summarize the total construction hours worked and the total construction worker hours utilizing minorities, both for the month under report and cumulatively for each Development Project.

**Section 5. COMPLIANCE:**

**Utilization Goals:** A Developer shall be presumed conclusively to be in compliance with the workforce utilization goals set forth in Section 3 of this Policy if:

1. Each of the Utilization Goals set forth in Section 3 has been met on a monthly basis for each Development Project in which Construction Services have been utilized; or
2. In the event any of the Utilization Goals have not been met, the Developer has taken the following actions:
  - a. Requested in writing the assistance of the DESA Representative with respect to efforts to promote the utilization of minorities in the Workforce and acted upon the DESA's recommendation;
  - b. Advertised in Minority Trade Association Newsletter(s) and/or minority owned media at least 15 calendar days prior to the utilization of any Construction Services for each Development Project seeking employees appropriately describing the work available, pay scale, how to apply, etc., and maintained a log or copies of such ads showing the date of publication and identifying the publication; and
  - c. Contacted minority organizations. A list of such organizations will be provided by the DESA Representative upon request.

**Records and Reports.** A Developer shall be conclusively presumed to be in compliance with this Policy as it relates to records and reports if all records have been kept and reports have been timely made as set forth in Section 4.

**Contractors, Subcontractors and Assignees.** A Developer shall be conclusively presumed to be in compliance with this Policy if all agreements with contractors, subcontractors and assignees contain a provision requiring compliance with this Policy, as it may be amended from time to time, and appropriate measures have been taken to enforce such provisions.

For good cause shown, the requirements of this Section 5 may be waived or modified by DESA.

It is the responsibility of a Developer to demonstrate compliance with this Policy. The DESA Representative will monitor each Developer's compliance and make periodic reports to DESA relative thereto. It is not the responsibility of DESA or its representative to conduct any investigation or take any other action to verify a Developer's compliance.

It is sufficient if the overall goal for minorities has been met without regard to the specific "mix" of minorities.

**Section 6. REMEDIES:**

In addition to remedies set forth in the Development Agreement, if DESA finds, after due notice and hearing, the Developer has not made a good faith effort to comply with the Utilization Goals set forth herein and has failed to take the actions specified in paragraph 5.2 above, DESA may take such action as it deems appropriate, including but not limited to temporarily suspending development rights, ordering a cessation of development activity, noting such non-compliance in any future application by the Developer to DESA, and/or imposing liquidated damages payments as set forth in the next paragraph of this Section.

The Developer and DESA acknowledge that minorities are third party beneficiaries to the Development Agreement with respect to compliance with this Policy. Because the amount of harm caused to minorities by the Developer not exerting good faith efforts to meet the Utilization Goals set forth herein is uncertain, if not impossible, to determine, the Developer agrees to pay to DESA, if DESA so requires, liquidated damages in an amount not to exceed the fees and expenses incurred by DESA in investigating and determining that the Developer has not complied with this Policy, plus an amount not to exceed the additional amount of money that otherwise would have been spent to employ minorities in the Workforce had the respective Utilization Goals set forth herein been attained by the Developer. The liquidated damages shall not be a reimbursable Development Cost. To the extent the Developer is in compliance with this Policy, the reasonable and necessary administrative expenses associated with determining compliance may be reimbursed as Development Project Costs.

**Section 7. DEVELOPMENT AGREEMENT PROVISIONS:**

Each Development Agreement shall include a provision requiring each Developer to comply with this Policy.

**Approved: November 27, 2006**

**ORDINANCE #67322  
Board Bill No. 218**

An Ordinance recommended by the Planning Commission on July 5, 2006, to change the zoning of property as indicated on the District Map, from "K" Unrestricted District to the "D" Multiple-Family Dwelling District in City Blocks 4392 and 5887, so as to include the described parcels of land in City Blocks 4392 and 5887; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The zoning designation of certain real property located in City Blocks 4392 and 5887 is hereby changed to the "D" Multiple-Family Dwelling District, real property being particularly described as follows:

**Parcel I in City Block 5887**

Beginning at a point in City Block 5887 at the intersection of the west line of N. Euclid Avenue (40 foot r.o.w.) and the south line of an east-west alley (15 foot r.o.w.); thence southward approximately 280 feet along said west line to the intersection of the west line of N. Euclid Avenue and the north line of Interstate Route 70 (width varies); thence westward along said north line to the intersection of the north line of Interstate Route 70 and the east line of an north-south alley (15 foot r.o.w.); thence northward approximately 387 feet along said alley line to the intersection of the east line of an north-south alley and the south line of an east-west alley (15 foot r.o.w.); thence eastward approximately 431 feet along said alley line to the beginning point.

**Parcel II in City Block 4392**

Beginning at a point in City Block 4392, at the intersection of the east line of N. Euclid Avenue (40 foot r.o.w.) and the south line of Hooke Court (60 foot r.o.w.); thence eastward approximately 500 feet along said south line and its continuation as the south property line of the real property known as Lot 1 of Euclid Plaza Addition Subdivision to a point, thence southward approximately 120 feet along the west property line of the real property known as Lot N-2 of Ann Biddle Addition Subdivision to a point on the north line of St. Louis Terminal Rail Road (50 foot r.o.w.); thence south-westward along said north line of St. Louis Terminal Rail Road to the north line of Interstate Route 70 (width varies); thence westward approximately 233 feet to the intersection of the north line of Interstate Route 70 and the east line of N. Euclid Avenue; thence north approximately 540 feet along said east line to the beginning point.

**SECTION 2.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

See attached Exhibit

**Approved: December 11, 2006**



**ORDINANCE #67323**  
**Board Bill No. 249**

An Ordinance recommended by the Planning Commission on October 4, 2006, to change the zoning of property as indicated on the District Map, to the "H" Area Commercial District, so as to include the described parcels of land in City Block 1859; and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The zoning designation of certain real property located in City Block 1859 is hereby changed to the "H" Area Commercial District, real property being particularly described as follows:

**PARCEL 1:**

Lot 1,2, and 3 in block 6 of D.D. Page's Third Western Addition and in Block 1859 of the City of St Louis, State of Missouri together fronting 106 feet 2 inches on the South line of Cozens Avenue by a depth Southwardly to an alley; Bounded West by another alley.

**PARCEL 2:**

Lot No. 4 and part of Lot No. 5 in Block No. 6 of D.D. Page's Third Western Addition and in Block No. 1859 of the City of St Louis, beginning at a point in the South line of Cozens Avenue at the Northwest corner of said Lot No. 4, thence, Southwardly along the West line of Lot No. 4, 113.50 feet to an alley, Thence, Eastwardly along the North line of said alley 33.33 feet to a point, Thence Northwardly and parallel with the west line of Lot No. 5, 48 feet to a point thence Eastwardly and parallel with the South line of Cozens Avenue 12.42 feet to a point. Thence Northwardly and parallel with the west line of Lot No. 5, 65.50 feet to the South line of Cozens Avenue, thence Westwardly along the South line of Cozens Avenue 45.75 feet to the point of beginning, according to survey executed during the month of November, 1949 by Pitzman's Co. of surveyors and engineers. A parcel of ground being in Block No. 1859 of the city of St Louis, being part of lots No. 5 and 6 in Block 6 of D.D. Page's Third Western Addition, and described as beginning at a point in the South line of Cozens Avenue 40 feet wide, 20.75 feet Eastwardly from the Northwestern corner of said Lot No. 5, thence Eastwardly 7.50 feet along the Southline of Cozens Avenue, thence Southwardly 53 feet and parallel with the East line of said lot NO. 6, thence Southeastwardly 19.59 feet to a point 11 feet West of the East line of Lot No. 6 and 44 feet North of the North line of an alley 15 feet wide. Thence, Southwardly 44 feet and parallel with the East line of said Lot No. 6 to the North line of said alley, thence Westwardly 30.67 feet along the North line of said alley to a point distance 8.33 feet East of the West line of Lot No. 5, thence Northwardly 48 feet and parallel with the West line of Lot NO. 5, thence Eastwardly 12.42 feet and parallel with the South line of Cozens Avenue, thence Northwardly 65.50 feet and parallel with the Western line of Lot No. 5 to the point of the beginning.

**Parcels 3:**

The East part of lot 6 in Block 6 of D.D. Page's Third Western addition and in Block 1859 of the City of St Louis, State of Missouri, fronting 21 feet 9 inches on the South line of Cozens Avenue by the depth Eastwardly of 113.50 feet on the East line and an irregular depth on the Western line to a point.

**Parcel 4:**

Lot seven (7) in Block six (6) of D.D. Page's Third Addition and in Block 1859 of the City of St Louis, State of Missouri, fronting 25 feet on the South line of Cozens Avenue by a depth Southwardly of 113 feet 6 inches to an alley, 15 feet wide.

**Parcel 5:**

Lot eight (8) in Block six (6) of D.D. Page's Third Addition and in Block 1859 of the City of St Louis, State of Missouri, fronting 25 feet on the South line of Cozens Avenue by a depth Southwardly of 113 feet 6 inches to an alley, 15 feet wide.

