

**BOUNDARY COMMISSION**  
**St. Louis County, Missouri**

**RULES**

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# **BOUNDARY COMMISSION, ST. LOUIS COUNTY RULES**

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# ARTICLE I DEFINITIONS

- A. “APPLICATION FEE”- on all municipal annexation Proposals, and on no other such Proposal, the Proposing Agent shall submit as part of the Proposal an application fee in the amount of one dollar (\$1.00) per resident of the proposed annexation area. Such application fee is to defray the Commission’s cost of processing and reviewing proposals. The number of residents of the proposed annexation area to be used in calculating this fee shall be that population figure which is required to be part of the *Geographic* information contained in the Plan of Intent.
- B. “BOUNDARY ADJUSTMENT” - an adjustment of a boundary between two (2) municipalities or a municipality and the unincorporated area of the County involving all or part of one (1) or more residential parcels in common ownership, or an adjustment between two (2) municipalities, or a municipality and the unincorporated area of the County involving only public property or public rights-of-way.

Notwithstanding any provision of law to the contrary, any boundary adjustment approved by: (1) the residential property owners; and (2) the governing bodies of the affected municipalities or the County, if involved, shall not be subject to Commission review. Such a boundary adjustment is not prohibited by the existence of an established unincorporated area.

- C. “BOUNDARY CHANGE”- any
  - 1. Annexation,
  - 2. Consolidation,
  - 3. Incorporation,
  - 4. Transfer of jurisdiction between municipalities or between a municipality and the County, or
  - 5. A combination thereof which, if approved, would result in a municipality composed of contiguous territory.
- D. “COMMISSION” - the Boundary Commission, St. Louis County, Missouri, as duly established pursuant to the Revised Statutes of the State of Missouri, §§72.400 to 72.423 (1999 Cum. Supp.).
- E. “CONSOLIDATION BOUNDARY CHANGE” - when two (2) or more contiguous municipalities consolidate in a manner which leaves only one (1) legal entity.
- F. “CONTIGUOUSNESS” - territory proposed for annexation in which at least fifteen percent (15%) of its boundary is adjacent to the municipality which is proposing the annexation, or territory proposed for addition to an established unincorporated area in which at least fifteen percent (15%) of its boundary is adjacent to the established unincorporated area.
- G. “COUNTY” - St. Louis County, Missouri.
- H. “ESTABLISHED UNINCORPORATED AREA” - an area in the unincorporated area of the County which has been approved by the voters pursuant to RSMo. §72.422 to remain unincorporated and not subject to any boundary change except as otherwise provided by the Revised Statutes of the State of Missouri.
- I. “EXTRAORDINARY EFFECT” - refers to any change which is notably unusual or exceptional.
- J. “MAP PLAN” - maps submitted to the Commission pursuant to the requirements of the Revised Statutes of the State of Missouri, for those proposed boundary changes or those proposed establishment of unincorporated areas, which are subject to the Commission’s five (5) year planning time cycle.
- K. “OFFICIAL SUBMITTAL DATE” - the date a proposal is actually received in the office of the Commission,

during normal business hours.

- L. "PENDING" - any proposal submitted to the Commission which has not been: (1) rejected, or (2) approved by the Commission as a simplified annexation or approved for submission to the qualified voters of the voting jurisdiction.
- M. "PETITIONS FOR BOUNDARY CHANGES" - are submitted by a proposing agent. Every petition shall:
  - 1. Contain a statement that all signers are registered voters in the affected municipalities or unincorporated areas.
  - 2. Have persons signing the petition designate its address opposite its signatures by street and number, or any other description sufficient to identify place of residence, clearly printing its name and affixing the date the petition was signed.
  - 3. Have signatures affixed before a person who shall certify, by affidavit acknowledged before a Notary Public, the number of signatures and that such signatures were affixed in his presence.
  - 4. Be presented to the Commission within two hundred eighty (280) days following the date on which the first signature was affixed to the petition, or any part thereof, except that the period of time from June 14, 1999 to April 15, 2001, shall be excluded. Failure to present a petition within the foregoing time period shall render the petition absolutely void.
  - 5. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the Commission shall be satisfied as to the sufficiency of the signatures for the final proposed area.
- N. "PROPOSALS" - the entire application by a proposing agent for the consideration of the Commission. Proposals shall be submitted to the Commission not later than July first, of the third year following conclusion of map plan review.
- O. "PROPOSING AGENT" -
  - 1. The governing body of any municipality which by ordinance has adopted a boundary change proposal
    - a) Of its own initiative, or
    - b) Upon receipt of a verified petition signed by seventy-five percent (75%) of the registered voters within the area proposed to be annexed; or
  - 2. The governing body of the County which by ordinance has adopted a boundary change proposal; or
  - 3. The chief elected official of the County who has authorized the filing of an established unincorporated area proposal; or
  - 4. A person presenting petitions for incorporation signed by a number of registered voters equal to not less than fifteen percent (15%) of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal.
- P. "RESIDENTIAL" - any area which has residential zoning as a permitted use or any approved nonconforming residential use.
- Q. "REVIEW PERIOD" –
  - 1. Map Plan Review:

- a) Commission review of map plans submitted for proposed boundary changes, and proposed established unincorporated areas shall take place between August 1, 2000, and December 31, 2000, and each sixth year thereafter.
  - b) By April first of the year following map plan submission, the Commission may issue written comments regarding each boundary change and established unincorporated area map plan.
2. Proposal Review:
- a) The review period begins upon official submittal, or thirty (30) days after April 15, 2001 for boundary changes or established unincorporated area proposals which were pending on June 14, 1999.
  - b) The review period ends ninety (90) calendar days after the initial public hearing on such proposal.
- R. “SIMPLIFIED BOUNDARY CHANGE” - a boundary change which is proposed by either: (1) a verified petition signed by seventy-five percent (75%) of the registered voters within the area proposed to be annexed which is predominately residential in character and has an average residential density of not less than one dwelling per three (3) acres which is filed by the annexing municipality; OR (2) a transfer of jurisdiction between: (a) two (2) municipalities, OR (b) between a municipality and the County for a transfer of jurisdiction between a municipality and the County.
- S. “SUBSTANTIVE” - an essential part(s) relating to the matter before the Boundary Commission, St. Louis County.
- T. “UNINCORPORATED AREA” - any geographic area included within the borders of St. Louis County which has not been annexed, incorporated or consolidated with any municipality of St. Louis County.
- U. “UNINCORPORATED POCKET” - an unincorporated area with an average residential density in excess of one dwelling per three (3) acres, which has a population of no more than five hundred (500) and which is accessible by public or private roadway only from incorporated jurisdictions and/or another County, and which the Commission has determined presents practical difficulties for service by the County by reason of its isolation.
- V. “VERIFIED PETITION” – when used in these rules or in §§ 72.400 through 72.423, R.S.Mo. (2000 Supp.), shall be deemed to require compliance with any applicable requirement regarding the number of signatures that is contained in these rules or applicable statute, as well as compliance in all respects with the provisions of §72.420.4, R.S.Mo (2000 Supp.) regarding content, affixing signatures and certifications.
- W. “VOTING JURISDICTION” - a city, town or village, or areas of unincorporated area with boundaries established by the Commission for purposes of holding a boundary change election.

## **ARTICLE II**

### **FIVE-YEAR PLANNING CYCLE**

- A. Overview:** Except as otherwise provided in this Article and pursuant to RSMo. §72.423, all boundary changes and established unincorporated area proposals for St. Louis County shall be subject to the five-year planning cycle, as mandated by the Missouri Revised Statutes, beginning January 1, 2000. This section contains a listing of the various dates, as delineated in the pertinent statutes, for the five-year planning cycle beginning January 1, 2012. This information can also be found in chart form in Appendix A, Five-Year Planning Cycle and Map Plans.

**January 1, 2012 - July 1, 2012: Map Plan Submissions**

Map plans for boundary changes and established unincorporated areas submitted by municipalities, the County, and citizen groups to the Commission for its review.

**August 1, 2012 - December 31, 2012: Public Comment Period**

Commission solicits written comments on map plans and holds informational public hearings in or near affected areas.

**August 1, 2012 - April 15, 2013: Negotiation and Amendments**

Commission may encourage negotiation between parties with competing map plans. Submitting parties may amend map plans until April 15, 2013. No amendments shall enlarge the boundary change or established unincorporated area map plan beyond the area originally submitted.

**April 1, 2013: Commission Comments**

By April 1, 2013, the Commission may make written comments and notify proponents of merits/demerits of map plans.

**April 15, 2013: Final Map Plan**

Map plans submitted or amended by April 15, 2013, shall be the limit of permissible boundary changes and established unincorporated area proposals during the five-year planning cycle.

**April 15, 2013 - July 1, 2016: Proposals**

Specific proposals, including a plan of intent, for boundary changes and established unincorporated areas consistent with the final map plan on file as of April 15, 2013, shall be submitted to the Commission. Proposals shall be submitted to the Commission no later than July 1, 2016.

**April 1, 2017: End of Commission Review**

End of the nine (9) month review period for proposals submitted on July 1, 2016.

**January 1, 2018: Pending Proposals Expire**

Any proposal which has not been approved by the Commission by January 1, 2018 expires.

**January 1, 2006 - July 1, 2006: Map Plan Submissions**

A new five-year planning cycle commences with submissions of map plans.

- B. Map Plans:** The five-year planning cycle shall commence with the submission of map plans as described in Article III. No municipality nor other person shall file, nor shall the Commission accept or review, any boundary change or established unincorporated area proposal which has not previously been submitted to the Commission for map plan review and comment as provided by the Missouri Revised Statutes.
- C. Excluded Actions:** Consolidations of municipalities and transfers of jurisdiction may be sought at any time without prior submission for map plan review as provided in Article III.

## **ARTICLE III MAP PLANS**

### **A. Map Plan Submittal**

1. Requirements - Each municipality located in St. Louis County, the chief elected official of St. Louis County, and any citizen group may present general maps of proposed boundary changes and proposed established unincorporated areas to the Commission for map plan review. Notwithstanding the foregoing, any map plan which contemplates the incorporation of a municipality or the establishment of an unincorporated area shall be submitted by the chief elected official of St. Louis County, or by a citizen group by means of a petition signed by not less than five percent (5%) of the registered voters in the proposed municipality or proposed established unincorporated area, respectively.
2. Timeframe - Between January 1, 2000 and July 1, 2000, and between January 1 and July 1 of each sixth year thereafter, any municipality located within St. Louis County, St. Louis County itself, and any citizen group (as provided above) may present to the Commission general maps of proposed boundary changes, including proposed establishment of unincorporated areas.
3. Format – Maps of proposed boundary changes and proposed established unincorporated areas submitted pursuant to the aforementioned requirement shall be depicted with sufficient detail and accuracy to permit review and comment by the Commission. They shall not be accompanied by a Proposal, nor a Plan of Intent. Map plans may be submitted on paper or digitally. If submitted on paper, twelve (12) copies must be included with the transmittal letter. Any map plan submitted pursuant to Section IV.A.1 of these Rules shall be of sufficient detail to clearly delineate which parcels of land are affected by the boundaries proposed, and shall further designate how rights of way are affected by the proposal ( *i.e.*, whether streets are included wholly within the proposed area or whether the boundary will track the center lines of streets). As a minimum standard, paper submissions may be compiled from St. Louis County base maps available from the Department of Revenue. Paper submissions may also be prepared based on digital versions of the St. Louis County base maps. The cost of maps shall be borne by the submitting party. Any map which is submitted digitally shall meet the following specifications:
  - a. Map Projection should be in the State Plane Coordinate System (Missouri East), NAD83.
  - b. ESRI shapefile is preferred, Microstation Design File (.dgn), or Autocad Design exportFile (.dxf) are acceptable alternatives.
  - c. In the event a proposing agent submits a digital map, 12 hard copies of the map plan are also required.
4. Website Map – Each proposing agent that submits a map plan must also provide an image for display on the Boundary Commission’s website. Acceptable file formats are: .pdf, .jpg, .gif, or .png.
5. Transmittal Letter - Maps of proposed boundary changes and proposed established unincorporated areas submitted pursuant to the aforementioned requirements shall be accompanied by a transmittal letter which shall include:
  - a. Official name of the party submitting the map plan to the Commission for review;
  - b. Designation by the party submitting the map plan of a person, including the title (if applicable), address, and telephone number who has authority to act on the party’s behalf; and
  - c. A certification that the attached map plan represents the party’s official map plan proposal in conformance with the requirements of RSMo. §72.423 (1999 Cum. Supp.).
6. If available at the time of submittal of the map plan, a proposed sequencing of boundary changes shall be provided with the transmittal letter. If this information is not provided at the time of submittal, the Commission may request such information at any time prior to the date the map plan becomes binding (April 15, 2001 and every fifth year thereafter). The proposing agent shall have sixty (60) days to

respond in writing to the Commission's request.

