

Summary
Board Bill Number 164
Committee Substitute
Introduced by Alderman Tom Oldenburg
January 13, 2023

The proposed bill would establish the St. Louis Hills Special Business District pursuant to Sections 71.790 through 71.808 of the Revised Statutes of Missouri, and set its boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters within the proposed district, and uses to which tax revenue may be put; create a board of commissioners; and contains severability, effectiveness, and emergency clauses.

**BOARD BILL NUMBER 164 COMMITTEE SUBSTITUTE INTRODUCED BY
ALDERMAN THOMAS OLDENBURG**

1 An ordinance establishing the St. Louis Hills Special Business District pursuant to Sections
2 71.790 through 71.808 of the Revised Statutes of Missouri, and setting its boundaries, tax rate,
3 initial rate of levy subject to the approval of the qualified voters and uses to which tax revenue
4 may be put; creating a board of commissioners; and containing severability, effectiveness, and
5 emergency clauses.

6 **WHEREAS**, petitions signed by property owners requesting the establishment of a Special
7 Business District in the area hereinafter described have been filed with the City Register; and

8 **WHEREAS**, pursuant to Section 71.792 RSMo, a survey and investigation of the desirability
9 and possibility of forming a Special Business District has been conducted by the Board of
10 Aldermen; and

11 **WHEREAS**, it is desired that a Special Business District be formed in that portion of the City
12 of St. Louis within the maximum commonly known boundaries described in this Ordinance:
13 Beginning at the point of intersection of Hampton Avenue and Gravois Avenue, and proceeding
14 southwesterly along the center line of Gravois Avenue to its intersection with the center line of
15 River Des Peres, then proceeding northwesterly along the center line of River Des Peres to the
16 center line of Chippewa Street, then proceeding northeasterly along the center line of Chippewa
17 Street to the center line of Hampton Avenue, then proceeding southerly along the center line of
18 Hampton Avenue to the point of beginning.

19 **WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special Business
20 District for said area described above is in the best interest of the City of St. Louis and that the

1 property owners and tenants of said area and the public in general will benefit by the
2 establishment of said Special Business District and the increased level of services and
3 improvements provided by the proposed additional tax revenues from said district; and

4 **WHEREAS**, this Board of Aldermen has passed a Resolution, Resolution Number 164 declaring
5 its intention to establish a Special Business District in said area and has held public hearings on
6 the matter; and

7 **WHEREAS**, said public hearing, duly noticed, was held at 1:00 pm on January 26, 2023, by the
8 Committee on Ways and Means of the Board of Aldermen; and

9 **WHEREAS**, said district shall be known as St. Louis Hills Special Business District.

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

11 **SECTION ONE.** St. Louis Hills Special Business District. A Special Business District, to be
12 known as the “St. Louis Hills Special Business District” (hereinafter referred to as the
13 “District”), is hereby established for the area of the City described as follows: Beginning at the
14 point of intersection of Hampton Avenue and Gravois Avenue, and proceeding southwesterly
15 along the center line of Gravois Avenue to its intersection with the center line of River Des
16 Peres, then proceeding northwesterly along the center line of River Des Peres to the center line
17 of Chippewa Street, then proceeding northeasterly along the center line of Chippewa Street to
18 the center line of Hampton Avenue, then proceeding southerly along the center line of Hampton
19 Avenue to the point of beginning.

20 **SECTION TWO.** District Tax. Taxes for the District shall be assessed and collected as follows:

21 A. For the purpose of paying for costs and expenses incurred in the establishment and operation
22 of the District, the provision of services and facilities and improvements authorized in this

1 ordinance, and incidental to the leasing, construction, acquisition, and maintenance of any
2 improvements authorized herein or for paying principal and interest on bonds or notes authorized
3 for the construction or acquisition of any said improvement, there may be imposed a tax upon
4 all real property within the District which shall not exceed fifty cents (\$.50) on the one hundred
5 dollars (\$100.00) assessed valuation, subject to the provisions of Section Nine. Such tax shall be
6 imposed during the 2023, 2024, 2025, 2026, 2027, 2028, and 2029 tax years only, and subject to
7 the renewal of such tax by the qualified voters of the District pursuant to the procedure set forth
8 in Section 71.800 of the RSMo (2000).

9 B. If the proposition submitted to the qualified voters in the District receives in its favor the
10 votes of the majority of the qualified voters voting at the election conducted pursuant to Section
11 Nine, the initial rate of levy which shall be imposed upon real property within the District shall
12 be thirty-five cents (\$.35) on the one-hundred dollars (\$100.00) assessed valuation.

13 C. Real property subject to partial tax abatement under the provisions of Chapter 353 of the
14 Revised Statutes of Missouri, shall, for the purpose of assessment and collection of ad valorem
15 real estate taxes levied under the District, be assessed and ad valorem real estate taxes shall be
16 collected upon the same assessed value on which its ad valorem real estate taxes and payment in
17 lieu of taxes are based in the Ordinance adopted by the City of St. Louis approving the
18 development plan of any such corporation and authorizing tax abatement; provided, however,
19 that the owners at such real property are strongly encouraged to make additional equitable,
20 annual donations to the District in lieu of the additional District taxes.

