

BOUNDARY COMMISSION  
ST. LOUIS COUNTY, MISSOURI  
MEETING MINUTES

November 18, 2003

ROLL CALL

Commissioners Present: Matt Armstrong, Ted Armstrong, Bob Ford, Thomas Hayek, Mary Schuman, Johnnie Spears, Carol Stroker

Commissioners Absent: Jane Arnold, Greg Kloeppe, Ilene Ordower, Don Wojtkowski

Commission Staff Present:

David Hamilton, Boundary Commission Legal Counsel

Others Present:

Lori Fiegel, St. Louis County Planning Department

CALL TO ORDER

Mr. Hayek called the meeting to order at 6:30 p.m., November 18, 2003. The meeting was held at the County Government Building, 41 S. Central, Clayton, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Mr. Hamilton.

APPROVE AGENDA

Mr. T. Armstrong made a motion to approve the agenda. Mr. Ford seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

APPROVE MINUTES

Ms. Schuman motioned to approve the revised July 22, 2003 public hearing minutes. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. T. Armstrong made a motion to approve the August 26, 2003 minutes. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Ford made a motion to approve the September 9, 2003 minutes. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

FINANCIAL REPORT

Ms. Miller submitted a 2003 Third Quarter report showing actual and projected expenditures for 2003, and a copy of the 2004 recommended budget from the St. Louis County budget department. Mr. Hayek said the only alteration is in the salaries and wages category which the County amended to be inline with the salary increase range for all St. Louis County employees. He said the Commission is free to adjust our own budget as necessary, but the money would need to come from elsewhere. Mr. T. Armstrong said it was his understanding that the Boundary Commission appropriates

money from the County, but said he did not recall anything in the statute that gave the County control over how much the Commission could spend. Mr. Hayek said he does not believe the County can control a limit of what they can pay for a salary. Mr. T. Armstrong said this could become an important issue if, for example, there would be a lawsuit over some action the Commission took and the County is on one side and the Commission is in the middle between two parties. He said he would not like the County to be able to throttle what the Commission could do by controlling expenditures we might make in defense of our own actions and said it is very important that we have financial independence even though the money must come from the County. He said he thinks it is important to make clear to the County that the Commission has control over its own expenditures and appropriations.

Mr. Hamilton said the statutory provision under 72.412.2 says, "The commission shall submit a budget requesting the funds necessary to carry out its duties pursuant to sections 72.400 to 72.418. The county shall appropriate and provide a reasonable and necessary level of funding for the commission to carry out its statutory duties. In addition, the county shall upon request provide petitioners with such available information as may be necessary in order to develop a plan of intent. Funding must provide for at least one professional staff person, one attorney or the equivalent funds for legal services, and clerical support for the professional staff and attorney. All salary levels shall be based upon the personnel system in use for county employees."

Ms. Fiegel said by ordinance the County also has merit levels. She said the range was changed because everyone was asked to cut budgets by 10%. She said all budgets were allocated an average of 5% salary increases, but the 2004 budget was changed to a 3% increase across the board.

Mr. T. Armstrong asked Mr. Hamilton how he interprets the sentence, "All salary levels shall be based upon the personnel system in use for county employees." Mr. Hamilton said that whatever personnel system the County uses for salary ranges would be what the Boundary Commission would use. Mr. T. Armstrong clarified: salary ranges but not necessarily what amount you pick within that range, and suggested the Commission respond with a letter acknowledging the County's recommendation, but saying the Commission has submitted a budget it considers fair and reasonable and that we consider ourselves as the body that determines that. He said it comes down to who is making the judgment of what is reasonable and necessary. Mr. Hayek said he thought the County determines that. Mr. T. Armstrong disagreed and said the Commission should make that determination, and said that would establish our independence. He said he does not want to let this go by and become some sort of precedent.

Mr. T. Armstrong said the Boundary Commission is an unusual organization in that it must get its funding from the County, while also in a position where it could be in a posture inimical to the County's interests, and if so, we would not want the County to be able to strangle this organization financially and stressed the importance of financial independence. Mr. Hayek said he personally found it an unlikely scenario that the County would try to throttle our actions financially. Mr. T. Armstrong said he thinks it

has precedential value that it would be wise to counter the notion that they have that kind of control over our budget.