- B.** Upon receipt of map plans submitted in accordance with this Article, the Commission may request additional information, including, but not limited to information regarding the population, current housing unit counts, assessed valuation and land use of the area affected by the map plans. Any such information shall be obtained from the St. Louis County Planning Department and shall be made available for public inspection at the Commission's office.
- C. Public Comment and Hearings** - Between August 1, 2000 and December 31, 2000, and each sixth year thereafter, the Commission shall solicit written comments on all boundary change and established unincorporated map plans, and shall hold informational public hearings in or near affected areas, at which St. Louis County, any municipality, or other interested person shall be heard. All such hearings shall be conducted pursuant to the rules governing Commission hearings as set forth in Article VII of these Rules.
- D. Commission Comment** - By April 1, 2001, and each sixth year thereafter by April 1, the Commission may issue written comments regarding each proposed boundary change and established unincorporated area map plan. Such comments shall be designed to notify the proponents and opponents of any proposed map plan of the Commission's view of the merits or demerits of such map plan based on planning and public policy considerations.
- E. Amendments** - Not later than April 15, 2001, and each sixth year thereafter by April 15, the submitting party may amend its Map Plan based on negotiation or based on the hearings or other comment, but no such amendment shall enlarge the proposed boundary change or established unincorporated area map plan beyond the area originally submitted, except for minor technical amendments necessary to address boundary issues. It is the policy of the Commission to encourage such compromise, and the Commission shall evaluate Proposals based on such amended map plans prior to evaluation of Proposals which do not embody such compromise.
- F. Binding Effect of Map Plan** - The map plan as submitted or as amended by April 15, 2001, and each sixth year thereafter, shall remain on file with the Commission, and shall be the limit of permissible boundary changes and established unincorporated area proposals until a new five-year planning cycle begins. The Commission will not accept any proposal for annexation, incorporation, or unincorporated area which has not been previously submitted to the Commission for map plan review in accordance with RSMo 72.423.

## **ARTICLE IV PRE-SUBMITTAL STAGE**

The Boundary Commission, St. Louis County, encourages the coordination and planning of proposals in advance of its submittal for consideration and may participate in the facilitation and arrangement of such efforts through its staff. The members of the Commission or Commission staff shall not be involved in the process of designing a proposal which would be submitted to the Commission.

- A. It is recommended, but not required, by the Boundary Commission that the following conferences be held prior to submittal:
1. Conferences between Boundary Commission staff, representatives of municipalities, other governmental entities or County residents to:
    - a. Define filing criteria and review process;
    - b. Review data for completeness and accuracy;
    - c. Explain preferred methods for calculations, particularly of revenues;
    - d. Provide data from previous considerations of this Commission and interpret it as it relates to the reason for denial and/or approval of any previous proposal. The staff shall not offer advice as to the merits of a proposal or pending proposal.
  2. Conferences between the County staff, representatives of municipalities, and/or other governmental entities or County residents so the County may provide the proposing agents with such available information as may be necessary to develop a Plan of Intent. The County shall upon request provide petitioners with such available information as may be necessary to develop a Plan of Intent.
  3. Conferences between the fire protection district(s), representatives of municipalities, and/or other governmental entities or County residents only when the proposal includes a change in the provision of fire protection and/or emergency medical services by the proposing agent. The conference should determine whether the fire protection district(s) will approve or reject the proposal.
- B. Conferences between Boundary Commission members, representatives of municipalities, and/or other governmental entities or County residents are not required, but may occur, subject to the requirements of Chapter 610, R.S.Mo. In addition, any conference which involves two (2) or more Boundary Commission members shall:
1. Be scheduled only after the proposing agents have met with the Boundary Commission staff.
  2. Be subject to the posting of the notice of a meeting, at least 24 hours (exclusive of weekends and holidays when the facility is closed) prior to the meeting, in accordance with the provisions of Chapter 610.020 R.S.Mo.
  3. Be recorded and retained as a public record.
  4. Be only for the purpose of a general preview and no decisions will be made by the Boundary Commission members.

## **ARTICLE V OFFICIAL SUBMITTAL**

- A. Format For All Proposals** - The proposal is the entire application by a proposing agent for the consideration of the Boundary Commission, St. Louis County. It serves as the official submittal by the proposing agent. All proposals submitted in accordance with these Rules shall contain the following minimum information, in the format as outlined in this Article.
1. **Cover/Title Page**
  2. **Table of Contents**
  3. **Section 1 - Executive Summary**, approximately two (2) pages in length, containing the following information:
    - a. Identification of proposal by title and general description.
    - b. Summary of significant and relevant issues related to the Proposal.
    - c. Any request(s) for special consideration or exceptions to be made or taken by the Boundary Commission.
    - d. Designation by the proposing agent of a person, including title (if applicable), address and telephone number, who has authority to act on its behalf.
  4. **Section 2 - Plan of Intent** - That portion of the proposal which contains the relevant data and information in support of the proposing agent=s request. In the following format, it shall substantially address, but not necessarily be limited to, the information for review found in this Article.
    - a. Geographic
    - b. Financial
    - c. Services
    - d. Zoning/Land Use
    - e. Summary
  4. **Section 3 - Certifications** - That portion of the proposal which contains written assurances, from an authorized representative of the proposing agent, that the proposing agent has complied with certain mandatory requirements specific to the proposal as found in this Article.
  5. **Section 4 - Supporting Documents** - That portion of the proposal containing supplementary information, documentation, and/or exhibits specific to the proposal as identified in this Article.
- B. Proposing Agent** - In submitting a proposal for a boundary change or an established unincorporated area, the proposing agent before the Boundary Commission may be one of those shown in the following table, based upon the specific type of proposal submitted to the Commission.
- C. Requirements For Proposals** - The Boundary Commission shall review all boundary change proposals and established unincorporated area proposals of any area wholly or partially within the County. In making its determination whether such proposal shall be approved, the Boundary Commission will consider the information/data, certifications and supporting documents which are required of the proposing agent and specific to the type of proposal found in this Article.

The following chart illustrates the seven (7) types of proposals which may be reviewed by the St. Louis County Boundary Commission and the municipality, county, or individual who qualifies to submit such proposals:

TYPE OF PROPOSAL	PROPOSING AGENT				
	A	B	C	D	E
Incorporation				X	
Annexation	X				
Consolidation	X		X	X	
Simplified Boundary Change: Annexation		X			
Simplified Boundary Change: Transfer of Jurisdiction between Municipalities	X				
Simplified Boundary Change: Transfer of Jurisdiction between Municipality and County	X		X		
Established Unincorporated Area					X

**Proposing Agent:**

A= The governing body of any municipality which by ordinance has adopted a boundary change proposal.

B= The governing body of any municipality which by ordinance has adopted a boundary change proposal, upon receipt of a verified petition signed by seventy-five percent (75%) of the registered voters within the area proposed to be annexed which is predominantly residential in character and has as average residential density of not less than one dwelling unit per three (3) acres; verified by certification of the St. Louis County Board of Election Commissioners.

C= The governing body of the County which by ordinance has adopted a boundary change proposal.

D= A person presenting petitions for incorporation signed by a number of registered voters equal to not less than fifteen percent (15%) of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change, and certified as to its sufficiency by the St. Louis County Board of Election Commissioners.

E= The chief elected official of the County who has authorized the filing of an established unincorporated area proposal.

## 1. For An Incorporation

- a. At a minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

### *i. Geographic*

- (1) Provide a general description of the boundaries of the area to be incorporated by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, subdivision boundaries, etc. What is the logic for the selection of the boundary for the area to be incorporated? Were physical boundaries utilized, if so, how?
- (2) Provide a map of the area to be incorporated, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc. and the area's relationship to the existing boundary of any municipality.
- (3) Provide a second map of the area to be incorporated, extending the map's limits to include surrounding municipalities, arterial roads and neighboring subdivisions adjacent to but not included in the area to be incorporated. Identify municipal-type public facilities, e.g. police facilities, recreation centers, major parks, etc., which will become the responsibility of the new municipality.
- (4) In table format, provide the following information as it applies to the area to be incorporated:
  - (a) The population, as of the most recent Census available, noting the year.
  - (b) Land area in acres.
  - (c) Number of dwelling units.
- (5) Provide the number of publicly and privately maintained street miles before and after the incorporation.
- (6) Define the community of interest in the area to be incorporated. How would incorporation affect any existing natural neighborhood(s) or community(ies)?
- (7) Provide a list of all subdivisions involved in the boundary change proposal. Are any of these subdivisions in the area to be incorporated split because of the proposed boundary change? If yes, on a separate map identify the subdivision(s) being split. Explain how being split does not adversely affect the area to be incorporated or the remaining unincorporated area.
- (8) Address the compactness of the area to be incorporated, e.g.:
  - (a) The accessibility of the entire area for efficient delivery of services.
  - (b) Any natural or man-made barriers that would impede the efficient delivery of services.
- (9) Upon incorporation, would any unincorporated area contiguous to the area subject to the boundary change be left stranded, or unable to be accessed, except through another municipality and/or another County?
- (10) Address how the incorporation creates logical and reasonable municipal boundaries in the County.

## *Incorporation - Continued*

### ii. ***Financial***

- (1) In table format, project by general category the revenues and expenditures (cost of providing service) which are applicable to the area to be incorporated; developing an operating budget for the newly incorporated municipality for the first three (3) years after incorporation.
- (2) List, in table format, for the area to be incorporated, all relevant tax rates before and after the boundary change. How will the changes in the tax structure, if any, affect the area to be incorporated?
- (3) Identify any existing or anticipated capital improvement projects for the area to be incorporated. Identify sources of revenue to fund these improvements.
- (4) Identify any extraordinary effect the proposed boundary changes will have on the distribution of tax resources in St. Louis County.
- (5) In table format, identify the sources of revenue, which if the proposed boundary change was approved, would no longer be a resource for any other taxing jurisdiction. Provide a one year projection of the value of each resource.
- (6) Does the newly incorporated municipality plan to assess development impact fees as a part of any new development?
- (7) Does a St. Louis County Traffic Generation Assessment Trust Fund area exist in the area to be incorporated? If so, does the municipality intend to require continued participation in that Fund for any new development? Does the municipality have any policies or ordinances which would prohibit participation?
- (8) Discuss what impact the incorporation would have on the tax base or the ability to raise revenue of:
  - (a) The area subject to the proposed boundary change and its residents;
  - (b) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (c) The entire geographic area of the County and its residents.

### iii. ***Services***

- (1) In table format, provide:
  - (a) A list of municipal-type services currently provided to the area to be incorporated and who is responsible for providing these services, and whether the service is provided by contract or in-house.
  - (b) A list of municipal-type services which will be provided after incorporation and who will be responsible for providing the service and whether it will be provided by contract or in-house.
  - (c) A list identifying any changes in the fee for service which will apply to all residents and/or businesses in the area to be incorporated.
- (2) Provide a brief description of the major services to be offered by the newly incorporated municipality.