**Parcel 6:**

Lots 23 and 24 and part of Lot 25 in Block No. 6 on Page's Third Western Addition and in Block No. 1859 of the City of St Louis, described as follows: Beginning at a point in the Northern line of Easton Avenue. At the Southeast corner of the property conveyed to Mose Rubenstein and wife by deed recorded in book 6403 page 116, thence Northwardly along the East line of property conveyed to Mose Rubenstein and wife, as aforesaid, the following courses and distances: North 83 feet 6-1/2 inches to a point in the center of a brick property wall, thence continuing Northwardly along the center of said property wall 10 feet 1inch to an angle point in said wall, and thence continuing North along the center line of said wall to the South line of an alley 15 feet wide, thence Eastwardly along the Southline of said alley, 70 feet 4-3/4 inches to the Northeast corner of said Lot 23, thence Southwardly along the East line of said Lot 23, A distance of 113 feet 6 inches to the North line of Evans Avenue, and thence Westwardly along the North line of Evans Avenue and Easton Avenue, 64 feet 6-3/4 inches to the point of beginning.

**Parcel 7:**

Lot No. 26 and the Western part of Lot No. 25 in Block 6 of Page's Third Western Addition and in Block No. 1859 of the City of St Louis, beginning at a point in the North line of Easton Avenue 45 feet 9-1/4 inches East of the East line of an alley, thence 83 feet

6-1/2 inches to a point in the center line of a brick party wall, thence North along the center line of said party wall 10 feet 1 inch to an angle point in said wall, thence continuing North along the center line of said wall to the South line of an alley thence West along the South line of said alley 49 feet 10-1/4 inches to the East line of aforesaid alley, thence South along the East line of said alley, 113 feet 11-3/8 inches to the North line of Easton Avenue, thence East along the North line of Easton Avenue 45 feet 9-1/4 inches to the point of the beginning, excepting therefrom a triangular piece of ground 10 feet by 10 feet at the Northwest corner of said Lot No. 26 which is cut off for an alley; Bounded east by property, now or formerly, of Morris Shapiro and Ida Shapiro, his wife.

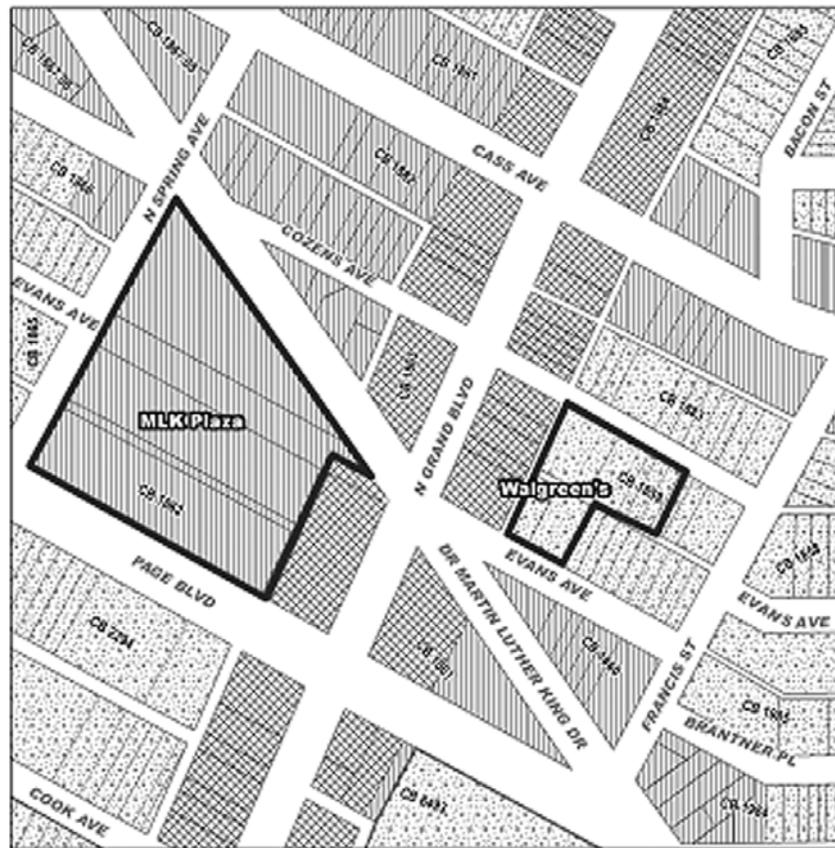
**SECTION TWO.** This ordinance being necessary for the preservation of the health, safety and welfare shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

See attached Exhibit A

Approved: December 11, 2006

ORDINANCE NO. 67323 - EXHIBIT A

EXHIBIT A



Current Zone

- A Single Family Dwelling Dist
- B Two Family Dwelling Dist
- C Multiple Family Dwelling Dist
- D Multiple Family Dwelling Dist
- E Multiple Family Dwelling Dist
- F Neighborhood Commercial Dist

- G Local Commercial District
- H Area Commercial District
- I Central Business District
- J Industrial District
- K Unrestricted District
- L Jefferson Memorial District

Rezoning Area

Rezoning Area  
from C to H for  
Walgreen's

PDA-176-06-REZ

PLANNING & URBAN  
DESIGN AGENCY

**ORDINANCE #67324**  
**Board Bill No. 251**

An Ordinance pertaining to the traffic code repealing Ordinance 65351 setting forth the penalty for traffic violations occurring within construction zones and enacting in lieu thereof a new ordinance pertaining to the same subject matter; further amending part 17.02.230 and 17.14.010 of Section One of Ordinance 57831 pertaining to the definition of emergency vehicles and the color of lights which may be displayed such emergency vehicles and further enacting a new section to be codified as Section 17.14.050 of the Revised Code traffic regulations for vehicles approaching stationary emergency vehicles; containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Part 17.02.230 of Section One of Ordinance 57831 is hereby amended to read as follows:

17.02.230 Emergency vehicles.

An "emergency vehicle" is a vehicle of any of the following types:

- A. A publicly owned vehicle whenever it is operated as an ambulance, but only during an emergency trip;
- B. A privately owned vehicle approved by the director of streets operated as an ambulance, but only during an emergency trip;
- C. A publicly owned vehicle when operated by an officer of either the Missouri State Highway Patrol or a police department, but only when (going to a destination in response to an emergency call or when in pursuit of an actual or suspected law violator);
- D. A publicly owned vehicle when operated by a fireman, but only when going to a destination in response to a fire alarm;
- E. A publicly owned vehicle when operated by the medical examiner, deputy medical examiner or medical examiner investigator, but only when going to a destination in response to an emergency call;
- F. A publicly owned vehicle when operated by the Missouri Department of Transportation, but only when going to a destination in response to an emergency call.

**SECTION TWO.** Part 17.14.010 of Section One of Ordinance 57831 is hereby amended to read as follows:

17.14.010 Displayed warning lights.

- A. There may not be on the street any vehicle displaying any white or colored light, flashing or non-flashing, except as provided in this chapter.
- B. The following class of emergency vehicles, defined in Section 17.02.230, may exhibit lights as stated:
  1. Ambulances, whether publicly or privately owned, may exhibit red or white lights, or with a permit from the chief of the organized unit, may exhibit blue lights;
  2. A publicly owned vehicle when operated by a fireman may exhibit red or white lights, or with a permit from the chief of the organized unit, may employ blue lights;
  3. A publicly owned vehicle when operated by the Missouri State Highway Patrol or a police department, may exhibit red or white lights;
  4. A publicly owned vehicle when operated by the Missouri Department of Transportation and all other vehicles owned and operated by a publicly utility, public service company or vehicle used for towing purposes with the approval of the director of streets, but only when going to a destination to perform an emergency service, may exhibit red, blue or yellow lights.

**SECTION THREE.** The following new section to be codified as Section 17.14.050 is hereby enacted:

17.14.050 Stationary emergency vehicle.

Upon approaching a stationary emergency vehicle displaying lighted red, blue, yellow or white lights, the driver of every motor vehicle shall:

- A. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

B. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

C. Any violation of the provisions of this section shall be subject to a fine of not less than One Hundred and Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500).

**SECTION FOUR.** Ordinance 65351, codified as Section 17.40.040 is hereby repealed and in lieu thereof the following new section is enacted:

17.40.040 Moving violations in construction or work zones.

A. As used in this section the term "construction zone" or "work zone" means any area upon or around any street or highway which is visibly marked by the Missouri Department of Transportation, the Street Department for the City of St. Louis or a contractor or subcontractor performing work for the Missouri Department of Transportation or the City Street Department as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of streets or highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms "worker" or "highway worker" shall mean any person that is working in a "construction zone" or "work zone".

B. A person shall be deemed to be in violation of this ordinance if such person is found guilty for any of the following when the offense occurs within a "construction zone" or "work zone", as defined in this ordinance:

- (1) Exceeding the posted speed limit by fifteen miles per hour or more;
- (2) Passing in violation of subsection 4 of section 304.582 RSMo;
- (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone;
- (5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;
- (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person.

C. Any violation of the provisions of this section shall be subject to a fine of not less than One Hundred and Fifty Dollars (\$150) nor more than Five Hundred Dollars (\$500).