21 D. The levy shall not be imposed upon real property exempt from ad valorem real estate taxes
22 because of charitable, religious, educational or other public or private uses; provided, however,

1 that the owners of such real property are strongly encouraged to make equitable, annual
2 donations to the District in lieu of District taxes.

3 E. The tax provided for by this ordinance shall be collected by the Collector of Revenue and
4 held in a special account to be used only for all purposes authorized hereunder, as provided by
5 law.

6 **SECTION THREE. Board of Commissioners.** There shall be a Board of Commissioners to
7 administer the District. The Board of Commissioners shall be selected as follows:

8 A. Membership: The Board of Commissioners shall consist of seven (7) members who shall
9 be eighteen-years (18) of age or older at the time of their appointment by the Mayor. Members
10 of the Board of Commissioners shall be appointed by the Mayor with the advice and consent of
11 the Board of Aldermen, of whom: five members shall be owners of real property within the
12 District or their representatives; and two members shall be renters of real property in the District
13 or their representatives.

14 B. No employee or elected official of the City of St. Louis shall be a member of the Board of
15 Commissioners.

16 **SECTION FOUR. Commissioner Terms of Office, Removals & Vacancies.**

17 A. Term of Office: Each member of the Board of Commissioners shall serve for a four (4)
18 year term (except as provided herein with respect to the initial members), with terms expiring as
19 of December 31 of the designated year or when their successors are appointed as provided herein,
20 whichever is later.

21 B. Initial Members and Terms: The initial members shall be appointed for the terms set
22 forth as follows: one (1) member shall be appointed for a term expiring December 31, 2024; two

1 (2) members shall be appointed for a term expiring December 31, 2025; two (2) members shall
2 be appointed for a term expiring December 31, 2026; and two (2) members shall be appointed
3 for a term expiring December 31, 2027.

4 C. Removal: The Mayor with approval of the Board of Aldermen may remove any member
5 of the Board of Commissioners for misconduct or neglect of duty upon written charges and after
6 a public hearing.

7 D. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,
8 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by the
9 Board of Commissioners. The vacancy shall be filled in like manner as an original appointment
10 no later than thirty (30) days after the date of said report to the Mayor. Appointments to fill
11 vacancies shall be for the unexpired portion of a term only.

12 E. Compensation: The members of the Board of Commissioners shall serve without
13 compensation of any kind.

14 **SECTION FIVE. District Revenues.**

15 A. All District revenues collected hereunder by the Collector of Revenue, except for those
16 revenues expended for the necessary costs of the establishment and administration of the District,
17 and for collection fees for tax revenue collected hereunder, may be used to carry out any and all
18 of the following improvements, services and activities of the District:

- 19 1. To close existing streets or alleys or to open new streets and alleys or to widen or narrow
20 existing streets and alleys in whole or in part;
- 21 2. To construct or install pedestrian or shopping malls, plazas, sidewalks or moving
22 sidewalks, parks, meeting and display facilities, bus stop shelters, lighting, benches or

- 1 other seating furniture, sculptures, telephone booths, traffic signs, fire hydrants, kiosks,
2 trash receptacles, marquees, awnings, canopies, walls and barriers, paintings, murals,
3 alleys, shelters, display cases, fountains, rest rooms, information booths, aquariums,
4 aviaries, tunnels and ramps, pedestrian and vehicular overpasses and underpasses, and
5 each and every other useful or necessary or desired improvement;
- 6 3. To landscape and plant trees, bushes and shrubbery, flowers and each and every and other
7 kind of decorative planting;
- 8 4. To install and operate, or to lease, public music and news facilities;
- 9 5. To purchase and operate buses, minibuses, mobile benches, and other modes of
10 transportation;
- 11 6. To lease space within the district for sidewalk cafe tables and chairs;
- 12 7. To provide special police or cleaning facilities and personnel for the protection and
13 enjoyment of the property owners and the general public using the facilities of such
14 business district;
- 15 8. To maintain, as hereinafter provided, all city-owned streets, alleys, malls, bridges,
16 ramps, tunnels, lawns, trees and decorative plantings of each and every nature, and every
17 structure or object of any nature whatsoever constructed or operated by the said
18 municipality;
- 19 9. To grant permits for newsstands, sidewalk cafes, and each and every other useful or
20 necessary or desired private usage of public or private property;

1 10. To prohibit or restrict vehicular traffic on such streets within the business district as the
2 governing body may deem necessary and to provide the means for access by emergency
3 vehicles to or in such areas;

4 11. To lease, acquire, dispose of, construct, reconstruct, extend, maintain, or repair parking
5 lots, or other facilities for the parking of vehicles, including the power to install such
6 facilities in public areas, whether such areas are owned in fee or by easement;

7 12. To promote business activity in the district by, but not limited to, advertising, decoration
8 of any public place in the area, promotion of public events which are to take place on or
9 in public places, furnishing of music in any public place, and the general promotion of
10 trade activities in the district; and

11 13. To provide special police and/or security facilities, equipment, vehicles and/or personnel,
12 and install, improve and/or maintain useful, or necessary, or desired, security related
13 improvements for the protection and enjoyment of the property owners and the general
14 public within the District.