## *Incorporation - Continued*

- (3) Identify any natural or man-made barriers that may impede the efficient delivery of service to the area to be incorporated.
- (4) Describe the newly incorporated municipality's policy regarding acceptance of the following for maintenance and/or new construction/installation:
  - (a) Private roads
  - (b) Sidewalks
  - (c) Driveway approaches
  - (d) Street lights
  - (e) Subdivision common ground
  - (f) Park land
- (5) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided? Explain.
- (6) What form of government is being proposed for the newly incorporated municipality?

### *iv. Zoning/Land Use*

- (1) In table format, identify in the area to be incorporated the percentage of the use of land by the following categories:
  - (a) Commercial
  - (b) Industrial
  - (c) Institutional/Governmental
  - (d) Single-family residential
  - (e) Multi-family residential
  - (f) Vacant
- (2) Provide two (2) maps of the area identifying the zoning of the area to be incorporated:
  - (a) As the zoning currently exists
  - (b) How the municipality proposes to zone the area after incorporation
- (3) Provide a general description of the zoning and land use regulations after incorporation. Describe the impact the proposed boundary change would have on zoning and land use changes.
- (4) Would changes in zoning create any non-conformities in the area to be incorporated? If yes, how will the municipality handle these non-conformities?
- (5) Identify any regulations, such as subdivision, flood plain management, historic preservation district, neighborhood improvement district or other regulations that would affect the area to be incorporated.
- (6) Would prospective development be affected directly or indirectly by the proposed boundary change?
- (7) How does the newly incorporated municipality plan to address code compliance with on-going development projects in the area to be incorporated?
- (8) What is the likelihood of any significant future growth or development in the area to be incorporated within the first three (3) years after incorporation?

*Incorporation - Continued*

v. **Summary**

Provide a summary as to why the proposal is in the best interest of:

- (1) The areas of the County next to such proposed boundary and
- (2) The unincorporated areas affected by the proposal.

b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, it shall so state in writing.

i. Certification that the area covered by the proposal either:

- (1) Is not unincorporated area, or
- (2) Includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
- (3) Includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.

ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for the boundary change.

iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified by map.

iv. Certification declaring that at time of official submittal twenty-one (21) copies of the proposal were provided to the office of the Boundary Commission.

v. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.

vi. A certification declaring that identical copies of the proposals have been either delivered or mailed to:

- (1) The St. Louis County Clerk;
- (2) The clerk of each village (by name) and municipality (by name) of St. Louis County with boundaries contiguous to the area covered by the proposal.

vii. Certification declaring that the proposed boundary change:

- (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by the voters within two (2) years of the date of the official submittal of the newly proposed boundary change.
- (2) Does not contain any unincorporated area which is currently in an established

*Incorporation - Continued*

unincorporated area.

viii. Certification declaring that the verified petition is signed by registered voters equal to not less than fifteen percent (15%) of the number of votes cast for governor in the last gubernatorial election in the area affected by the boundary change proposal. Petitions may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the Commission shall be satisfied as to the sufficiency of the signatures for the final proposed area.

c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, it shall so state in writing.

i. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:

(1) A facility generally open to and used by the public, including private schools and churches;

(2) Handicap accessible;

(3) Geographically located based on the following priorities:

(a) Within the area covered by the proposal;

(b) Within two (2) miles of the area covered by the proposal;

(c) The offices of the Boundary Commission

(d) Within the County seat of St. Louis County.

ii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.

iii. Written statement from the proposing agent that:

(1) It does not seek any change in fire protection and emergency medical services, or

(2) If a change in service is planned, the proposing agent shall include a certified copy of an ordinance or binding resolution of the fire protection district(s) approving the proposal for fire protection and emergency medical services by the proposing agent.

iv. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:

(1) The identity of the proposing agent(s);

(2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;

(3) The proposal's official submittal date;

(4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.

v. A metes and bounds legal description of the area covered by the proposal. The Boundary

## *Incorporation - Continued*

- Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- vi. A statement identifying a proposed effective date for the proposed boundary change.
  - vii. A copy of all documents from the St. Louis County Board of Election Commissioners which was the basis for the certification required in Article V.C.1.b.viii.

### **2. For An Annexation**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.
  - i. ***Geographic***
    - (1) Provide a general description of the boundaries of the area to be annexed by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, etc. What is the logic for the selection of the boundary for the area to be annexed?
    - (2) Provide a map of the area to be annexed, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc. and the area=s relationship to the existing boundary of the municipality.
    - (3) Provide a second map of the area to be annexed, including the annexing municipality, surrounding municipalities, arterial roads and neighboring subdivisions adjacent to but not included in the area to be annexed. Identify the annexing municipality=s public facilities, e.g. City Hall, Fire/Police facilities, recreation center, major parks, etc.
    - (4) In table format, provide the following information as it applies to the area to be annexed:
      - (a) The population, as of the most recent Census available, noting the year.
      - (b) Land area in acres.
      - (c) Number of dwelling units.
    - (5) In acres, compare the present size of the area to be annexed to the total combined area affected by the proposal. In table format, provide the number of publicly and privately maintained street miles:
      - (a) In the area to be annexed.
      - (b) In the annexing municipality.
      - (c) The total combined area.
    - (6) Define the community of interest between the area to be annexed and the annexing municipality. Does the annexation affect existing or natural neighborhood(s) or community(ies)?
    - (7) Provide a list of all subdivisions involved in the boundary change proposal. Are any of these subdivisions in the area to be annexed split because of the proposed boundary change? If yes, on a separate map identify the subdivision(s) being split. Explain how being split does not adversely affect the area to be annexed or the remaining unincorporated area.
    - (8) To what extent is the boundary of the area to be annexed common to the annexing municipality? Specify the actual percentage of adjacency to the annexing municipality.

*Annexation - Continued*

- (9) Address the compactness of the area to be annexed, by identifying:
  - (a) The number of street connections between the area to be annexed and the annexing municipality.
  - (b) The accessibility of the entire area for efficient delivery of services.
  - (c) Any natural or man-made barriers that would impede the efficient delivery of services.

Upon annexation, will the area to be annexed be serviced directly from the annexing municipality?

- (10) Upon annexation, would any contiguous unincorporated area be left stranded, or unable to be accessed, except through another municipality and/or another County?
- (11) Does the municipality have any plans or arrangements with other municipalities regarding growth or expansion? Explain how this annexation represents a logical extension of the municipality's future plans. How does the proposed boundary change relate to the municipality's plans for future annexation?
- (12) Address how the annexation creates logical and reasonable municipal boundaries in the County.

ii. ***Financial***

- (1) In table format, project by general category the revenues and expenditures (cost of providing service) which are applicable to the area to be annexed. This projection shall be for a period of three (3) fiscal years after annexation.
- (2) List, in table format, for the area to be annexed, all relevant tax rates before and after the boundary change. How will the changes in the tax structure, if any, affect the area to be annexed?
- (3) In table format for the annexing municipality's General Operating Fund, provide a three (3) year history of revenues, expenditures and fund balance. The three (3) year period is for the most recent three (3) years, including the budget year in which the proposal is submitted.
- (4) In table format for the area subject to the proposal and the municipality, provide a pro forma financial statement which projects revenues and expenditures for a three (3) year period after annexation.
- (5) Identify any existing or anticipated capital improvement projects for the area to be annexed. Identify sources of revenue to fund these improvements.
- (6) Identify any extraordinary effect the proposed boundary change will have on the distribution of tax resources in St. Louis County.
- (7) In table format, identify the sources of revenue which, if the proposed boundary change was approved, would no longer be a resource for any other taxing jurisdiction. Provide a one year projection of the value for each resource.
- (8) Does the municipality assess development impact fees as a part of any new development?

*Annexation - Continued*

- (9) Does a St. Louis County Traffic Generation Assessment Trust Fund area exist in the area to be annexed? If so, does the municipality intend to require continued participation in that Fund for any new development? Does the municipality have any policies or ordinances which would prohibit participation?
- (10) Are there any policies or ordinances in the municipality which would affect existing Subdivision Escrow Accounts in the area to be annexed?
- (11) Discuss what impact the annexation would have on the tax base or the ability to raise revenue of:
  - (a) The area subject to the proposed boundary change and its residents;
  - (b) The existing municipality proposing the boundary change and the residents thereof;
  - (c) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (d) The entire geographic area of the County and its residents.

**iii. *Services***

- (1) In table format, provide:
  - (a) A list of services currently provided to the area to be annexed, who is responsible for providing these services and whether the service is provided by contract or in-house.
  - (b) A list of services which will be provided after annexation and who will be responsible for providing the service and whether it will be provided by contract or in-house.
  - (c) A list identifying any change in the fee for service which will apply to all residents and/or businesses in the area to be annexed.
- (2) Provide a brief description of the major services offered by the annexing municipality.
- (3) Identify any natural or man-made barriers that may impede the efficient delivery of service to the area to be annexed.
- (4) Describe the municipality's policy in the area to be annexed regarding acceptance of the following for maintenance and/or new construction/installation:
  - (a) Private roads
  - (b) Sidewalks
  - (c) Driveway approaches
  - (d) Street lights
  - (e) Subdivision common ground
  - (f) Park landDoes this policy differ from policies currently affecting the annexing municipality?
- (5) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided? Explain.

**iv. *Zoning/Land Use***

- (1) In table format, identify in the area to be annexed the percentage of the use of land by the following categories:
  - (a) Commercial
  - (b) Industrial
  - (c) Institutional/Governmental
  - (d) Single-family residential

*Annexation - Continued*

- (e) Multi-family residential
- (f) Vacant
- (2) Provide two (2) maps of the area identifying the zoning of the area to be annexed:
  - (a) As the zoning currently exists
  - (b) How the municipality proposes to zone the area after annexation
- (3) Include a description of the relevant zoning and land use changes after annexation. Describe the impact the proposed boundary change would have on zoning and land use changes.
- (4) Would the changes in zoning create any non-conformities in the area to be annexed? If yes, how will the municipality handle these non-conformities?
- (5) Identify any regulations, such as subdivision, flood plain management, historic preservation district, neighborhood improvement district or other regulations that would affect the area to be annexed?
- (6) Would prospective development be affected directly or indirectly by the proposed boundary change?
- (7) How does the municipality plan to address code compliance with on-going development projects in the area to be annexed?
- (8) What is the likelihood of any significant future growth or development in the area to be annexed within the first three (3) years after annexation?

v. **Summary**

Provide a summary as to why the proposal is in the best interest of:

- (1) The affected municipality,
- (2) The areas of the County next to such proposed boundary, and
- (3) The unincorporated areas affected by the proposal.

b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, it shall so state in writing.

i. Certification declaring that the area covered by the proposal either:

- (1) Is not unincorporated area, or
- (2) Includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
- (3) Includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.

*Annexation - Continued*

- ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for the boundary change.
  - iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified on a map.
  - iv. Certification declaring that at least fifteen percent (15%) of the boundary of the territory proposed for annexation is adjacent to the municipality which is proposing the annexation.
  - v. Certification declaring that one (1) copy of the municipality's most recently adopted budget and audit report have been provided to the office of the Boundary Commission, along with twenty-one (21) copies of this proposal.
  - vi. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc. In the event that the proposing agent is a municipality, such certification shall indicate that such municipality has paid the Application Fee and will pay any expenses incurred by the Commission in excess of such Application Fee.
  - vii. Certification declaring that identical copies of the proposal have been either delivered or mailed to:
    - (1) The St. Louis County Clerk;
    - (2) The clerk of each village (by name) and municipality (by name) of St. Louis County with boundaries contiguous to the area covered by the proposal.
  - viii. Certification declaring that the proposed boundary change:
    - (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by the voters within two (2) years of the date of the official submittal of the newly proposed boundary change.
    - (2) Does not contain any unincorporated area which is currently in an established unincorporated area.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, they shall so state in writing.
- i. A certified copy of the ordinance adopting the Annexation Boundary Change Proposal.
  - ii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:
    - (1) A facility generally open to and used by the public, including private schools and churches;
    - (2) Handicap accessible;

- (3) Geographically located based on the following priorities:
  - (a) Within the area covered by the proposal;
  - (b) Within two (2) miles of the area covered by the proposal;
  - (c) The offices of the Boundary Commission;
  - (d) Within the County seat of St. Louis County.
- iii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
- iv. Written statement from the proposing agent that:
  - (1) It does not seek any change in fire protection and emergency medical services, or
  - (2) If a change in service is planned, the proposing agent shall include a certified copy of an ordinance or binding resolution of the fire protection district(s) approving the proposal for fire protection and emergency medical services by the proposing agent.
- v. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
  - (1) The identity of the proposing agent(s);
  - (2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;
  - (3) The proposal's official submittal date;
  - (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
- vi. A metes and bounds legal description of the area covered by the proposal. The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- vii. A statement identifying a proposed effective date for the proposed boundary change.