D. This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to Section 302.302, RSMo.

**SECTION FIVE. Emergency clause.**

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: December 11, 2006**

**ORDINANCE #67325  
Board Bill No. 276**

An ordinance pertaining to the International Building Code; amending Section 118.1 of Section Three of Ordinance 66790 by specifying that the classification of "Condemned for Occupancy" can be applied to any occupied or unoccupied building, structure or premises; containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Section 118.1 of Section Three of Ordinance 66790 is hereby amended to read as follows:

**118.1 Notification.** If, upon making an inspection and examination of any occupied or unoccupied building, structure or premises, the code official finds one or more of the defects described below, the code official shall notify in writing, as provided in Section 118.2, the owner(s) of said building, structure or premises, as recorded most recently in the City of Saint Louis Assessor's Office, the defects found in said building, structure or premises, and shall order them to proceed to properly demolish, repair, and secure or

correct all conditions causing condemnation of said building, structure or premises within seven days. This document is to be known as a Notice of Condemnation. If the conditions have not been corrected by the date listed in the notice, the building, structure, premises, or portion thereof or appurtenance thereto will be condemned and shall be required to be vacated, if occupied, and secured. Possible defects shall be permitted to be one or more of the following:

1. The building or structure is in a condition which endangers either the lives or safety of persons, whether occupants or otherwise, or other property;
2. The condition of the building or structure by reason of the making of an excavation on the lot on which it is located, or any adjoining lot, endangers either the lives or safety of persons, whether occupants or otherwise, or other property;
3. The building, structure or premises is a fire hazard for any reason, including without limitation: obsolescence, dilapidation, deterioration, damage, lack of sufficient fire-resisting qualities, poor sanitation, or faulty electrical wiring, gas connections or heating apparatus;
4. The building or structure lacks safe or adequate facilities for means of egress in case of fire or panic;
5. The building or structure has any one or more of the following conditions:
  - A. Improperly distributed loads upon the floors or roof;
  - B. Overloaded floors or roofs;
  - C. Insufficient strength to be reasonably safe for its actual or intended use;
6. Any portion of the building or structure has been so damaged by fire, earthquake, wind, flood, vandalism, malicious mischief, or any other cause, that the building or structure is no longer safe or suitable for its actual or intended use;
7. Any interior or exterior portion, member, appurtenance, ornamentation or any other component of the building or structure is likely to fall or collapse, or become detached or dislodged, and thereby injure persons or damage property;
8. Any portion of the building or structure has racked, warped, buckled or settled to such an extent that its walls or other structural portions have insufficient resistance to fire, earthquake, wind, flood or similar perils;
9. Part or all of the building or structure is in danger of collapsing for any reason;
10. The building or structure has exterior walls or other vertical structural members which list, lean or buckle;
11. The building, structure or premises, or any portion thereof is, for any reason, unsafe for its actual or intended use;
12. The building or structure has been so damaged by fire, earthquake, wind, flood, vandalism, malicious mischief, or any other cause, or has become so dilapidated, deteriorated or decayed as to come within any one or more of the following categories:
  - A. The building or structure will attract and result in harm to children;
  - B. The building or structure is, or is likely to become, a harbor for vagrants, criminals or immoral persons;
  - C. The building or structure enables persons to resort thereto for the purpose of committing unlawful or immoral acts;
13. The building, structure or premises has been constructed, exists, or is being maintained in violation of any provisions of this code, or of any law of the City of Saint Louis;
14. The building or structure does not have the strength, fire-resisting qualities or weather-resisting qualities required by this code for newly constructed buildings of like area, height and occupancy;
15. The building, structure, or premises is used or intended to be used for purposes that are likely to injure the health, safety or welfare of persons who occupy or could occupy said building or structure by reason of any one or more of the following conditions:
  - A. Inadequate maintenance, dilapidation, deterioration, decay or damage;
  - B. Faulty construction;
  - C. Inadequate light, ventilation or sanitation facilities;
  - D. The building, structure or premises is being used for any illegal purposes;

16. Any portion of the building or structure has been left remaining on a site after its demolition or destruction;
17. The building or structure is vacant for a period in excess of six months, and because of its condition, it is unsafe or unsanitary, or it endangers property or the health, morals, safety or welfare of persons;
18. A building or structure is subject to demolition is the building or structure is vacant and has been ordered secure or has been secured by order of the code official for a period in excess of twelve months and has been condemned for occupancy or has been used in the commission of a crime subsequent to being ordered secured or being secured.
19. The building or structure is only partly constructed and construction has stopped for a period in excess of six months, and because of its condition, affects the health, safety and welfare of the adjacent properties.
20. Any building or storage used for the manufacture or storage of methamphetamine, lysergic acid diethylamide, phencyclidine, gamma hydroxybutyrate or flunitrazepam.

**SECTION TWO.** Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

**Approved: December 11, 2006**

**ORDINANCE #67326  
Board Bill No. 278**

An Ordinance authorizing and directing the Director of Public Safety, on behalf of the City of St. Louis, to enter into and execute a Grant Agreement with the Office of Justice Programs' Bureau of Justice Assistance to fund a project Bulletproof Vest Partnership Agreement, appropriating said funds and authorizing Director of Public Safety, upon approval of the Board of Estimate and Apportionment, to expend funds by entering into contracts or otherwise for grant purposes and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The Director of Public Safety is hereby authorized and directed, on behalf of the City of St. Louis, to enter into and execute a Grant Agreement with the Office of Justice Programs' Bureau of Justice Assistance to fund a Bulletproof Vest Partnership Agreement. Said Grant Agreement shall be substantially in words and figures the same as the attached Agreement, which is made part of this Ordinance and is on file in the Register's Office.

**SECTION TWO.** The Director of Public Safety is hereby authorized and directed, upon approval of the Board of Estimate and Apportionment, to expend the funds, which are hereby appropriated for said purpose, by entering into contracts or otherwise received pursuant to the Grant Agreement, totaling \$42,179.19, in a manner that is consistent with the provisions of said Agreement.

**SECTION 3.** Emergency Clause. This being an Ordinance for the immediate preservation of public peace, health and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

See attached Exhibits

**Approved: December 11, 2006**

ORDINANCE NO. 67326 - EXHIBITS

Cassandra Pinkston - FY 2006 BVP Award Announcement

From: BVP <BVP@usdoj.gov>
Date: 10/20/2006 9:18 AM
Subject: FY 2006 BVP Award Announcement

Dear BVP Participant:

Congratulations! The Office of Justice Programs' Bureau of Justice Assistance (BJA) is pleased to announce that your application for fiscal year (FY) 2006 Bulletproof Vest Partnership (BVP) funding has been approved. The complete list of FY 2006 awards may be viewed online at http://www.ojp.usdoj.gov/bvpbas/

Your 2006 Regular BVP award may be used for any vest ordered on or after April 1, 2006. The vest must meet National Institute of Justice (NIJ) standards, on the date ordered. These FY 2006 funds must be applied toward purchases, and all receipts submitted, on or before September 30, 2010.

Please call us at any time at 1-877-758-3787 if you have questions or need assistance requesting payment through the online BVP system. You may also reach us via e-mail at vests@ojp.gov.

Sincerely,

Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice

Please do not reply to this e-mail. Mail is not monitored at this address.

Table with columns: Jurisdiction Name, City, State, Competition, BVP Funding, Number of Vests. Lists various jurisdictions and their corresponding award details.

file://C:\Documents and Settings\Jones\C.ZBDG-XP-0005\Local Settings\Temp\GW1000... 10/24/2006

ORDINANCE #67327
Board Bill No. 283

An ordinance prohibiting the issuance of any package or drink liquor licenses for any premises within the boundaries of the Twenty-fourth Ward Liquor Control District, as established herein, for a period of three years from the effective date hereof; containing an exception allowing, during the moratorium period, for the transfer of existing licenses, under certain circumstances, and the issuance of a drink license to persons operating a restaurant at a previously non-licensed premises; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. LEGISLATIVE FINDINGS.

The existence of alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems including loitering, littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of single- and multiple-family within the district, including fear for the safety of children, elderly residents and of visitors to the district. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic beverages and the associated problems discourage more desirable and needed commercial uses in the area. In order to preserve the residential character and the neighborhood-serving commercial uses of the area, there shall be a moratorium on the issuance of new liquor licenses with the area beginning at the intersection of the centerlines of January Ave. and Fyler Ave., and proceeding along the centerlines in a generally clockwise direction west to Clifton Ave., north to Wyoming Ave., west to Tamm Ave., northwest to Watson Rd., northeast to Clifton Ave., north to Odell St., west to Tamm Ave., north to Marmaduke Ave., west to Ivanhoe Ave., south to the entrance ramp at Ivanhoe Ave., to the east side of Interstate 44, northeast to Southwest Ave., west to the St. Louis & San Francisco Railway tracks, southwest to the city limits, north to Clayton Rd., southeast to Clayton Ave., southeast to Oakland Ave., Oakland Ave. east to Interstate 64, southwest to Clayton Ave., southeast to Berthold Ave., east to Fairmont Ave., north along the prolongation of Fairmont Ave. to Interstate 64, east to the southbound Hampton Ave. exit ramp, southeast to Hampton Ave., south to Wise Ave., east to Pierce Ave., south to West Park Ave., southeast to Manchester Ave., east to Macklind Ave., south to St. Louis & San Francisco Railway tracks,

west to Sublette Ave., south to Interstate 44, west to Hampton Ave., south to Elizabeth Ave., west to Hampton Ave., south to Arsenal St., east to 59<sup>th</sup> St., southeast to January Ave., south to Fyler Ave., south to the point of beginning. Such area shall be known as the Twenty-fourth Ward Liquor Control Area.