15 **SECTION SIX. District Powers.** The District shall have all the powers necessary to carry out
16 any and all activities and improvements authorized by law and may:

17 1. Cooperate with any public agencies and with any industry or business located within the
18 District in the implementation of any project within the District;

19 2. Enter into any agreement with the City, any other public agency, any person, firm, or
20 corporation to effect any of the provisions contained in Sections 71.790 through 71.808

21 RSMo.;

- 1 3. Contract and be contracted with, sue and be sued and provide for insurance of all projects
2 and property owned or managed by the District and for insurance covering all members
3 of the Board of Commissioners and employees and agents of the District, providing for
4 coverage of such risks and with such limits as the Board of Commissioners may deem
5 proper;
- 6 4. Accept gifts, grants, loans or contributions from the City, the United States of America,
7 the State of Missouri, political subdivisions, foundations, other public or private
8 agencies, individuals, partnerships, or corporations; and
- 9 5. Employ such managerial, engineering, legal, technical, clerical, accounting, and other
10 assistance as the Board of Commissioners may deem advisable; the District may also
11 contract with independent contractors for any such assistance.

12 **SECTION SEVEN. Annual Budget & Annual Report.**

13 A. Annual Budget: The Board of Commissioners shall file with the Board of Aldermen an
14 annual budget for the District, which shall set forth the projected revenues and expenditures for
15 the ensuing year, not later than one-hundred and eighty (180) days prior to the start of said fiscal
16 year; provided, however, that no such proposed annual budget shall be filed with the Board of
17 Aldermen until after the date the Board of Commissioners conducts a public hearing within the
18 District on any such proposed annual budget. Notice of any such public hearing shall be
19 published at least ten (10) days prior to the hearing in a daily, twice-weekly, weekly or bi-weekly
20 newspaper of general circulation within the District; and provided further, that in addition to
21 showing the time, date and place of the hearing, the notice shall also show the complete proposed
22 annual budget. The Board of Commissioners shall not expend any funds collected by the

1 Collector of Revenue inconsistent with or until an annual budget for the expenditure of such
2 funds is approved by the Board of Aldermen by Resolution. If the Board of Aldermen does not
3 act on said budget by Resolution within ninety (90) days of its filing, said budget will presume
4 to have been approved by the Board of Aldermen.

5 B. Annual Report: The Board of Commissioners shall also file an annual report with the Board
6 of Aldermen, which shall set forth the programs, revenues, and expenditures of the District for
7 the previous fiscal year, not later than sixty (60) days following the end of said fiscal year.

8 **SECTION EIGHT. Municipal Funding Not to Be Decreased.** The City shall not decrease the
9 level of municipally funded services in the District existing prior to the creation of the District,
10 unless the services at the same time are decreased throughout the City, nor shall the City
11 discriminate in the provision of new municipally funded services between areas included in the
12 District and areas not so included.

13 **SECTION NINE. Ballot Proposition.** The tax levy authorized in Section Two of this ordinance
14 shall not be effective unless and until the following proposition, submitted to the qualified voters
15 residing in the District at a special election in the District to be held on August 1, 2023, shall
16 receive in its favor the votes of the majority of the qualified voters voting at said election for or
17 against said proposition. Said proposition shall be in substantially the following form:

18 OFFICIAL BALLOT
19 Shall a tax in a sum not to exceed \$.50 per \$100.00 valuation be imposed for the seven
20 tax years of 2023, 2024, 2025, 2026, 2027, 2028, and 2029 on all real property located
21 in the St. Louis Hills Special Business District as defined in Ordinance No. _____,

1 approved on _____, __ 2023, as Board Bill No. 164 for the purposes as set forth in
2 said Ordinance?

3 _____ YES. _____ NO

4 **SECTION TEN. Certification of Election.** Immediately upon the passage and approval of this
5 Ordinance, the City Register shall certify a copy thereof to the Board of Election Commissioners
6 for the City of St. Louis for action and proceedings by said Board in accordance herewith and as
7 required by law.

8 **SECTION ELEVEN. Notice of Election.** Notice of the election on such proposition shall be
9 published and said election shall be conducted in the manner provided by law.

10 **SECTION TWELVE. Severability.** If any section, subsection, clause, phrase, or portion of
11 this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court
12 of competent jurisdiction, such portion shall be deemed and is hereby declared to be separate,
13 distinct and independent provisions of this ordinance, and such holding or holdings shall not
14 affect the validity of the remaining portions of this ordinance.

15 **SECTION THIRTEEN. Emergency Clause.** This being an ordinance calling and providing
16 for an election and vote by the people and fixing a tax rate, it is declared to be an emergency
17 measure as defined by Article IV, Sections 19 and 20 of the Charter of the City of St. Louis and
18 shall take effect and be in force from and after its adoption and approval by the Mayor.