### **3. For A Consolidation**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.
  - i. ***Geographic***
    - (1) Provide a map of the area to be consolidated. Distinguish between the existing boundaries of the separate areas to be consolidated and the area to be consolidated as a whole. Include significant geographical features including arterial streets, highways, rivers, creeks, etc.

*Consolidation - Continued*

Identify community and/or municipal facilities, e.g. city hall, public safety facilities, recreation centers, major parks, etc.

- (2) Provide a second map that generally relates the boundaries of the newly consolidated municipality to surrounding municipalities, neighboring subdivisions, arterial roads, which are not a part of the proposal.
- (3) In table format, provide the following information for each municipality and unincorporated area affected by the proposal and the combined total area for the new municipality after consolidation:
  - (a) Population, as of the most recent Census, noting the year.
  - (b) Land area in acres.
  - (c) Number of dwelling units.
- (4) Discuss how the proposal affects the compactness of the area to be consolidated:
  - (a) The accessibility of the entire area for the efficient delivery of services.
  - (b) Any natural or man-made barriers that would impede the efficient delivery of service.
- (5) Explain how the consolidation will result in logical boundaries.
- (6) Define what the community of interest is in the area to be consolidated. How will the consolidation affect an existing neighborhood(s)?
- (7) If the area to be consolidated includes an unincorporated area(s), provide a list of all subdivisions in that area which are a part of the consolidation proposal. Are any of these subdivisions split because of the proposed boundary change? If yes, on a separate map identify the subdivision(s) being split. Explain how the split does not adversely affect the area to be consolidated or the remaining unincorporated area.
- (8) If the area to be consolidated includes unincorporated areas, would any unincorporated area, contiguous to the area to be consolidated be left inaccessible, except through another municipality and/or County?
- (9) Address how the incorporation is consistent with the Missouri legislature's requirement that the Commission consider the creation of consolidation creates logical and reasonable municipal boundaries in the County.

ii. ***Financial***

- (1) In table format, list all relevant tax rates for each municipality and unincorporated area affected by the proposal and the combined total for the new municipality after consolidation. Identify any changes in the tax structure for each of the areas involved in the consolidation.
- (2) In table format:
  - (a) Provide a three (3) year history of revenues, expenditures and fund balances for each of the municipalities involved in the consolidation General Operating fund.
  - (b) Provide a three (3) year combined history of revenues, expenditures and fund balance for the municipalities involved in the consolidation General Operating fund.

## *Consolidation - Continued*

The three (3) year period is for the most recent three (3) years, including the budget year in which the proposal is submitted.

- (3) If the area to be consolidated includes unincorporated areas, provide in table format a projection of income (revenues) derived from and the cost for service (expenditures) applicable to the unincorporated area. This projection shall be for a period of three (3) fiscal years after consolidation.
- (4) In table format, provide a three (3) year projection of income (revenue) derived from and the cost to provide services (expenditures) for the newly consolidated municipality. This projection shall be for a period of three (3) fiscal years after consolidation.
- (5) In table format, provide a three (3) year projection of anticipated capital improvement projects, including the sources of income to fund the improvements for the newly consolidated municipality.
- (6) Identify any extraordinary effect the proposed boundary change will have on the distribution of tax resources in St. Louis County.
- (7) If the area to be consolidated includes unincorporated areas, in table format, identify the sources of income (revenue), which if the proposed boundary change was approved, would no longer be a resource for any other taxing jurisdiction. Provide a one (1) year projection of the value for each resource.
- (8) If the area to be consolidated includes unincorporated areas, does a St. Louis County Traffic Generation Assessment Trust Fund Area exist in the unincorporated area? If so, does the newly consolidated municipality intend to require continued participation in that fund for any new development in that unincorporated area? Does the newly consolidated municipality intend to create any policy or ordinance which would prohibit such participation?
- (9) If the area to be consolidated includes unincorporated areas, does the newly incorporated municipality intend to create any policy or ordinance which would affect existing Subdivision Escrow Accounts in the unincorporated area to be consolidated?
- (10) Discuss what impact the consolidation would have on the tax base or the ability to raise revenue of:
  - (a) The area subject to the proposed boundary change and its residents;
  - (b) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (c) The entire geographic area of the County and its residents.

### **iii. *Services***

- (1) In table format, for each municipality, and if applicable, unincorporated area affected by the proposed boundary change, provide:
  - (a) A list of services currently provided, indicating who is responsible for providing these services and whether the service is provided by contract or in-house.
  - (b) A list of services which upon consolidation will be provided, indicating who will be responsible for providing these services and whether the service will be provided by contract or in-house.
  - (c) A list identifying any change in the fee for service which will apply to all residents

*Consolidation - Continued*

and/or businesses.

- (2) Provide a brief description of the services which will be provided to the newly consolidated municipality.
- (3) How will fire and emergency medical services be provided in the newly consolidated municipality?
- (4) Describe the policy in the newly consolidated municipality regarding the acceptance of the maintenance and/or new construction/installation of the following:
  - (a) Private roads
  - (b) Sidewalks
  - (c) Driveway approaches
  - (d) Street lights
  - (e) Subdivision common ground
  - (f) Park land
- (5) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided? Explain.

iv. ***Zoning/Land Use***

- (1) In table format, identify how the land is currently being utilized as a percentage of the total acres, by the following categories:
  - (a) Commercial
  - (b) Industrial
  - (c) Institutional/Governmental
  - (d) Single-family residential
  - (e) Multi-family residential
- (2) Provide two (2) maps of the area to be consolidated, identifying the zoning of the area:
  - (a) As the zoning currently exists.
  - (b) How the municipality proposes the zoning will be after consolidation.
- (3) Include a description of any relevant zoning and land use changes which will occur as a result of the consolidation. Describe the impact the proposed boundary change would have on zoning and land use changes.
- (4) Would the changes in zoning create any non-conformities in the area to be consolidated? If yes, how will the newly consolidated municipality handle these non-conformities?
- (5) Identify any regulations, such as subdivision, flood plain management, historic preservation district, neighborhood improvement district or other regulations that would affect the area to be consolidated?
- (6) Would prospective development be affected directly or indirectly by the proposed boundary change?
- (7) How does the newly consolidated municipality plan to address code compliance with on-going development projects in the area to be consolidated?

*Consolidation - Continued*

v. **Summary**

Provide a summary as to why the proposal is in the best interest of:

- (1) The municipalities,
- (2) The areas of the County next to such proposed boundary, and
- (3) The unincorporated areas affected by the proposal.

b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

i. Certification declaring that the area covered by the proposal either:

- (1) Is not unincorporated area, or
- (2) Includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
- (3) Includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.

ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for the boundary change.

iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified on a map.

iv. Certification declaring that one (1) copy of each of the municipality=s most recently adopted budget and audit report have been provided to the office of the Boundary Commission, along with twenty-one (21) copies of this proposal.

v. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.

vi. Certification declaring that identical copies of the proposal have been either delivered or mailed to:

- (1) The St. Louis County Clerk;
- (2) The clerk of each village (by name) and municipality (by name) of St. Louis County with boundaries contiguous to the area covered by the proposal.

vii. Certification declaring that all municipalities and unincorporated areas to be consolidated are contiguous to each other.

viii. Certification declaring that the proposed boundary change:

- (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by the voters within two (2) years of the date of the official submittal of the newly proposed boundary change.

*Consolidation - Continued*

- (2) Does not contain any unincorporated area which is currently in an established unincorporated area.
- ix. Certification declaring that the verified petition is signed by registered voters equal to not less than fifteen percent (15%) of the number of votes cast for governor in the last gubernatorial election in the area affected by the boundary change proposal. Petitions may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the Commission shall be satisfied as to the sufficiency of the signatures for the final proposed area.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.
  - i. If applicable, a certified copy of any ordinance adopting the Consolidation Boundary Change Proposal.
  - ii. If applicable, certified copy of a petition.
  - iii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:
    - (1) A facility generally open to and used by the public, including private schools and churches;
    - (2) Handicap accessible;
    - (3) Geographically located based on the following priorities:
      - (a) Within the area covered by the proposal;
      - (b) Within two (2) miles of the area covered by the proposal;
      - (c) The offices of the Boundary Commission;
      - (d) Within the County seat of St. Louis County.
  - iv. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
  - v. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
    - (1) The identity of the proposing agent(s);
    - (2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;
    - (3) The proposal's official submittal date;
    - (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
  - vi. A metes and bounds legal description of the area covered by the proposal. The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a

- registered surveyor.
- vii. A statement identifying a proposed effective date for the proposed boundary change.
- viii. A copy of all documents from the St. Louis Board of Election Commissioners which was the basis for the certification as required in Article V.C.3.b.ix.

#### **4. For A Simplified Boundary Change: Annexation**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

##### **i. Geographic**

- (1) Provide a general description of the boundaries of the area to be annexed by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, subdivision boundaries, etc. What is the logic for the selection of the boundary for the area to be annexed?
- (2) Provide a map of the area to be annexed, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc. as well as the relationship of the area to be annexed to the existing boundary of the municipality.
- (3) Provide a second map of the area to be annexed, including the annexing municipality, surrounding municipalities, arterial roads and neighboring subdivisions adjacent to, but not included in the area to be annexed. Identify the annexing municipality's public facilities, e.g. City Hall, Fire/Police facilities, recreation center, major parks, etc.
- (4) In table format, provide the following information as it applies to the area to be annexed:
  - (a) The population, as of the most recent Census available, noting the year.
  - (b) Land area in acres.
  - (c) Number of dwelling units.
- (5) Define the community of interest between the area to be annexed and the annexing municipality. What affect will the annexation have on existing neighborhood(s) or community(ies)?
- (6) Provide a list of all subdivisions involved in the boundary change proposal. Are any of the subdivisions in the area to be annexed split because of the proposed boundary change? If yes, identify the subdivision(s) being split on a separate map. Explain how being split does not adversely affect the area to be annexed or the remaining unincorporated ~~territory~~ area.
- (7) Address the compactness of the area to be annexed, by identifying:
  - (a) The number of street connections between the area to be annexed and the annexing municipality.
  - (b) The accessibility of the entire area for efficient delivery of services.
  - (c) Any natural or man-made barriers that would impede the efficient delivery of services.

*Simplified Boundary Change: Annexation - Continued*

Upon annexation, will the area to be annexed be serviced directly from the annexing municipality?