**SECTION TWO.** The Excise Commissioner is hereby prohibited, for a period of three year, beginning as of the effective date of this Ordinance, from approving the issuance of a package or drink liquor license for any premises which is located within the boundaries of the Twenty-fourth Ward Liquor Control District established in Section One of this ordinance.

**SECTION THREE.** Notwithstanding the provisions of Section Two of this Ordinance, the Excise Commissioner shall have authority to:

- (1) Approve transfer of an existing license to another premises within the petition circle of the currently licensed premises, pursuant to the provisions of subsection (B) of section 14.06.330 of Ordinance 61289; and
- (2) Issue a drink license for a premises, not licensed as of the effective date of this Ordinance, which currently is or will be, upon opening, operated as a restaurant, as such term is defined in section 14.01.390 of Ordinance 61289.
- (3) Approve the renewal of an existing license under the provisions of Section 14.08.090 of Ordinance 62656

**SECTION FOUR. EMERGENCY CLAUSE.**

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

**Approved: December 11, 2006**

**ORDINANCE #67328  
Board Bill No. 290**

An ordinance relating to the appointment of and the salaries of certain employees in the Collector of Revenue's office pursuant to Section 82.610, Revised Statutes of Missouri, by repealing Ordinance 66397, approved August 2, 2004, (Chapter 4.44, Rev. Code, St. Louis, 1994, Anno.) and adopting ten (10) new sections and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinance 66397, approved August 2, 2004 (Chapter 4.44, Rev. Code, St. Louis, 1994, Anno.), is hereby repealed and a new ordinance and chapter is hereby enacted, to read as follows:

**SECTION TWO.** Pursuant to Section 82.610, Revised Statutes of Missouri, the Collector of Revenue is hereby authorized to appoint and employ the following officers and employees with bi weekly rates, in accordance with the following classification plan, to a grade with rates established in Section Three of this ordinance.

<u>Title</u>	<u>Grade</u>
Account Clerk I	9G
Account Clerk I	9G
Account Clerk II	10G
Accountant I	10G
Accountant II	12G
Accountant III	13G
Accounting Manager I	14M
Accounting Manager II	15M
Administrative Assistant I	11G
Administrative Assistant II	13G
Administrative Assistant to Collector	16G
Archivist	13G
Assistant Collector I	15M
Assistant Collector II	16M
Assistant Collector III	17M
Assistant Supervisor	12G
Audit Manager	15M
Auditor I	13G
Auditor II	14G
Auditor III	14G
Buyer I	11G
Buyer II	12G
Cashier I	9G
Cashier II	10G

<u>Title</u>	<u>Grade</u>
Cashier III	11G
Cashier Manager	13M
Chief Investigator	11G
Chief Mail Clerk	10G
Clerical Aide	5G
Clerk I	7G
Clerk II	9G
Clerk III	10G
Clerk IV	12G
Clerk V	13G
Compliance Manager	13M
Custodian	6G
Data Entry Operator I	6G
Data Entry Operator II	8G
Data Entry Supervisor	9M
Deputy Collector	20M
Executive Assistant I	14G
Executive Assistant II	15G
Executive Assistant to the Collector	17G
First Assistant Collector	17M
Fiscal Executive	17M
Fiscal Manager	17M
Intergovernmental Affairs Officer	14G
Internal Auditor	14G
Investigator I	10G
Investigator II	11G
Legal Manager	16M
Messenger	5G
Mail Clerk I	6G
Mail Clerk II	7G
Manager	15M
Office Manager	12M
Paralegal	13G
Human Resource Assistant	9G
Human Resource Manager I	15M
Human Resource Manager II	16M
Purchasing Manager	14M
Receptionist	6G
Records Manager	14M
Secretary/Stenographer to Collector	11G
Secretary I	8G
Secretary II	9G
Secretary III	10G
Security Manager I	11M
Security Manager II	12M
Security Officer	8G
Senior Assistant Collector	17M
Supervisor I	12M
Supervisor II	13M
Supervisor III	14M
Supervisor IV	15M
System Analyst I	14G
System Analyst II	15G
Tax Manager	14M
Taxpayer Affairs Manager	13M
Typist Clerk I	6G
Typist Clerk II	8G
Typist Clerk III	8G

### **SECTION THREE.**

#### **GENERAL PAY SCHEDULE**

(1) There is hereby adopted as the compensations schedule for all pay grades which are denoted by the suffix "G" and "M" in Section Two of this ordinance, the following ranges of salary beginning with the bi-weekly pay period starting December 24, 2006.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

<b>GRADE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
5	650	975
6	708	1062
7	772	1158
8	842	1262
9	917	1375
10	999	1500
11	1090	1635
12	1188	1782
13	1314	1973
14	1512	2268
15	1738	2609
16	2000	2999
17	2300	3450
18	2644	3968
19	3042	4563
20	3499	5247
21	3778	5667
22	4080	6120
23	4406	6611

**SECTION FOUR.** These salaries shall be paid out of fees collected, deducted and retained by the Collector of Revenue as provided by Sections 82.650 and 82.670, Revised Statutes of Missouri.

**SECTION FIVE.** (a) All pay schedules in Section 3 (1) shall continue in effect until the beginning of the bi weekly pay period starting December 24, 2006 after which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 3 (1) of this ordinance shall become effective and be adjusted as follows:

(1) The salary of each employee whose pay range is established in Section 3 (a)(1) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe/his her position, without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3%), rounded to the nearest whole dollar or the minimum of the salary range.

This provision shall not apply to employees whose rate is deemed to be above the maximum of their new salary range except as provided in paragraph (b) below.

(b) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

(2) The salary of each employee whose pay range is established in Section 3 (1) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule shall have their salary increased by three percent (3%) increase or to the minimum of the new pay range, whichever is the greater.

(a) Nothing in this section shall be construed as preventing the Collector from paying less than the maximum provided in this ordinance.

(b) Any employee whose salary upon effective date hereof exceeds the initial salary level for his position may be paid at the salary level that immediately exceeds his then current salary level.

**SECTION SIX.**

(a) An appointing authority may evaluate the performance of an employee whose salary is established in Section 3(a) of this ordinance for the purpose of a salary adjustment.

(1) Exceptional performance of duties:

The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may, advance the employee by not more than ten percent (10%).

(2) Substandard performance of duties:

The appointing authority of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range.

The granting of any such increase or decrease in salary shall be made at the beginning of a payroll period.

(b) An appointing authority may approve a within-range salary adjustment in any whole dollar increment up to ten percent (10%) of an employee's bi-weekly base.

(c) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate or step within a salary range. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods.

**SECTION SEVEN.** Full-TIME classified employees paid on a bi-weekly rate basis who are regularly scheduled to work an average of eighty (80) hours bi-weekly and who are employed on December 24, 2006, shall have eight (8) hours of compensatory time "Personal Leave" added to their balance on that date. These hours of compensatory time must be taken between December 24, 2006, and December 31, 2007, and shall be taken as paid-leave off and may not be granted as pay.

**SECTION EIGHT.** Whenever the Collector of Revenue finds it necessary to add a new class or reallocate the grade of a class of position in the classification plan, the Collector shall allocate or reallocate the class to an appropriate grade in this ordinance and notify the Board of Aldermen of his action.

**SECTION NINE.** The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

**SECTION TEN.** Ordinance 644945 and 65520 and all other ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Approved: December 11, 2006**

**ORDINANCE #67329  
Board Bill No. 291**

An ordinance relating to the employees and salaries of the Office of the Recorder of Deeds; repealing Ordinances 66399, approved August 2, 2004 pertaining to the office of the Recorder of Deeds and enacting in lieu thereof a new ordinance pertaining to the same subject matter and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinances #66399 is hereby repealed and enacted in lieu thereof is the following.

**SECTION TWO.** Appointments and Salaries. The following positions of the Office of the Recorder of Deeds whose duties shall be those indicated by their respective titles and coded are hereby allocated as listed below and adopted as the classification plan for the Recorder of Deeds.