- (8) In acres, compare the present size of the area to be annexed to the total combined area affected by the proposal.
- (9) To what extent is the boundary of the area to be annexed common to the annexing municipality? Specify the actual percentage of adjacency the boundary of the area to be annexed has with the annexing municipality.
- (10) Upon annexation, would any contiguous unincorporated area be accessed only through another municipality and/or another County?
- (11) Does the municipality have any plans or arrangements with other municipalities regarding growth or expansion? Explain how this annexation represents a logical extension of the municipality's future plans. How does the proposed boundary change relate to the municipality's plans for future annexation?
- (12) Address how the simplified boundary change creates logical and reasonable municipal boundaries in the County.

ii. ***Financial***

- (1) List, in table format, for the area to be annexed, all relevant tax rates before and after the boundary change. How will the changes in the tax structure, if any, affect the area to be annexed?
- (2) In table format, provide a projection of income (revenue) derived from and the cost of providing service (expenditures) which are applicable to the area to be annexed. This projection shall be for a period of three (3) fiscal years after annexation.
- (3) In table format for the annexing municipality's General Operating Fund, provide a three (3) year history of revenues, expenditures and fund balance. The three (3) year period is for the most recent three (3) years, including the budget year in which the proposal is submitted.
- (4) In table format, provide a projection which combines the revenue and expenditures for the three (3) year period after annexation for the area to be annexed and the annexing municipality.
- (5) In table format, provide a three (3) year projection of anticipated capital improvement projects, including the source(s) of income to fund the improvements in the area to be annexed.
- (6) Identify any extraordinary effect the proposed boundary change will have on the distribution of tax resources in St. Louis County.
- (7) In table format, identify the sources of revenue, which if the proposed boundary change was approved, would no longer be a resource for any other taxing jurisdiction. Provide a one (1) year projection of the value for each resource.

*Simplified Boundary Change: Annexation - Continued*

- (8) Does the municipality assess development impact fees as a part of any new development?
- (9) Does a St. Louis County Traffic Generation Assessment Trust Fund area exist in the area to be annexed? If so, does the municipality intend to require continued participation in that Fund for any new development? Does the municipality have any policies or ordinances which would prohibit participation?
- (10) Are there any policies or ordinances in the municipality which would affect existing Subdivision Escrow Accounts in the area to be annexed?
- (11) Discuss what impact the annexation would have on the tax base or the ability to raise revenue of:
  - (a) The area subject to the proposed boundary change and its residents;
  - (b) The existing municipality proposing the boundary change and the residents thereof;
  - (c) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (d) The entire geographic area of the County and its residents.

**iii. Services**

- (1) In table format, provide:
  - (a) A list of services currently provided to the area to be annexed, who is responsible for providing these services and whether the service is provided by contract or in-house.
  - (b) A list of services which will be provided after annexation and who will be responsible for providing the service and whether it is provided by contract or in-house.
  - (c) A list identifying any change in the fee for service which will apply to all residents and/or businesses in the area to be annexed.
- (2) Identify any natural or man-made barriers that may impede the efficient delivery of service to the area to be annexed.
- (3) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided. Explain.

**iv. Zoning/Land Use**

- (1) In table format, identify how the land is currently being utilized, as a percentage of the total acres, by the following categories:
  - (a) Commercial
  - (b) Industrial
  - (c) Institutional/Governmental
  - (d) Single-family residential
  - (e) Multi-family residential
  - (f) Vacant
- (2) Provide two (2) maps of the area identifying the zoning of the area to be annexed:
  - (a) As the zoning currently exists.
  - (b) How the municipality proposes to zone the area after annexation

*Simplified Boundary Change: Annexation - Continued*

- (3) Include a description of the relevant zoning and land use changes after annexation. Describe the impact the proposed boundary change would have on zoning and land use changes.
- (4) Would the changes in zoning create any non-conformities in the area to be annexed? If yes, how will the municipality handle these non-conformities?
- (5) Identify any regulations, such as subdivision, flood plain management, historic preservation district, neighborhood improvement district or other regulations that would affect the area to be annexed?
- (6) Would prospective development be affected directly or indirectly by the proposed boundary change?
- (7) How does the municipality plan to address code compliance with on-going development projects in the area to be annexed?
- (8) What is the likelihood of any significant future growth or development in the area to be annexed within the first three (3) years after annexation?

v. **Summary**

Provide a summary as to why the proposal is in the best interest of:

- (1) The municipality,
- (2) The areas of the County next to such proposed boundary, and
- (3) The unincorporated areas affected by the proposal.

b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

- i. Certification declaring that the area covered by the proposal either:
  - (1) Is not unincorporated area, or
  - (2) Includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
  - (3) Includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.
- ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for the boundary change.
- iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the

*Simplified Boundary Change: Annexation - Continued*

- area involved must be separately described and identified by map.
- iv. Certification declaring that at least fifteen percent (15%) of the boundary of the territory proposed for annexation is adjacent to the municipality which is proposing the annexation.
  - v. Certification declaring that one (1) copy of the municipality's most recently adopted budget and audit report have been provided to the office of the Boundary Commission, along with twenty-one (21) copies of this proposal.
  - vi. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.
  - vii. Certification declaring that identical copies of the proposal have been either delivered or mailed to:
    - (1) The St. Louis County Clerk;
    - (2) The clerk of each village (by name) and municipality (by name) of St. Louis County with boundaries contiguous to the area covered by the proposal.
  - viii. Certification declaring that the verified petition is signed by:
    - (1) Seventy-five percent (75%) of the registered voters within the area proposed for annexation, which is predominantly residential in character and has an average residential density of not less than one dwelling unit per three (3) acres, and has been provided to the Boundary Commission office.
    - (2) Petitions may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a municipality, although the Commission shall be satisfied as to the sufficiency of the signatures for the final proposed area.
    - (3) The number of registered voters within the area proposed for annexation shall be established as of the date the first signature on the verified petition was obtained.
  - ix. Certification declaring that the proposed boundary change:
    - (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by the voters within two (2) years of the date of the official submittal of the newly proposed boundary change.
    - (2) Does not contain any unincorporated area which is currently in an established unincorporated area.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, they shall so state in writing.
- i. A certified copy of an ordinance adopting the Boundary Change Proposal.
  - ii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:

*Simplified Boundary Change: Annexation - Continued*

- (1) A facility generally open to and used by the public, including private schools and churches;
- (2) Handicap accessible;
- (3) Geographically located based on the following priorities:
  - (a) Within the area covered by the proposal;
  - (b) Within two (2) miles of the area covered by the proposal;
  - (c) The offices of the Boundary Commission;
  - (d) Within the County seat of St. Louis County.
- iii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
- iv. A copy of a legal opinion to the proposing agent(s) stating that the proposal meets all the requirements of the statutes and the Rules of the Boundary Commission for Simplified Boundary Change Proposals.
- v. Written statement from the proposing agent that:
  - (1) It does not seek any change in fire protection and emergency medical services, or
  - (2) If a change in service is planned, the proposing agent shall include a certified copy of an ordinance or binding resolution of the fire protection district(s) approving the proposal for fire protection and emergency medical services by the proposing agent.
- vi. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
  - (1) The identity of the proposing agent(s);
  - (2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;
  - (3) The proposal's official submittal date;
  - (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
- vii. A metes and bounds legal description of the area covered by the proposal. The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- viii. A statement identifying a proposed effective date for the proposed boundary change.
- ix. A copy of all documents from the St. Louis Board of Election Commissioners which was the basis for the certification as required in Article V.C.4.b.viii.

**5. For A Simplified Boundary Change: Transfer of Jurisdiction Between Municipalities**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

*Simplified Boundary Change: Transfer of Jurisdiction Between Municipalities - Continued*

*i. Geographic*

- (1) Provide a general description of the boundaries of the jurisdiction to be transferred by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, subdivision boundaries, etc.
- (2) Explain how the transfer of jurisdiction represents a logical change in each of the city=s respective boundaries.
- (3) Provide a map of the jurisdiction to be transferred, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc. as well as the relationship of the jurisdiction to be transferred to the receiving municipality.
- (4) Provide a second map of the jurisdiction to be transferred, including the receiving and contributing municipalities, surrounding municipalities, arterial roads and neighboring subdivisions adjacent to, but not included in the jurisdiction to be transferred. Identify the receiving municipality=s public facilities, e.g. City Hall, Fire/Police facilities, recreation center, major parks, etc.
- (5) In table format, provide the following information as it applies to the jurisdiction to be transferred:
  - (a) The population, as of the most recent Census available, noting the year.
  - (b) Land area in acres.
  - (c) Number of dwelling units.
- (6) Define the community of interest between the jurisdiction to be transferred and the receiving municipality. What affect will the transfer have on neighborhood(s) or community(ies) of the contributing municipality?
- (7) Provide a list of all subdivisions involved in the boundary change proposal. Are any of the subdivisions in the jurisdiction to be transferred split because of the proposed boundary change? If yes, identify the subdivision(s) being split on a separate map. Explain how being split does not adversely affect the jurisdiction being transferred or the remaining territory in the contributing municipality.
- (8) Address the compactness of the jurisdiction to be transferred, by identifying:
  - (a) The number of street connections between the jurisdiction to be transferred and the receiving municipality.
  - (b) The accessibility of the entire area for efficient delivery of services.
  - (c) Any natural or man-made barriers that would impede the efficient delivery of services.

Upon transfer, will the jurisdiction to be transferred be serviced directly from the receiving municipality?
- (9) To what extent is the boundary of the jurisdiction to be transferred common to the receiving municipality?
- (10) Address how the simplified boundary change creates logical and reasonable municipal boundaries in the County.

**ii. Financial**

- (1) List, in table format, for the jurisdiction to be transferred, all relevant tax rates before and after the boundary change. How will the changes in the tax structure, if any, affect the jurisdiction to be transferred?
- (2) In table format, provide a projection of income (revenue) derived from and the cost of providing service (expenditures) which are applicable to the jurisdiction to be transferred. This projection shall be for a period of three (3) fiscal years after the transfer.
- (3) In table format, provide a list of anticipated capital improvement projects, the source(s) of income to fund the improvements, and the time period when the improvements will be made in the jurisdiction to be transferred.
- (4) Identify any extraordinary effect the proposed boundary change will have on the distribution of tax resources in St. Louis County.
- (5) Discuss what impact, if any, transfer of jurisdiction would have on the tax base or the ability to raise revenue of:
  - (a) The area subject to the proposed boundary change and its residents;
  - (b) The existing municipality proposing the boundary change and the residents thereof;
  - (c) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (d) The entire geographic area of the County and its residents.

**iii. Services**

- (1) In table format, provide:
  - (a) A list of services currently provided to the jurisdiction to be transferred, who is responsible for providing these services and whether the service is provided by contract or in-house.
  - (b) A list of services which will be provided to the jurisdiction after the transfer and who will be responsible for providing the service and whether it is provided by contract or in-house.
  - (c) A list identifying any change in the fee for service which will apply to all residents and/or businesses in the jurisdiction to be transferred.
- (2) Identify any natural or man-made barriers that may impede the efficient delivery of service to the jurisdiction to be transferred.
- (3) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided. Explain.

**iv. Zoning/Land Use**

- (1) Provide two (2) maps of the area identifying the zoning of the jurisdiction to be transferred:
  - (a) As the zoning currently exists.
  - (b) How the municipality proposes to zone the area after transfer.
- (2) Include a description of the relevant zoning and land use changes after the transfer.

*Simplified Boundary Change: Transfer of Jurisdiction Between Municipalities - Continued*

Describe the impact the proposed boundary change would have on zoning and land use changes.

- (3) Would the changes in zoning create any non-conformities in the jurisdiction to be transferred? If yes, how will the municipality handle these non-conformities?

v. **Summary**

Provide a summary as to why the proposal is in the best interest of:

- (1) The receiving and contributing municipality, and
- (2) The jurisdiction affected by the proposal.

- b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

- i. Certification declaring that the area covered by the proposal either:

- (1) Is not unincorporated area, or
- (2) Includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
- (3) Includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.

- ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for the boundary change.

- iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified by map.

- iv. Certification declaring that one (1) copy of the receiving municipality's most recently adopted budget and audit report have been provided to the office of the Boundary Commission, along with twenty-one (21) copies of this proposal.

- v. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.