TITLE	CODE	GRADE
Recorder	R500	E
Deputy Recorder	D451	18M
Special Projects Manager	2382	17M
Administrative Assistant	1621	17G
Fiscal Officer	1484	16G
Public Information Officer Supervisor	1616	15G
Real Estate Records Manager	1426	14G
Records Retention Supervisor	1187	14G
Computer Programmer II	1332	14G
Historic Preservation Planner II	4193	14G
Historic Preservation Planner I	4192	13G
Auditor	1471	13G
Document Specialist II	5644	12G
Document Specialist I	5643	11G
Receptionist	1161	10G
Clerk II	1113	09G
Clerk I	1112	08G

**SECTION THREE.** (a) GENERAL PAY SCHEDULE:

(1) The following bi weekly pay schedule for all pay grades denoted with the suffix "G" and "M" shall become effective beginning with the start of the first bi-weekly pay period beginning December 24, 2006.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

<b>GRADE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
5	650	975
6	708	1062
7	772	1158
8	842	1262
9	917	1375
10	999	1500
11	1090	1635
12	1188	1782
13	1314	1973
14	1512	2159
15	1738	2609
16	2000	2999
17	2300	3450
18	2644	3968
19	3042	4563
20	3499	5247
21	3778	5667
22	4080	6120
23	4406	6611

(b) The Recorder of Deeds may approve the payment of hiring incentives to recruit qualified personnel for positions that are difficult to fill. Hiring incentives shall be in any amount up to twenty-five percent (25%) of the annual salary of the position for which the incentive is to be paid.

**SECTION FOUR.** The annual rate of employee compensation shall be twenty-six (26) times the bi-weekly scale of pay for the grade applicable to each employee's position as set out in Section 4.34.010. No employee of the Recorder of Deeds shall be paid at a rate lower than the minimum or higher than the maximum of the salary range established for the grade to which his class has been allocated. Nothing in this section shall be construed as preventing the Recorder from paying less than the maximum provided in this ordinance.

**SECTION FIVE. Starting Salary**

The minimum rate of pay for a position shall be paid upon original appointment to the class, unless the Recorder of Deeds finds that it is impossible to recruit employees with adequate qualifications at the minimum rate.

If an advanced starting salary is necessary, the Recorder of Deeds may establish a recruitment rate for a single position or all positions in a class and authorized employment at a figure above the minimum but within the regular range of salary established for the class.

In the event the Recorder of Deeds finds that it is difficult to secure the services of sufficient number of employees for a class or occupational series after a diligent recruitment effort, the Recorder of Deeds may establish a new maximum rate for the classes which is not more than twenty-five percent (25%) above the regular maximum established in this ordinance.

**SECTION SIX. Promotion, Demotion, Reallocation and Transfer**

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with a higher pay grade.

(1) When an employee is promoted to a position in the General and Management Schedule which is only one grade higher, the employee's salary shall be set at a rate which is five percent (5%) higher than the rate received immediately prior to promotion. The Recorder of Deeds may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(b) Demotion: This shall be defined as a change of an employee from a position of one class to a position of another class which has a lower pay grade.

(1) If an employee is demoted for disciplinary reasons his or her rate of pay shall be established at a rate within the range for the new position to be determined by the Recorder of Deeds.

(2) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position which is five percent (5%) lower than the rate received immediately prior to demotion. The Recorder of Deeds may approve up to a ten percent (10%) salary decrease upon demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(3) If an employee is demoted to his/her previous position because of failing to complete the working test period, the employees pay shall be adjusted to a rate in the pay range for the previous position to be determined by the Recorder of Deeds.

(c) Reallocation:

(1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

(2) If the employee's position is reallocated to a class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain unchanged.

(3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 6(a)(1) relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, regardless of pay schedule, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

**SECTION SEVEN. Salary Adjustment**

Salary adjustments for all employees shall be based on considerations of merit, equity, or success in fulfilling predetermined goals and objectives as herein provided.

(a) The effective date of any within-range increase granted under provisions of Section 7 shall be effective subject to the provisions set by the Recorder of Deeds.

(b) The Recorder of Deeds may evaluate the performance of an employee whose salary is established in Section 3(a)1 of this ordinance for the purpose of a salary adjustment only at intervals as described above except in the case of:

(1) Exceptional performance of duties:

A employee of the Recorder of Deeds who demonstrates exceptional performance of duties or outstanding qualifications may, advance the employee by not more than ten percent (10%) after twenty-six (26) weeks of employment at the same rate in the salary range.

(2) Substandard performance of duties:

A employee of Recorder of Deeds whose level of performance is Page significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range. The granting of any such increase or decrease in salary shall be made at the beginning of a payroll period.

(c) The pay of any employee may be decreased as a disciplinary action by the Recorder of Deeds to a lower rate or step within a salary range. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The Recorder of Deeds may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods.

(d) Recorder of Deeds may approve a within range salary adjustment or other incentives to retain employees in positions that are difficult to fill, or because of their unique requirements. Said adjustment may only be granted once during a twenty-six (26) week period.

**SECTION EIGHT. Income Sources**

Any salary paid to an employee in the city service shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which the employee may undertake or volunteer to perform.

Whenever an employee not on an approved, paid leave works for a period less than the regularly established number of hours a day, days a week or days bi weekly, the amount paid shall be proportionate to the hours in the employee's normal work week

and the bi weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

#### **SECTION NINE. Conversion**

(a) All pay schedules in Ordinance 66399 shall continue in effect until December 24, 2006, at which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 3(a)1, of this ordinance shall become effective and be adjusted as follows:

(1) The salary of each employee whose pay range is established in Section 3(a)(1) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3%), rounded to the nearest whole dollar or the minimum of the salary range, whichever is higher. This provision shall not apply to employees whose rate is deemed to be above the new maximum of the range as a result of demotion or reallocation.

(2) The salary of each employee whose pay range is established in Section 3(a)(1) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule, as determined by the Recorder, shall have their current salary increased to a rate, rounded to the nearest whole dollar, which provides a three percent (3%) increase or to the minimum of the new pay range, whichever is the greater.

(a) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

(b) The Recorder of Deeds may establish a special conversion procedure for a class or position in the event that the Recorder of Deeds determines that a serious inequity would be created by the application of the conversion procedures established in this Section 9.

#### **SECTION TEN. Holidays**

Full-time employees paid on a bi-weekly rate basis who are regularly scheduled to work an average of eighty (80) hours bi-weekly and who are employed on December 24, 2006, shall have eight (8) hours of compensatory time "Personal Leave" added to their balance on that date. These hours of compensatory time must be taken between December 24, 2006, and December 31, 2007, and shall be taken as paid-leave time off and may not be granted as pay.

#### **SECTION ELEVEN. Changes to Pay Plan**

Whenever the Recorder of Deeds finds it necessary to add a new class to the Pay plan, the Recorder of Deeds shall allocate the class to an appropriate grade and schedule in this ordinance, and notify the Board of Aldermen of this action.

Whenever the Recorder of Deeds finds it necessary to change the pay schedule of an existing class within the Pay plan, the Recorder of Deeds shall allocate the class to the appropriate schedule in this ordinance, and notify the Board of Aldermen of this action.

#### **SECTION TWELVE. PASSAGE OF ORDINANCE**

The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor

**Approved: December 11, 2006**

### **ORDINANCE #67330 Board Bill No. 295**

An ordinance to repeal Ordinance #66279, approved July 7, 2004, relating to the number and salaries of the Treasurer's Office and to enact in lieu thereof certain new sections relating to the same subject matter and containing an emergency clause.

#### **BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** Ordinance 66279, approved July 7, 2004 is hereby repealed.

**SECTION TWO.** The following positions of the Treasurer's Office whose duties shall be those indicated by their respective titles and codes, are hereby allocated as listed below and adopted as the classification of the Treasurer's Office:

<b>Class Title</b>	<b>Code</b>	<b>Grade</b>
Administrative Assistant IV	1184	17M
Deputy Treasurer	1185	17M
Chief Fiscal Officer	1183	17M

Class Title	Code	Grade
Accounting Manager I	1445	15M
Investment Specialist	1182	14G
Investment Control Accountant II	1183	14G
Investment Control Accountant I	1180	13G
Account Clerk III	1159	11G
Administrative Clerk II	1162	11G
Secretary III	1133	11G
Account Clerk II	1142	10G
Secretary II	1132	10G
Cashier	1190	9G
Clerk/Secretary III	1133	9G
Administrative Clerk I	1161	9G
Clerk IV	1114	9G
Payroll Clerk	1121	9G
Secretary I	1131	8G
Account Clerk I	1193	8G
Clerk/Secretary II	1132	8G
Clerk III	1113	7G
Clerk/Secretary I	1131	6G
Clerk II	1112	6G
Clerk I	1111	5G

**SECTION THREE.** Pay Schedule.

(a) There is hereby adopted as the compensation schedule for all grades established in Section Two of this ordinance, the following ranges of salary, beginning with the bi-weekly pay period starting December 24, 2006.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

GRADE	MINIMUM	MAXIMUM
5	650	975
6	708	1062
7	772	1158
8	842	1262
9	917	1375
10	999	1500
11	1090	1635
12	1188	1782
13	1314	1973
14	1512	2268
15	1738	2609
16	2000	2999
17	2300	3450
18	2644	3968
19	3042	4563
20	3499	5247
21	3778	5667
22	4080	6120
23	4406	6611

**SECTION FOUR.** Starting Salary

The minimum rate of pay for a position shall be paid upon original appointment to the class, unless the appointing authority finds that it is impractical to recruit employees with adequate qualifications at the minimum rate

If an advanced starting salary is necessary, the City Treasurer(hereinafter referred to as the "appointing authority") may establish a recruitment rate for a single position or all positions in a class and authorized employment at a figure above the minimum but within the regular range of salary established for the class.