- vi. Certification declaring that identical copies of the proposal have been either delivered or mailed to:

- (1) The St. Louis County Clerk;
- (2) The clerk of each village (by name) and municipality (by name) of St. Louis County which is either affected by or with boundaries contiguous to the area covered by the proposal.

- vii. Certification declaring that the proposed boundary change:

*Simplified Boundary Change: Transfer of Jurisdiction Between Municipalities - Continued*

- (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by voters within two (2) years of the date of the official submittal of the newly proposed boundary change.
  - (2) Does not contain any unincorporated area which is currently in an established unincorporated area.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, they shall so state in writing.
- i. A certified copy of an ordinance adopted by each municipality approving the Transfer of Jurisdiction Boundary Change Proposal.
  - ii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:
    - (1) A facility generally open to and used by the public, including private schools and churches;
    - (2) Handicap accessible;
    - (3) Geographically located based on the following priorities:
      - (a) Within the area covered by the proposal;
      - (b) Within two (2) miles of the area covered by the proposal;
      - (c) The offices of the Boundary Commission;
      - (d) Within the County seat of St. Louis County.
  - iii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
  - iv. A copy of a legal opinion to the proposing agent(s) stating that the proposal meets all the requirements of the statutes and the Rules of the Boundary Commission for Simplified Boundary Change Proposals.
  - v. Written statement from the proposing agent that:
    - (1) It does not seek any change in fire protection and emergency medical services, or
    - (2) If a change in service is planned, the proposing agent shall include a certified copy of an ordinance or binding resolution of the fire protection district(s) approving the proposal for fire protection and emergency medical services by the proposing agent.
  - vi. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
    - (1) The identity of the proposing agent(s);
    - (2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;
    - (3) The proposal's official submittal date;

*Simplified Boundary Change: Transfer of Jurisdiction Between Municipalities - Continued*

- (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
- vii. A metes and bounds legal description of the area covered by the proposal. –The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- viii. A statement identifying a proposed effective date for the proposed boundary change.

**6. For A Simplified Boundary Change: Transfer of Jurisdiction Between A Municipality and the County**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

**i. Geographic**

- (1) Provide a general description of the boundaries of the jurisdiction to be transferred by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, etc.
- (2) Does the jurisdiction involved in the transfer involve only public property or public rights-of-way?
- (3) Explain how the transfer of jurisdiction represents a logical change in each of the jurisdiction=s respective boundaries.
- (4) Provide a map of the jurisdiction to be transferred, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc. as well as the relationship of the jurisdiction to be transferred to the receiving municipality or County.
- (5) Provide a second map of the jurisdiction to be transferred, including the receiving and contributing municipalities, and County, surrounding municipalities, arterial roads and neighboring subdivisions adjacent to, but not included in the jurisdiction to be transferred. Identify the receiving municipality=s or County=s public facilities, e.g. government centers, fire/police facilities, recreation center, major parks, etc.
- (6) In table format, provide the following information as it applies to the jurisdiction to be transferred:
  - (a) The population, as of the most recent Census available, noting the year.
  - (b) Land area in acres.
  - (c) Number of dwelling units.
- (7) Define the community of interest between the jurisdiction to be transferred and the receiving municipality or County. What affect will the transfer have on neighborhood(s) or community(ies) of the contributing municipality or County?
- (8) Provide a list of all subdivisions involved in the boundary change proposal. Are any of the subdivisions in the jurisdiction to be transferred split because of the proposed boundary change? If yes, identify the subdivision(s) being split on a separate map. Explain how being split does not adversely affect the jurisdiction to be transferred or the remaining

*Established Unincorporated Area - Continued*

territory in the contributing municipality or County.

- (9) Address the compactness of the jurisdiction to be transferred, by identifying:
- (a) The number of street connections between the jurisdiction to be transferred and the receiving municipality or County.
  - (b) The accessibility of the entire area for efficient delivery of services.
  - (c) Any natural or man-made barriers that would impede the efficient delivery of

services.

Upon transfer, will the jurisdiction to be transferred be serviced directly from the receiving municipality or County?

- (10) To what extent is the boundary of the jurisdiction to be transferred common to the receiving municipality or County.
- (11) Upon transfer, would any contiguous unincorporated area be accessed only through another municipality and/or another County?
- (12) Address how the simplified boundary change creates logical and reasonable municipal boundaries in the County.

ii. ***Financial***

- (1) List, in table format, for the jurisdiction to be transferred, all relevant tax rates before and after the boundary change. How will the changes in the tax structure, if any, affect the jurisdiction to be transferred.
- (2) In table format, provide a projection of income (revenue) derived from and the cost of providing service (expenditures) which are applicable to the jurisdiction to be transferred. This projection shall be for a period of three (3) fiscal years after the transfer.
- (3) In table format, provide a list of anticipated capital improvement projects, the source(s) of income to fund the improvements, and the time period when the improvements will be made in the jurisdiction to be transferred.
- (4) Identify any extraordinary effect the proposed boundary change will have on the distribution of tax resources in St. Louis County.
- (5) Discuss what impact the transfer of jurisdiction would have on the tax base or the ability to raise revenue of:
- (a) The area subject to the proposed boundary change and its residents;
  - (b) The existing municipality proposing the boundary change and the residents thereof;
  - (c) Adjoining areas not involved in the boundary change and the residents thereof, and
  - (d) The entire geographic area of the County and its residents.

iii. ***Services***

- (1) In table format, provide:
- (a) A list of services currently provided to the jurisdiction to be transferred, who is responsible for providing these services and whether the service is provided by contract or in-house.

*Established Unincorporated Area - Continued*

- (b) A list of services which will be provided to the jurisdiction after the transfer and who will be responsible for providing the service and whether it is provided by contract or in-house.
  - (c) A list identifying any change in the fee for service which will apply to all residents and/or businesses in the jurisdiction to be transferred.
- (2) Identify any natural or man-made barriers that may impede the efficient delivery of service to the jurisdiction to be transferred.
  - (3) What is the proposed effective date for delivery of services? Will all services be provided upon that date? If not, which one(s) will not be provided. Explain.

iv. ***Zoning/Land Use***

- (1) Provide two (2) maps of the area identifying the zoning of the jurisdiction to be transferred:
  - (a) As the zoning currently exists.
  - (b) How the municipality or County proposes to zone the area after transfer.
- (2) Include a description of the relevant zoning and land use changes after the transfer. Describe the impact the proposed boundary change would have on zoning and land use changes.
- (3) Would the changes in zoning create any non-conformities in the jurisdiction to be transferred? If yes, how will the municipality or County handle these non-conformities?

v. ***Summary***

Provide a summary as to why the proposal is in the best interest of:

- (1) The receiving and contributing municipality or County and
- (2) The jurisdiction affected by the proposal.

b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.

i. Certification declaring that the area covered by the proposal either:

- (1) is not unincorporated area, or
- (2) includes unincorporated area which is less than fifty percent (50%) of the combined land subject to the proposal, or
- (3) includes unincorporated area which is greater than fifty percent (50%) of the combined land subject to the proposal and has a combined population of more than ten thousand (10,000) people.

ii. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for

*Established Unincorporated Area - Continued*

- the boundary change.
- iii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified by map.
  - iv. Certification declaring that one (1) copy of the receiving municipality=s or County=s most recently adopted budget and audit report have been provided to the office of the Boundary Commission, along with twenty-one (21) copies of this proposal.
  - v. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.
  - vi. Certification declaring that identical copies of the proposal have been either delivered or mailed to:
    - (1) The St. Louis County Clerk;
    - (2) The clerk of each village (by name) and municipality (by name) of St. Louis County which is either affected by or whose boundaries are contiguous to the area covered by the proposal.
  - vii. Certification declaring that the proposed boundary change:
    - (1) Contains no more than sixty percent (60%) of the area subject to a previous boundary change which was disapproved by voters within two (2) years of the date of the official submittal of the newly proposed boundary change.
    - (2) Does not contain any unincorporated area which is currently in an established unincorporated area.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, they shall so state in writing.
- i. A certified copy of an ordinance adopted by the County and municipality approving the Transfer of Jurisdiction Boundary Change Proposal.
  - ii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:
    - (1) A facility generally open to and used by the public, including private schools and churches;
    - (2) Handicap accessible;
    - (3) Geographically located based on the following priorities:
      - (a) Within the area covered by the proposal;
      - (b) Within two (2) miles of the area covered by the proposal;
      - (c) The offices of the Boundary Commission;
      - (d) Within the County seat of St. Louis County.

*Established Unincorporated Area - Continued*

- iii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
- iv. A copy of a legal opinion to the proposing agent(s) stating that the proposal meets all the requirements of the statutes and the Rules of the Boundary Commission for Simplified Boundary Change Proposals.
- v. Written statement from the proposing agent that:
  - (1) It does not seek any change in fire protection and emergency medical services, or
  - (2) If a change in service is planned, the proposing agent shall include a certified copy of an ordinance or binding resolution of the fire protection district(s) approving the proposal for fire protection and emergency medical services by the proposing agent.
- vi. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
  - (1) The identity of the proposing agent(s);
  - (2) A clear, concise description of the proposed boundary change, which may include but not necessarily be confined to a legal description;
  - (3) The proposal's official submittal date;
  - (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
- vii. A metes and bounds legal description of the area covered by the proposal. The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- viii. A statement identifying a proposed effective date for the proposed boundary change.

**7. For A Proposed Established Unincorporated Area**

- a. At minimum for **Section 2, Plan of Intent**, the following information shall be addressed in the proposal to aide the Commission in making a determination whether the area described can be reasonably served for five (5) years. If the proposing agent determines that such information is not applicable to its proposal, the proposing agent shall so state in writing.
  - i. **Geographic**
    - (1) Provide a general description of the boundaries of the proposed established unincorporated area by identifying key geographical descriptions such as highways, creeks, rivers, arterial roads, subdivision boundaries, etc. What is the logic for the selection of the boundary for the proposed established unincorporated area? Were physical boundaries utilized, if so, why?
    - (2) Provide a map of the proposed established unincorporated area, identifying significant geographical features, such as arterial streets, highways, recreation facilities, schools, etc.

*Established Unincorporated Area - Continued*

and the area=s relationship to the existing boundary of any municipality.

- (3) Provide a second map of the proposed established unincorporated area, extending the map=s limits to include surrounding municipalities, arterial roads and neighboring subdivisions adjacent to but not included in the unincorporated area.
- (4) For the proposed established unincorporated area, provide the population, as of the most recent Census available, noting the year.
- (5) Provide a list of all subdivisions involved in the established unincorporated area proposal. Are any of these subdivisions split because of the proposal? If yes, on a separate map identify the subdivision(s) being split. Explain how being split does not adversely affect the proposed established unincorporated area or the remaining unincorporated area.
- (6) Address the compactness of the proposed established unincorporated area, e.g.:
  - (a) The accessibility of the entire area for efficient delivery of services
  - (b) Any natural or man-made barriers that would impede the efficient delivery of services.
- (7) Upon creation of an established unincorporated area, would any unincorporated area contiguous to it be left stranded, or unable to be accessed, except through another municipality and/or another County?
- (8) Address how the proposed established unincorporated area creates logical and reasonable boundaries in the County.

ii. ***Financial***

- (1) In table format, project by general category the municipal-type revenues and expenditures (cost of providing service) which are applicable to the proposed established unincorporated area; developing a pro forma budget for the first five (5) years after voter approval.
- (2) Identify any existing or anticipated capital improvement projects for the proposed established unincorporated area. Identify sources of revenue to fund these improvements.
- (3) To what magnitude would the financial information as found in Article III.C.7.a.ii.(1) change if the entire proposed established unincorporated area was surrounded by a municipality(ies)?

iii. ***Services***

- (1) In table format, provide:
  - (a) A list of municipal-type services currently provided to the proposed established unincorporated area, and whether the services are provided by contract or in-house.
  - (b) A list of municipal-type services which would be provided upon approval of an proposed established unincorporated area and who will be responsible for providing the services and whether they will be provided by contract or in-house.
- (2) Identify any natural or man-made barriers that may impede the efficient delivery of service to the proposed established unincorporated area.

iv. **Zoning/Land Use**

- (1) Provide a map identifying the following categories:
  - (a) Commercial
  - (b) Industrial
  - (c) Institutional/Governmental
  - (d) Single-family residential
  - (e) Multi-family residential
  - (f) Non-urban
- (2) Identify any regulations, such as subdivision, flood plain management, historic preservation district, neighborhood improvement district or other regulations that would affect the proposed established unincorporated area.
- (3) What is the likelihood of any significant change or development in the proposed proposed established unincorporated area for a five (5) year period after approval.

v. **Summary**

Provide a brief summary as to how the area described in the proposal can be reasonably served for five (5) years.