**SECTION FIVE.** Promotion, Demotion, Reallocation and Transfer

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with a higher pay grade.

- (1) When an employee is promoted to a position in the General and Management Schedule which is only one grade higher, the employee's salary shall be set at a rate which is five percent (5%) higher than the rate received immediately prior to promotion. An appointing authority may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position.
- (b) Demotion: This shall be defined as a change of an employee from a position of one class to a position of another class which has a lower pay grade.
  - (1) If an employee is demoted for disciplinary reasons his or her rate of pay shall be established at a rate within the range for the new position to be determined by the appointing authority.
  - (2) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position which is five percent (5%) lower than the rate received immediately prior to demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position.
- (c) )Reallocation:
  - (1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.
  - (2) If the employee's position is reallocated to a class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain unchanged.
  - (3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 5(a)(1) relating to salary advancement on promotion.
- (d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

#### **SECTION SIX. Salary Adjustment**

Salary adjustments for all employees shall be based on considerations of merit, equity, or success in fulfilling predetermined goals and objectives as herein provided:

- (a) A decrease in the salary range for poor performance of the duties of the position or for job performance which does not warrant continued pay at an advanced rate in the salary range shall be made in accordance with standards established by the appointing authority.
- (b) The appointing authority may adjust the salary of an employee whose salary is established in this ordinance only at intervals as described above except in the case of:
  - (1) Exceptional performance of duties:
 

The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may, advance the employee by not more than ten percent (10%) after twenty-six weeks of employment at the same rate in the salary range.
  - (2) Substandard performance of duties:
 

The appointing authority of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range.
- (c) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate or step within a salary range. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however, that such decrease shall not be effective for more

than twenty-six (26) weeks.

(d) For the purpose of computing earnings and length of service for salary advancement, the time shall start with the Sunday preceding all appointments effective on Monday. Absence from service in the armed forces, and leaves of absence for study to improve performance of City job will not interrupt continuous service. Absence from service for any other cause except as set forth above will result in breaking continuity of service.

#### **SECTION SEVEN. Income Sources**

Any salary paid to an employee in the city service shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which the employee may undertake or volunteer to perform.

Whenever an employee not on an approved, paid leave works for a period less than the regularly established number of hours a day, days a week or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

#### **SECTION EIGHT. Conversion**

(a) All pay schedules in Section 3(a) shall continue in effect until the pay period starting December 24, 2006, at which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 3(a), of this ordinance shall become effective and be adjusted as follows:

- (1) The salary or each employee whose pay range is established in Section 3(a) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3%), rounded to the nearest whole dollar, as determined by the Appointing Authority. This provision shall not apply to employees whose rate is deemed to be above the maximum of the new range as a result of demotion or reallocation. No employee shall be compensated at a rate above the maximum of the new salary range except as provided in below.

(b) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

(c) The Appointing Authority may establish a special conversion procedure for a class or position in the event that the Appointing Authority determines that a serious inequity would be created by the application of the conversion procedures established in this Section.

**SECTION NINE.** Full-Time employees paid on a bi-weekly rate basis who are regularly scheduled to work an average of eighty (80) hours bi-weekly and who are employed on December 24, 2006, shall have eight (8) hours of compensatory time "**Personal Leave**" added to their balance on that date. These hours of compensatory time must be taken between December 24, 2006, and December 31, 2007, and shall be taken as paid-leave time off and may not be granted as pay.

**SECTION TEN.** Whenever the Appointing Authority finds it necessary to add a new class or reallocate the grade of a class of position in the classification plan, the appointing authority shall allocate or reallocate the class to an appropriate grade in this ordinance, and notify the Board of Aldermen of this action.

**SECTION ELEVEN.** The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

**Approved: December 11, 2006**

### **ORDINANCE #67331 Board Bill No. 296**

An ordinance to repeal Ordinance #66382, approved July 31, 2004 relating to the position classifications and salaries of the Parking Division employees, and to enact in lieu thereof certain new sections relating to the same subject matter and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** Ordinance 66382, approved July 31, 2004 is hereby repealed.

**SECTION TWO.** Position Classes.

(a) Schedule A: The following positions of the Parking Division of the Treasurer's Office whose duties shall be those indicated by their respective titles and codes, are hereby allocated as listed below and adopted as the classification of the Parking Division of the Treasurer's Office:

Class Title	Code	Grade
Parking Superintendent	T220	17M
Administrative Assistant IV	T624	17M
Director of Professional Services	T221	17M
Parking Facilities Manager		14M
Ass't Parking Facilities Manager		12M
Fleet Maintenance Supervisor	T421	15G
Personnel Manager	T515	14M
Parking System Analyst		14G
Internal Auditor	T471	14G
Parking Supervisor		13G
Program Analyst	T501	13G
Budget Compliance Officer	T461	13G
Communication Assistant	T185	13G
Parking Enforcement Supervisor	T192	12G
Accountant I		12G
Assistant Supervisor	T191	11G
Account Clerk III	T143	11G
Administrative Clerk II	T137	11G
Parking Enforcement Officer IV		10G
Parking Facilities Attendant IV		10G
Parking Enforcement Officer III	T203	10G
Assistant Parking Enforcement Supervisor	T194	10G
Parking Crew Worker III	T165	10G
Account Clerk II	T142	10G
Parking Facilities Attendant III		9G
Administrative Clerk I	T136	9G
Clerk/Secretary III	T133	9G
Parking Enforcement Officer II	T202	8G
Parking Crew Worker II		8G
Security Officer		8G
Clerk/Secretary II	T132	8G
Account Clerk I	T141	8G
Parking Facilities Attendant II		8G
Parking Crew Worker I		7G
Security Guard		6G
Parking Enforcement Officer I	T201	6G
Clerk/Secretary I	T131	6G
Parking Facilities Attendant I		6G
Parking Assistant		5G
Custodian		5G
Parking Aide		5G

(B) Schedule B: For employees of the Parking Division in the classes set forth below, and with an appointment date on or after January 1, 1995, excepting those employees eligible for reemployment under personnel rules approved by the Parking Commission, their positions will be reallocated as specified below:

Class Title	Code	Grade
Parking Superintendent	T220	15M
Administrative Assistant IV	T624	15M
Director of Professional Services	T221	15M
Parking Facilities Manager		14M
Personnel Manager	T515	14M
Fleet Maintenance Supervisor	T421	14G
Parking System Analyst		13G
Internal Auditor	T185	12G

### SECTION THREE. Pay Schedule

(a) There is hereby adopted as the compensation schedule for all grades established in Section Two of this ordinance, the following ranges of salary, beginning with the bi-weekly pay period December 24, 2006.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

<b>GRADE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
5	650	975
6	708	1062
7	772	1158
8	842	1262
9	917	1375
10	999	1500
11	1090	1635
12	1188	1782
13	1314	1973
14	1512	2268
15	1738	2609
16	2000	2999
17	2300	3450
18	2644	3968
19	3042	4563
20	3499	5247
21	3778	5667
22	4080	6120
23	4406	6611

**SECTION FOUR. Starting Salary**

The minimum rate of pay for a position shall be paid upon original appointment to the class, unless the City Treasurer ( hereinafter the "appointing authority" ) finds that it is impractical to recruit employees with adequate qualifications at the minimum rate.

If an advanced starting salary is necessary, the appointing authority may establish a recruitment rate for a single position or all positions in a class and authorized employment at a figure above the minimum but within the regular range of salary established for the class.

**SECTION FIVE. Promotion, Demotion, Reallocation and Transfer**

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) **Promotion:** This shall be defined as a change of an employee from a position of one class to a position of another class with a higher pay grade.

- (1) When an employee is promoted to a position which is only one grade higher, the employee's salary shall be set at a rate which is five percent (5%) higher than the rate received immediately prior to promotion. An appointing authority may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position.

(b) **Demotion:** This shall be defined as a change of an employee from a position of one class to a position of another class which has a lower pay grade.

- (2) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position which is five percent (5%) lower than the rate received immediately prior to demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position.

(c) **Reallocation:**

- (1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

- (2) If the employee's position is reallocated to a class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain

unchanged.

- (3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 5(a)(1) relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, regardless of pay schedule, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

#### **SECTION SIX. Salary Adjustment**

(a) A decrease in the salary range for poor performance of the duties of the position or for job performance which does not warrant continued pay at an advanced rate in the salary range shall be made in accordance with standards established by the appointing authority.

- (1) Exceptional performance of duties:

The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may, advance the employee by not more than ten percent (10%) after twenty-six weeks of employment at the same rate in the salary range.

- (2) Substandard performance of duties:

The appointing authority of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range.

(b) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate or step within a salary range. The decrease shall not be greater than fifteen percent (15%) of the current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however, that such decrease shall not be effective for more than twenty-six (26) weeks.

(c) For the purpose of computing earnings and length of service for salary advancement, the time shall start with the Sunday preceding all appointments effective on Monday. Absence from service in the armed forces, and leaves of absence for study to improve performance of City job will not interrupt continuous service. Absence from service for any other cause except as set forth above will result in breaking continuity of service.

#### **SECTION SEVEN. Income Sources**

Any salary paid to an employee in the city service shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this Ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which the employee may undertake or volunteer to perform.

Whenever an employee not on an approved, paid leave works for a period less than the regularly established number of hours a day, days a week or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class. The Parking Division of the Treasurer's Office shall reimburse the City's General Revenue Fund from the Parking Fund \$33,000.00 annually on or about the end of each fiscal year for the Chief Fiscal Officer's services for that year.

#### **SECTION EIGHT. Conversion**

(a) All pay schedules in Section 3(a) shall continue in effect until the pay period starting December 24, 2006, after which time the rates to be paid to employees in positions of any class for which a rate is established or changed in Section 3(a) of this ordinance shall become effective and be adjusted as follows:

- (1) The salary of each employee whose pay range is established in Section 3(a) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3%), rounded to the nearest whole dollar or the minimum of the salary range, whichever is higher. This provision shall not apply to employees whose rate is deemed to be above the new maximum of the range as a result of demotion or reallocation.

(b) No employee shall be compensated at a rate above the maximum of the new salary range except as provided in below.

(c) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance. The Appointing Authority may establish a special conversion procedure for a class or position in the event that the Appointing Authority determines that a serious inequity would be created by the application of the conversion procedures established in this Section.

**SECTION NINE. HOLIDAYS**

Full-time employees paid on a bi-weekly rate basis who are regularly scheduled to work an average of eighty (80) hours bi-weekly and who are employed on December 24, 2006, shall have eight (8) hours of compensatory time "Personal Leave" added to their balance on that date. These hours of compensatory time must be taken between December 24, 2006, and December 31, 2007, and shall be taken as paid-leave time off and may not be granted as pay.

**SECTION TEN.** Whenever the Appointing Authority finds it necessary to add a new class or reallocate the grade of a class of position in the classification plan, the appointing authority shall allocate or reallocate the class to an appropriate grade in this ordinance, and notify the Board of Aldermen or Parking commission of his action.

**SECTION ELEVEN.** The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

**Approved: December 11, 2006**

**ORDINANCE #67332  
Board Bill No. 297**

An Ordinance to repeal Ordinance No. 66742, approved June 24, 2005 establishing the salaries of employees in the Sheriff's Office and enacting in lieu thereof a new Ordinance fixing the annual rate of compensation of command personnel and deputies appointed to assist in the performance of the duties of the Sheriff and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinance 66742 approved June 24, 2005 is hereby repealed and a new ordinance is hereby enacted, to read as follows:

**SECTION TWO.** The following command personnel and deputies in the Sheriff's Office as may be appointed under provisions of Section 57.530 Missouri revised Statutes, 1978 shall be compensated not in excess of compensation as established in accordance with Section Three and subsequent sections of this ordinance.

<b>TITLE</b>	<b>GRADE</b>
Chief Executive Deputy - Attorney	16G
Lieutenant Colonel - Administrative Aid Captains	18G
Majors	17G
Captains	16G
Lieutenants	14G
Sergeants	13G
Senior Deputies	12G
Deputy Sheriffs - Level 1	11G
Deputy Sheriff - Level 2	10G

**(1) (a) SECTION THREE. OFFICIAL PAY SCHEDULE OF GRADES.**

There is hereby adopted as the compensation schedule for all pay ranks established in Section Two beginning with the bi-weekly pay period starting December 24, 2006, or the beginning of the first bi-weekly pay period starting concurrently with or after the effective date of this ordinance, which ever date is later.

(1)(a)There is hereby adopted as the salary pay schedule for all classification grades of positions in Section One of this ordinance, beginning with the bi-weekly pay period December 24, 2006.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

<b>GRADE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
5	650	975
6	708	1062
7	772	1158
8	842	1262
9	917	1375
10	999	1500
11	1090	1635
12	1188	1782
13	1314	1973
14	1512	2268
15	1738	2609
16	2000	2999
17	2300	3450
18	2644	3968
19	3042	4563
20	3499	5247
21	3778	5667
22	4080	6120
23	4406	6611

**SECTION FOUR.** (A) A shift differential compensation for certain work assignments may be paid. The Appointing Authority shall determine the work assignments or activities performed for which shift differential compensation shall be paid.

Before shift differential compensation may be made an employee must have completed (5) hours of regular employment before 7:00 A.M. or five hours after 3:00 P.M. in twenty four hour period which begins at the employees' normal reporting time.

An employee shall be paid 1.00% of the employee's regular base bi-weekly rate for each eligible shift worked in a bi-weekly pay period.. An employee shall work a complete eligible shift to receive shift differential compensation.

Shift differential shall not be paid to employees who work part-time, or full-time regular employees docked for any portion of a shift. An employee shall receive shift differential for working a portion of an eligible shift. Shift differential shall only be paid for whole hours worked, providing the portion of the shift not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. An employee shall not receive shift differential compensation for any overtime worked that is not part of their regular schedule.

Employees who work on a Saturday and/or Sunday shall be paid a weekend differential. This differential shall be 1.00% of an employee's base bi-weekly rate and shall not be paid for any overtime worked that is not part of an employee's regular schedule. An employee shall receive weekend differential for working a portion of an eligible day. This differential shall only be paid for whole hours worked, providing the portion of the day not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. Weekend differential shall not be paid to employees compensated on an hourly or per-performance basis or to bi-weekly paid employees who work part-time or full-time regular employees docked for any portion of a day.

The Appointing Authority may approve the payment of hiring incentives to recruit qualified personnel for positions that are difficult to fill. Hiring incentives shall be in any amount up to twenty-five percent (25%) of the annual salary of the position for which the incentive is to be paid.

An employee who is appointed to a position requiring advanced technical skills or professional qualifications may be paid at a rate up to ten (10%) higher than prescribed for the class. Such advancement shall be made solely on the basis that the employee possesses exceptional academic qualifications related to the duties of the position. The Appointing Authority may also establish other bonus, incentive, or reimbursement programs to encourage current employees to attain registration, licensure, certification, or proof of professional mastery when it is deemed to be in the best interest of the service, or when such credentials are clearly recognized as adding to the capability of individuals in that area. Incentives, bonuses, or reimbursements conveyed under such programs would not result in an employee being ruled ineligible for bonuses or salary increases permitted under other sections of this pay ordinance.

**The Appointing Authority may establish a location allowance for positions which are difficult to fill at specific duty stations. This allowance shall be in an amount up to ten percent of the median of the pay range of the position for which the allowance is to be paid. The location allowance shall be considered an addition to pay and shall not change the employee's base rate.** (Not included in City's Pay Bill)

(B) No employee shall be paid at the rate lower than the minimum or higher than the maximum of the salary range established for the class to which his/her position has been allocated, except as otherwise provided in this ordinance.

(C) When a new employee is approved under Section 57.530 Missouri Revised Statues, 1978, the annual rate of compensation shall be twenty-six (26) times the first or lowest step within each rank or position.

(D) Deputies and assistants in the Sheriff's Office may receive such hourly, daily or other rate as may be allowed by the Circuit Court, for special services authorized by the Circuit Court, and assigned by the Sheriff, when such special services are for additional work over and above the regularly assigned working hours and payment of such special service is being taxed as costs in the particular case or circumstance and deposit of such cost is made in advance of such special services.

**SECTION FIVE. Starting Salary**

The minimum rate of pay for a position shall be paid upon original appointment to the class, unless the appointing authority finds that it is impossible to recruit employees with adequate Qualifications at the minimum rate.

If an advanced starting salary is necessary, the appointing authority may establish a recruitment rate for a single position or all position in a class and authorize employment at a figure above the minimum but within the regular range of salary established for the class.

**SECTION SIX. Promotion, Demotion, Reallocation and Transfer:**

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with higher pay grade.

(1) When an employee is promoted to a position in the General Schedule, the employee's salary shall be set at a rate which is five (5%) higher than the rate received immediately prior to promotion. The Appointing Authority may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(2) Temporary Promotions: Promotions of employees regardless of status, made for a limited duration, shall result in a salary adjustment as is Paragraph(a) (1) of this Section. Upon expiration of the temporary promotion, the employee shall be returned to his/her former rate of pay, adjusted by any increases the employee may have received in the absence of the temporary promotion. In no case shall the employee's salary be above the maximum of the salary range.

(b) Demotion: This shall be defined as a change of an employee to a position of one class to a position of another class which has a lower pay grade.

(1) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position. The appointing authority may approve up to a ten percent (10%) salary decrease upon demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position.

(c) Reallocation:

(1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

(2) If the employee's position is reallocated to class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain unchanged.

(3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 6 (a)(1) relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, regardless of pay schedule, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position.

**SECTION SEVEN: Salary Adjustment.**

(a) A decrease in the salary range for poor performance of the duties of the position or for job performance which does not warrant continued pay at an advanced rate in the salary range shall be made in accordance with standards established by

the appointing authority.

- (1) Exceptional performance of duties:

The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may advance the employee, by not more than ten percent (10%) after twenty-six (26) weeks of employment at a rate in the salary range.

- (2) Substandard performance of duties:

The appointing authority of an employee whose level of performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range.