- b. **For Section 3, Certifications**, the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, it shall so state in writing.
  - i. Certification declaring whether any platted subdivision(s) is (are) being split by the proposal for an proposed established unincorporated area.
  - ii. Certification declaring whether at the time of official submittal any of the area covered by the proposal overlaps with any other proposal(s) before the Commission. If there is an overlap, the area involved must be separately described and identified by map.
  - iii. Certification declaring that at time of official submittal twenty-one (21) copies of the proposal were provided to the office of the Boundary Commission.
  - iv. Certification declaring that the proposing agent will bear all costs of the Boundary Commission relating to publications, notifications, copies, etc.
  - v. A certification declaring that identical copies of the proposals have been delivered or mailed to:
    - (1) The St. Louis County Clerk;
    - (2) The clerk of each village (by name) and municipality (by name) of St. Louis County with boundaries contiguous to the area covered by the proposal.
- c. **For Section 4, Supporting Documents**, at minimum the following information shall be addressed in the proposal. If the proposing agent determines that such information is not applicable to its proposal, it shall so state in writing.

*Established Unincorporated Area - Continued*

- i. A letter from the chief elected official of St. Louis County stating he or she has authorized the filing of the proposed established unincorporated area proposal.
- ii. A list of no fewer than three (3) sites, (including contact person, address and telephone number) which can accommodate a public hearing appropriate for the size of the application. The sites must be:
  - (1) A facility generally open to and used by the public, including private schools and churches;
  - (2) Handicap accessible;
  - (3) Geographically located based on the following priorities:
    - (a) Within the area covered by the proposal;
    - (b) Within two (2) miles of the area covered by the proposal;
    - (c) The offices of the Boundary Commission;
    - (d) Within the County seat of St. Louis County.
- iii. A copy of a legal opinion to the proposing agent(s) stating that all statutory requirements, which are applicable to the proposing agent(s), have been satisfied.
- iv. A draft of the proposed language, provided as to form by the Commission, for a public notice of public hearing which shall include:
  - (1) The identity of the proposing agent(s);
  - (2) A clear, concise description of the proposed established unincorporated area, which may include but not necessarily be confined to a legal description;
  - (3) The proposal's official submittal date;
  - (4) "Blanks" for the date, time and location of the hearing, identifying it as a function of the Boundary Commission, St. Louis County, Missouri.
- v. A metes and bounds legal description of the area covered by the proposal. The Boundary Commission, at its discretion, may require the proposing agent to verify the legal description by a registered surveyor.
- vi. A statement identifying a proposed effective date for the proposed established unincorporated area.

## **ARTICLE VI COMPLETENESS REVIEW**

### **A. For All Boundary Change Proposals:**

1. Within three (3) working days of official submittal, the staff shall:
  - a. Assign a file case number, including time and date of receipt of proposal;
  - b. Review submittal as to completeness by checking for existence of all documents required by these rules including the Application Fee if required, without evaluating substantive content;
  - c. Notify proposing agent in writing of completeness or of any deficiencies/omissions in the submittal. Any facsimile notification shall be immediately followed by a mailed copy.
2. It is the responsibility of the proposing agent to correct any deficiencies/omissions in its submittal within eight (8) working days of the official submittal date.
3. A proposal will be considered complete for public hearing unless the Boundary Commission rejects receipt of the proposal as being incomplete. Any rejection of a submittal shall be at a regular Boundary Commission meeting.
4. It shall be the responsibility of the staff to order the publication of the Notice of Receipt of Proposal and Notice of Public Hearing thereon within twenty-one (21) calendar days after official submittal. The public hearing shall be set no less than fourteen (14), nor more than sixty (60) calendar days after the date of publication. The cost of any publications relating to the proposal shall be borne by the proposing agents.
5. At the next regular Boundary Commission meeting, after the time frame to correct deficiencies / omissions, the Boundary Commission shall:
  - a. Vote to:
    - i. Accept the proposal as:
      - (1) either complete and allow it to proceed to public hearing, or
      - (2) complete contingent upon making the necessary corrections within the remaining time frame to correct deficiencies/omissions and allow it to proceed to public hearing, or
    - ii. Reject the proposal as being incomplete without restriction on the proposing agents' ability to officially submit a new proposal in the future.
  - b. Confirm a date for public hearing. Consistent with other policies of the Boundary Commission, a combination of related public hearings on one agenda may be scheduled by the Boundary Commission.
  - c. Confirm that the publication of the notice of receipt of proposal and notice of public hearing is not less than fourteen (14) calendar days or more than sixty (60) calendar days before the public hearing.

### **B. For All Established Unincorporated Area Proposals:**

1. Within three (3) working days of official submittal, the staff shall:
  - a. Assign a file case number, including time and date of receipt of proposal;
  - b. Review submittal as to completeness by checking for existence of all documents required by these rules, without evaluating substantive content;
  - c. Notify proposing agent in writing of completeness or of any deficiencies/omissions in the submittal. Any facsimile notification shall be immediately followed by a mailed copy.
2. It is the responsibility of the proposing agent to correct any deficiencies/omissions in its submittal within eight (8) working days of the official submittal date.
3. A proposal will be considered complete for public hearing unless the Boundary Commission rejects receipt of the proposal as being incomplete. Any rejection of a submittal shall be at a regular Boundary Commission meeting.
4. It shall be the responsibility of the staff to order the publication of the Notice of Receipt of Proposal and Notice of Public Hearing thereon within twenty-one (21) calendar days after official submittal. The public hearing shall be set no less than fourteen (14), nor more than sixty (60) calendar days after the date of publication. The cost of any publications relating to the proposal shall be borne by the proposing agents.
5. At the next regular Boundary Commission meeting, after the time frame to correct deficiencies/omissions, the Boundary Commission shall:
  - a. Vote to:
    - i. Accept the proposal as:
      - (1) either complete and allow it to proceed to public hearing, or
      - (2) complete contingent upon making the necessary corrections within the remaining time frame to correct deficiencies/omissions and allow it to proceed to public hearing, or
    - ii. Reject the proposal as being incomplete without restriction on the proposing agents' ability to officially submit a new proposal in the future.
  - d. Confirm a date for public hearing. Consistent with other policies of the Boundary Commission, a combination of related public hearings on one agenda may be scheduled by the Boundary Commission.
  - e. Confirm that the publication of the notice of receipt of proposal and notice of public hearing is not less than fourteen (14) calendar days or more than sixty (60) calendar days before the public hearing.

## **ARTICLE VII PUBLIC HEARING**

As part of the Commission's review and consideration of all proposals, a public hearing will be provided for and conducted in the manner provided herein:

**A. Setting of Public Hearing** - The Boundary Commission shall establish the date, time and location for the public hearing.

**B. Notification of Public Hearing**

1. The "Notice of Proposal and Public Hearing" shall serve as the official notification of the receipt of a proposal and the setting of the public hearing. "The Notice of Proposal and Public Hearing:"
  - a. Shall be published, at the expense of the proposing agent, in a newspaper of general circulation in St. Louis County, qualified to publish legal notices, at least fourteen (14) days prior to the public hearing.
  - b. Shall contain the date, time and location of the public hearing and be in a format as provided by the Boundary Commission.
2. Publication of the "Notice of Proposal and Public Hearing" for a boundary change proposal or established unincorporated area proposal shall be the responsibility of the Boundary Commission and shall take place within twenty-one (21) days of the official submittal.
3. Written notification of the submittal of a proposal and the public hearing
  - a. Shall be provided to each of the following:
    - i. The St. Louis County Clerk,
    - ii. The clerk of each municipality which adjoins the area covered by the proposal,
    - iii. All governmental entities with authority to impose taxes that provided municipal-type services in the area covered by the proposal.
  - b. Shall be the responsibility of:
    - i. The Boundary Commission to provide such notification within twenty-one (21) days of official submittal for all boundary change proposals.
    - ii. The proposing agent to provide such notification prior to official submittal and to confirm at the time of official submittal that notification was provided for an established unincorporated area proposal.
4. Other Notifications
  - a. Prior to the public hearing, the Commission may issue a news release to announce and describe the proposal.
  - b. The Commission may publish additional notice in newspapers of local interest and circulation to supplement, but not substitute for, the official notification. The cost of publication shall be the responsibility of the proposing agent.
  - c. The public hearing agenda shall be posted at least twenty-four (24) hours in advance of the public hearing at the following locations:
    - i. Location of the public hearing,
    - ii. Office of the Boundary Commission,
    - iii. County Administration Building (public notice bulletin board),
    - iv. Official office of the proposing agent (if available).

**C. Holding of Public Hearing** - The public hearing shall be held:

1. For boundary change proposals, not less than fourteen (14) nor more than sixty (60) calendar days after publication of the “Notice of Proposal and Public Hearing.”
2. For established unincorporated area proposals, on the date specified by the Boundary Commission and stated in the “Notice of Proposal and Public Hearing,” which shall be not less than fourteen (14) nor more than sixty (60) days after such publication and notification, as previously described, are complete.
3. For an established unincorporated area proposal which has been disapproved by the Commission and which is resubmitted with changes to the Commission shall be subject to the public hearing requirement of this section, unless the Commission determines that a public hearing on the resubmitted proposal is not necessary to achieve the objectives of this section.

#### **D. Conduct of Public Hearing**

1. Each proposal shall be heard separately, unless the Commission has consolidated two (2) or more proposals.
2. At such public hearing, the County, the proposing agent, and affected municipalities shall be parties, and any other interested person, corporation, or political subdivision may also present evidence regarding the proposed boundary change.
3. The Commission will follow a uniform agenda, which will include the following items in sequence:
  - a. Convene the public hearing
  - b. Presentation by the County, the proposing agent, and affected parties (maximum of 15 minutes each)
  - c. Questions from the Boundary Commission
  - d. Public Comment
  - e. Adjournment.
4. Public comment
  - a. Public comment and evidence may be offered by any interested person, corporation or political subdivision only if a speaker form has been completed and submitted to the chairperson. Only one (1) speaker form per proposal per speaker may be submitted. The speaker form, which shall be maintained for the record, at minimum, will include the following:
    - i. Speaker name, address, telephone number
    - ii. Relation to the proposal
    - iii. A summary of protocol and ground rules for the public hearing process.
  - b. Speakers will be individually recognized, in the order in which the speaker forms were submitted to the chairperson, and asked to address its comments to the Commission.
  - c. Each speaker shall have a maximum of three (3) minutes to make its comments to the Commission.
  - d. Unless otherwise waived by the chairperson, speaker forms will be accepted only until that point during the agenda for public comments.
  - e. Comments by speakers who do not submit a form, but are recognized and allowed to speak at the discretion of the chairperson, will be reflected in the minutes as appropriate.
5. The chairperson of the Commission, vice-chairperson or the chairperson=s designated representative, shall conduct the public hearing, and if circumstances warrant, may limit the time allocations for the speakers.

6. For the purpose of the official record, any written comments presented to the Commission in conjunction with the public hearing or after the close of the public hearing shall be accepted and maintained for the Commission's reference for twenty-one (21) days.
7. All public hearings will be recorded electronically for reference. Recordings will be preserved and made available to the public for a period of three (3) years after the final action on the proposal by the Commission. Summary minutes will be prepared unless otherwise directed by the chairperson.

## **ARTICLE VIII**

### **MODIFICATION OF PROPOSALS**

Modifications during or after the review period shall be permitted as follows:

- A. A proposing agent may modify its proposal up to fourteen (14) calendar days prior to the scheduled start of the public hearing on a proposal. Modifications made prior to that deadline shall comply with any requirements found in Article III, Official Submittal.
  
- B. After the initial public hearing a proposing agent may modify its proposal and submit additional information during the remainder of the review period on the proposal. Modifications made during the review period after the initial public hearing may trigger additional public hearing(s):
  - 1. Automatically, if the modifications result in changes within the area covered by the proposal of:
    - a. The boundary which is more than a minor error or discrepancy correction in the legal description of the area covered by the proposal.
    - b. The zoning which creates legal, non-conforming uses.
    - c. Reduction of municipal services offered.
    - d. Significant financial impact to the proposing agent.
  - 2. In all other modifications, when the Boundary Commission determines, at its discretion, that the modifications are substantive in nature.
  - 3. For any additional public hearing required under Article VIII, Section B the Commission shall provide the same notice of Public Hearing as required under Article VII, Section B. The additional public hearing shall be held not less than seven (7) days after notice of the hearing is published in a newspaper of general circulation.
  
- C. The Boundary Commission may make changes at any time, subject to the following:
  - 1. If the boundary change is proposed pursuant to a petition, the Commission may make such changes in the proposal as it finds would result in an acceptable proposal, such changes to include but not be limited to additions, deletions or the modification of a proposal which contains boundaries which overlap those boundaries contained in any other proposal. After submittal, the Commission may allow the proposing agent to make minor additions, deletions or modifications which do not substantially alter the proposal. When reviewing more than one boundary change proposal made by petition, the Commission may consolidate two (2) or more unincorporated areas into one proposed boundary change. Any changes made by the Commission shall meet the criteria established in these Rules.
  - 2. If the boundary change is proposed by a municipality, the County or by a petition and it contains more than two (2) voting jurisdictions, the Commission may provide for approval of a boundary change comprising only those municipalities where a majority of voters approve the boundary change and unincorporated area if the resulting municipality would meet the criteria established by these Rules.
  - 3. If the Commission determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to the proposal as submitted by the municipality, County or petitioner, then the Commission with the concurrence of the proposing agent may make such changes to the proposal as are necessary to rectify the error in the legal description.
  - 4. Any modifications to a proposal, and the reasons for such modifications will be included in the findings of the Commission.

**ARTICLE IX**  
**WITHDRAWAL OF PROPOSALS**

- A. Proposals submitted by municipalities or St. Louis County may be withdrawn any time prior to a final decision by the Boundary Commission. The request for withdrawal must be in the form of an ordinance adopted by any of the same governing body(ies) which initiated the proposal.
- B. Proposals initiated by petition may not be withdrawn.

# ARTICLE X

## SUBSTANTIVE REVIEW

### A. Boundary Change Proposals

Upon conclusion of the public hearing and based upon the record of that hearing, including all submittals relative to the proposal, the Commission shall deliberate and review any proposed boundary change. During its review of the boundary change proposal, the Commission shall determine if the boundary change will be in the best interest of the municipality or municipalities and unincorporated areas affected by the proposal and the areas of the County next to such proposed boundary. In doing so, the Commission shall consider, at a minimum, the following factors:

1. The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:
  - a. The area subject to the proposed boundary change and its residents;
  - b. The existing municipality or municipalities, if any, proposing the boundary change and the residents thereof;
  - c. Adjoining areas not involved in the boundary change and the residents thereof;
  - d. The entire geographic area of the County and its residents.
2. A legal description of the area to be annexed, consolidated, or subject to the transfer of jurisdiction.
3. The creation of logical and reasonable municipal boundaries in the County and for such purpose the Commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantive changes to any proposed boundary petition.
4. The present level of major services provided by the municipality or other provider, provided to the unincorporated area by the County, and proposed to be provided by the annexing municipality or municipality to be incorporated or consolidated, including, but not limited to police protection, fire protection, water and sewer systems, street maintenance, utility agreements, parks, recreation and refuse collections;
5. A proposed time schedule whereby the municipality or proposed municipality plans to provide such services to the residents of the area to be annexed, incorporated or consolidated within three (3) years from the date of the municipal boundary changes is to become effective.
6. The current tax rates of the areas subject to the proposal.
7. What sources of revenue other than property tax are collected or are proposed to be collected by the municipality or proposed municipality.
8. The extraordinary effect the boundary change will have on the distribution of tax resources in the County.
9. How the municipality or proposed municipality proposes to zone any area not presently incorporated.
10. The compactness of the area subject to such proposal.
11. When the proposed boundary change shall become effective.

## **B. Established Unincorporated Area Proposals**

In reviewing any established unincorporated area proposal, the Commission shall approve such proposal if it finds that continued provision of local services to the area by the County will not impose an unreasonable burden on County government and that such designation is in the best interest of the unincorporated areas affected by the proposal and the areas of the County next to such area. In making its determination, the Commission shall consider the following factors:

1. The impact, including but not limited to the impact on the tax base or on the ability to raise revenue, of such proposal on:
  - a. The area subject to the proposed established unincorporated area and its residents;
  - b. Adjoining areas not involved in the proposed established area and the residents thereof; and
  - c. The entire geographic area of the County and its residents;
2. A legal description of the proposed established unincorporated area;
3. The creation of logical and reasonable boundaries in the County, and for such purpose the Commission shall have the ability to make additions, deletions and modifications which address legal boundaries, technical or service delivery problems or boundaries which overlap those of other proposals; however, such additions, deletions and modifications shall not make substantial changes to any established unincorporated area proposal;
4. Whether approval of the established unincorporated area proposal will result in unreasonable difficulty in provision of services by the County;
5. The effect approval of the proposed established unincorporated area will have on the distribution of tax resources in the County;
6. The compactness of the area subject to such proposal.

## **ARTICLE XI DECISION**

- A. At such time as the Commission determines the substantive review of a proposal is complete, the Commission shall at an open public meeting, by roll call vote, determine whether a proposal is to be approved or disapproved.
1. A vote approving or disapproving a proposal may occur in the event a simple majority of the members are present at the public meeting and only upon a motion made by a commission member present at the meeting which is duly seconded.
  2. The motion shall be carried by a majority vote of those present at the meeting. Any vote cast by a member to abstain shall be counted with the majority, except in the case of a tie vote, in which case the motion is rejected.
  3. The Commission shall issue a document indicating the reasons the proposal was approved or disapproved. No vote shall be taken on that document unless the Commission has an opportunity to review a preliminary finding, as prepared by staff.
  4. For a boundary change proposal:
    - a. The Boundary Commission shall approve such proposal if it finds the boundary change will be in the best interest of the municipality or municipalities and unincorporated areas affected by the proposal and the areas of the County next to such proposed boundary.
    - b. The Commission shall not approve any boundary change proposal in which more than fifty percent (50%) of the combined land subject to the proposal is unincorporated area or areas unless the combined area subject to the proposal has a population of more than ten thousand (10,000) persons.
- B. The process for approving or disapproving the proposal shall be as follows:
1. Within four (4) months of the official submittal of a proposal for a:

### **Simplified Boundary Change:**

#### **Annexation**

#### **Transfer of Jurisdiction between municipalities**

#### **Transfer of Jurisdiction between a municipality and the County**

the Commission shall determine whether the boundary change shall be approved or disapproved.

- a. Approved. If the Commission finds in favor of the proposal,
  - i. but subject to voter approval, or
  - ii. but for which no vote is required,

the effective date of the change will be the date set forth in the Commission=s written report.

- b. Disapproved. If the Commission finds against the proposed boundary change, it shall issue in writing the reason(s) for such disapproval.

2. Within nine (9) months of the official submittal of a proposal for an:

#### **Incorporation**

#### **Annexation**

#### **Consolidation**

the Commission shall determine whether the boundary change proposal shall either be:

- a. Approved. If the Commission finds in favor of a boundary change, it shall submit the question to the voters residing within the area(s) subject to the proposed boundary change.
- b. Disapproved. If the Commission finds against the proposed boundary change, it shall issue in writing the reason(s) for such disapproval except that final action may be deferred on part or all of a boundary change proposal when necessary to accommodate an overlapping boundary change or established unincorporated area proposal.

3. Within nine (9) months of the official submittal of a proposal for an:

**Established Unincorporated Area**

the Commission shall issue findings approving or disapproving such proposal except that final action may be deferred on part or all of a boundary change proposal when necessary to allow an election with respect to an overlapping boundary change or established unincorporated area proposal.

- a. Approved. If the Commission finds in favor of the proposal, it shall submit the question to the voters residing within the area subject to the proposed established unincorporated area.
- b. Disapproved. If the Commission finds against the proposal, it shall disapprove the proposal. The Commission shall issue in writing the reason(s) for such disapproval.

4. The Commission may defer final action on all or part of a boundary change proposal or proposal for an established unincorporated area beyond the periods provided for its consideration in order to allow an election with respect to an overlapping boundary change or established unincorporated area proposal in order to maximize the ability of voters to determine its own status. Such deferral may be ordered only when the proposal granted such priority is filed with the Commission no later than sixty (60) days after the proposal on which action will be deferred and only when the Commission determines that the population of the overlapping area is a greater proportion of the proposal given priority than that of the proposal on which action is deferred. The Commission shall take final action on the deferred proposal within forty-five (45) days of the election at which the proposal granted priority is decided. The proposing agent may modify the proposal in accordance with the results of the election.
5. Notwithstanding the forgoing time provisions, any proposal which has not been approved by the Commission by January first of the next review period year shall expire without further action.

## **ARTICLE XII**

### **OFFICIAL RESUBMITTAL**

- A. A boundary change proposal which has been disapproved by the Commission and which is resubmitted with changes to the Commission shall be treated as a new official submittal; however, the Commission may waive the public hearing requirements if it determines that a public hearing on the proposal is not necessary to achieve the objectives of Section 72.400 to 72.423 R.S.Mo.
  
- B. If a boundary change proposal is disapproved by the voters, no boundary change proposal which contains more than sixty percent (60%) of the area of the disapproved boundary change shall be submitted to or processed by the Commission any sooner than two (2) years after the date of the disapproved boundary change.

## **ARTICLE XIII ELECTIONS**

**A.** If the Commission approves a proposal as a simplified boundary change, no vote is required.

**B. Setting Date for Election:**

- a. For all boundary changes, except simplified boundary changes, it will be the responsibility of the proposing agent to select preferred dates to place the proposal before the voters for approval. The proposing agent shall notify the Commission of the preferred dates and the Commission shall select a date and submit the question to the voters.
- b. For established unincorporated areas, the proposal will be submitted at the next general or special election.

**C. Cost of Election (except Simplified Boundary Changes):**

- a. For boundary change proposals submitted by the governing body of a municipality(ies) the cost and expense for submitting the question to the voters will be borne by the municipality(ies). If the approved proposal contains any unincorporated territories, the cost and expense of the election for the unincorporated territories shall be the responsibility of the County.
- b. For boundary change proposals submitted by petition, or by the governing body of the County, the cost and expense for submitting the question to the voters will be borne by the County.
- c. For established unincorporated area proposals, the cost of the election will be borne by the County.

**D.** When boundary change proposals for annexation and for incorporation cover the same area, the proposal for annexation shall be put to the voters first.

## **ARTICLE XIV CHANGES TO RULES**

- A. Pursuant to RSMo. §72.402, the Commission may, from time to time, make changes to these Rules, and the Commission shall not enact or adopt such changes to these Rules any sooner than twenty-seven (27) calendar days after notifying all municipalities and the County of the proposed changes to the Rules.