(b) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate or step within a salary range. The decrease shall not be greater than fifteen (15%) percent of the employee's current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however, that such decrease shall not be effective for more than twenty six (26) weeks.

(c) The Appointing Authority may establish procedures for the review and approval of within-range salary adjustments to correct or mitigate serious and demonstrable internal pay inequities. Salary adjustment under this provision shall preclude adjustments to compensate or reward employees for long-term or meritorious service.

(h) The Appointing Authority may approve a within range salary adjustment or other incentives to retain employees in positions that are difficult to fill, or because of their unique requirements. Said adjustment may only be granted once during a twenty-six (26) week period.

(i) For the purpose of computing earnings and length of service for salary advancement, the time shall start with the Sunday preceding all appointments effective on Monday. Absence from service as a result of vacation, sick leave, jury/witness leave, suspension, non-paid absence, leave of absence for service in the armed forces, and leaves of absence for study to improve performance of City job will not interrupt continuous service. Absence from service for any other cause except as set forth above will result in breaking continuity of service.

#### **SECTION EIGHT. Income Sources.**

Any salary paid to an employee in the City service shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which employee may undertake or volunteer to perform.

Whenever an employee not on an approved paid leave works for a period less than the regularly established number of hours a day, days, a week, or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions, or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

#### **SECTION NINE. Conversion**

- (a) All pay schedules in Section 3(1)(a) shall continue in effect until the beginning of the bi-weekly pay period starting December 24, 2006 after which time the rates to be paid to employees in position of any class for which a rate is established or changed in Section 3 (1) (a) of this ordinance shall be adjusted as follows:

- (1) The salary of each employee whose pay range is established in Section 3(1) (a) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall remain the same.
- (2) The salary of each employee whose pay range is established in Section 3(1)(a) of this ordinance and whose class title remains unchanged or whose class title is changed to better describe his/her position, without a substantial revision in the class of position shall have their current salary increased by a factor of three percent (3%), rounded to the nearest whole dollar or the minimum of the salary range.

This provision shall not apply to employees whose rate is deemed to be above the maximum of the new range as a result of demotion or reallocation.

- (3) The salary of each employee whose pay range is established in Section 3(1)(a) of this ordinance and whose class has been allocated to a higher pay grade in the appropriate pay schedule, as determined by the Appointing Authority, shall have their current salary increased to a rate, rounded to the nearest

whole dollar, which provides a three percent (3%) increase or to the minimum of the new pay range, whichever is the greater.

(b) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.

(c) The Appointing Authority may establish a special conversion procedure for a class or position in the event that the appointing authority determines that a serious inequity would be created by the application of the conversion procedures established in this Section.

#### **SECTION TEN. Changes to pay Plan**

Whenever the appointing Authority finds it necessary to add a new class to the Pay plan, the Appointing Authority shall allocate the class to an appropriate grade and schedule in this ordinance, and notify the Board of Alderman of this action.

Whenever the appointing Authority finds it necessary to change the pay schedule of an existing class within the Pay plan, the Appointing Authority shall allocate the class to the appropriate schedule in this ordinance, and notify the Board of Alderman of this action.

#### **SECTION ELEVEN. HOLIDAYS**

Full-time employees paid on a bi-weekly rate basis who are regularly scheduled to work an average of eighty(80) hours bi-weekly and who are employed on December 24, 2006, shall have eight(8)hours of compensatory time "**Personal leave**" added to their balance on that date. These hours of compensatory time must be taken between December 24, 2006, and December 31, 2007, and shall be taken as paid-leave time off and may not be granted as pay.

#### **SECTION TWELVE. Sick Leave**

The Appointing Authority may establish or authorize the creation of "Sick Leave Bank" programs, may issue and/or approve such regulations and guidelines as are necessary for implementation.

#### **SECTION THIRTEEN. Military Leave**

(a) The City of St. Louis will follow all applicable state and federal laws on the granting of Military leave and reemployment rights.

Before military leave without pay is authorized, the employee shall present to the employee's appointing authority evidence of such military service.

Upon the expiration of military leave of absence, the employee shall be reinstated to the class of position he/she occupied at the time the leave was granted without breaking continuity of service. Failure of an employee to report for duty within the time pursuant to State or Federal Law shall be just cause for dismissal. The employee's accumulated leave balance(s) shall be restored to the employee upon his/her return.

#### **SECTION FOURTEEN. Leave of Absence and Family/Medical Leave**

Employees may request a leave of absence for any reason under the leave policy, or may be eligible for a "Family/Medical Leave of Absence" for certain qualifying reasons under provisions of the federal "Family and Medical Leave Act of 1993" as provided in this ordinance.

(a) An appointing authority, may grant an employee in a competitive position a general leave of absence without pay for a period not to exceed twelve (12) months, whenever such leave is considered to be in the best interest of the City Service. Such non-paid leaves are granted at the discretion of the appointing authority and may be for any reason including an employee's personal illness when the circumstances do not qualify for family/medical leave, or when eligibility for family/medical leave has been exhausted.

Upon the expiration of such leave of absence, the employee shall be reinstated to the competitive position he or she occupied at the time the leave was granted provided he or she is able to perform the duties of the position. The employee shall be reinstated to the position at the same relative rate in the salary range the employee occupied at the time the leave was initiated. Failure of an employee to report for duty promptly at the expiration of the leave shall be just cause for dismissal. If necessary to the efficient conduct of the business of the City, an employee on leave other than military leave or qualifying family/medical leave may be notified by the appointing authority to return prior to the expiration of such leave. Failure of the employee to return within ten (10) days after receipt of such notice would terminate his/her leave of absence and be just cause for dismissal, subject to any applicable federal, state or local regulations.

(b) The federal "Family and Medical Leave Act of 1993" entitles eligible employees to up to 12 weeks of unpaid leave in any 12-month period for the birth, adoption or placement of a child, to care for a spouse or an immediate family member with a serious health condition, or when the employee is unable to work because of a serious health condition. While an employee

is on a qualifying family/medical leave of absence, the City of St. Louis will continue to pay the employee's health care premiums, if any, during the leave period. Once the leave is concluded, the employee shall be reinstated to the same or an equivalent job.

The Appointing Authority shall establish additional rules, guidelines and procedures for the effective administration of the "Family/Medical Leave Policy." The policy shall comply with all provisions of the "Family/Medical Leave Act of 1993" and any amendments thereafter.

(c) Employees who are granted general leaves of absence and other non-paid leaves of absence, except family/medical leaves of absence, must take all accrued vacation and authorized sick leave at the start of the leave of absence. Employees who are granted a non-paid leave of absence will not accrue vacation or sick leave during the period of non-paid leave. Upon the expiration of such leaves of absence, the employee shall follow the procedures as established in this Section 13 and any other applicable regulations and procedures as established by the Appointing Authority.

(d) An appointing authority, may place an employee on administrative leave of absence without pay pending the outcome of criminal charges pending against the employee.

#### **SECTION FIFTEEN. Jury and Witness Leave**

a) Jury leave with pay shall be granted to bi-weekly paid employees working one-half (50%) time or more for such time when such employees are serving as jurors pursuant to order of the St. Louis Circuit Court or Federal District Court in St. Louis. Any bi-weekly paid employee, when so summoned for jury service, shall report such fact within seventy-two (72) hours to his/her appointing authority and display to the appointing authority the summons which the employee has received and shall give the appointing authority in writing the date and the time of such jury service. No bi-weekly paid employee shall receive any compensation from the Jury Commissioner or the Federal District Court system for jury service for days the employee receives compensation from the City. A bi-weekly paid employee may keep the jury stipend for days when the employee receives no compensation from the City (off days, docks, leaves, etc.) Upon being excused from serving as a juror by the Court or the Jury Commissioner, the employee shall report forthwith to his/her appointing authority and shall submit to his/her appointing authority a written statement from the Jury Commissioner certifying that the employee has served as a juror and the time and date so served. The appointing authority shall, upon receipt of the statement of jury service, credit the employee with paid jury leave for such service.

(b) Leave with pay shall be granted to bi-weekly paid employees for such time when the employee's presence is required by the prosecutor as a part of a grand jury procedure, a trial in prosecuting accused criminals (or for jury service in Federal Court). Any bi-weekly paid employee, when so subpoenaed as a prosecution witness or whose presence is required as a part of a grand jury inquiry, shall report such fact within seventy-two (72) hours to his/her appointing authority and shall give the appointing authority in writing the date and time his/her presence is required for such criminal prosecution. Each appointing authority shall establish controls to assure that any paid leave is actually required by the prosecuting authority. An appointing authority may require an employee to furnish satisfactory evidence of being required to be off the job and that all time off was in connection with the prosecution of the case. This procedure shall apply for employee participation in criminal prosecution in State or Federal Courts.

#### **SECTION SIXTEEN.**

The "Sheriff's Attorney" as provided under Section 57.540, Missouri Revised Statutes, 1978, shall receive in addition to the compensation for his services as provided thereunder the sum of three thousand dollars per annum in bi-weekly installments. In no event shall the total of said salary exceed fifteen thousand dollars.

#### **SECTION SEVENTEEN. Passage of Ordinance**

The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

**Approved: December 11, 2006**