Mr. Hayek said he would send a letter saying we think we will determine what is fair and reasonable for our people, and said this issue will come up again when determining what the pay is for our executive director. Mr. Ford said we submitted a budget which was lower than the prior budget by approximately \$500. He said anticipation of higher rents, moving expenses and things of that nature is what kept the budget from being a bigger cut than what we actually spent. He said he agrees with Mr. T. Armstrong that we need to stress the point that we are an independent organization yet depending on County funds, and we can not live by their whim, so to speak. Mr. Hayek said he disagrees that the Commission is living by the County's whim and he has never seen the County "come down on us." He said we are proposing a budget, not making a demand, and the County has come back and said, here is the amount of money. Mr. Hayek said it is his understanding that the reason why they cut what they did is because we are not getting as much money into the County coffers. Everybody is taking a cut and not getting the raises they wanted, so our budget is tightening along with everybody else's.

Mr. Hamilton said one way to approach this may be to write a letter saying we appreciate their acknowledgement that our budget is a reflection of what is reasonable and necessary to run our operations but we disagree with their conclusion regarding the salary level for the staff member, because other than that, they have acknowledged across the board this Commission's discretionary determinations to what is reasonable and necessary to run the operations and the only issue is that this salary level came in lower. Mr. Hamilton said he thought the point Mr. Armstrong made is well taken, there are other cases with different statutes but similar situations where the County has the purse strings, where there could be an issue down the road. Mr. Ford said the amount budgeted for salaries and wages included a possible 7% increase, not a guaranteed amount. Mr. Hayek clarified that the proposed budget amount assumed the maximum possible increase. Ms. Schuman said yes. Mr. Hayek said he would draft a letter.

Mr. T. Armstrong thanked everyone who had a part in finding the new quarters for the Commission meetings.

#### PUBLIC COMMENT

There was no public comment.

#### ANNOUNCEMENTS AND COMMUNICATIONS

There were no announcements or communications.

#### STAFF REPORT

Mr. Hayek said there is no replacement for Jane Arnold's seat on the Commission at this time. It was also noted that Mr. Kloeppel's term will expire on 12/31/03.

Mr. Hayek said the Cities of Berkeley and Hazelwood received copies of the Rules, and Florissant called to see how long they have to be able to resubmit their Area 13 proposal.

Mr. Hamilton said he has not had any recent communication with Florissant about this. Ms. Fiegel said Florissant is working on a transfer of jurisdiction and revised their plan of intent. She said there is a letter going to the County Council recommending an ordinance. Mr. Hayek said the Directors and Officers Insurance renewal was paid.

#### NEW BUSINESS

Mr. Hayek referred the Commission to a listing of regular meeting dates for the year 2004 and asked that they try to keep those dates open. The Commission then discussed changing the December 2003 meeting date. Ms. Schuman made a motion to move the December, 2003 meeting from December 23 to December 16. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. M. Armstrong made a motion to move the date of the November, 2004 meeting from November 23 to November 16. Mr. Ford seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. T. Armstrong made a motion to move the date of the December, 2004 meeting from December 28 to December 21. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Hayek opened the nominations for new Officers for 2004, to be voted on at the December meeting. Mr. T. Armstrong moved to re-nominate all three officers: Mr. Tom Hayek for Chairman, Mr. Johnnie Spears for 1<sup>st</sup> Vice Chair and Mr. Greg Kloepfel for 2<sup>nd</sup> Vice Chair. Mr. M. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

There being no further nominations, the nominations were closed until the December meeting. Mr. Ford moved to close nominations. Mr. T. Armstrong seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

#### OLD BUSINESS

Mr. M. Armstrong said the Commission was presented with a final offer from the office space at 168 N. Meramec that is approximately 600 square feet, and about the same monthly rent as we currently pay. He said the space is nicer and safer than the current location. Mr. Hamilton said he received an e-mail copy of the lease to review. Mr. Hayek said with the new lease over a five year period the Commission will end up paying about \$400 more than the current lease assuming the increases would be about the same. He said essentially we are paying a little more per square foot but for less square footage, so it comes out about equal for a much more attractive space. Mr. Hayek said the other lease under consideration was for space at 7711 Bonhomme, which was contingent on some other areas in the building being leased and is a less attractive offer. Mr. M. Armstrong described the office space at N. Meramec to the Commission. Mr. Hayek said the Commission was able to negotiate a three thousand dollar rent credit on a five year lease. Mr. M. Armstrong moved that the Chairman of the Commission be given the authority to sign the lease on behalf of the Boundary Commission contingent upon Mr.

Hamilton's review of the lease. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

Mr. Hayek said review of the Boundary Commission rules and statute is something he and Mr. Hamilton would need to meet on. Mr. T. Armstrong asked what specifically needed to be changed. Mr. Hamilton said there was confusion in the rules that reference a non-existent subdivision of the rules, and Ms. Ordower, at a previous meeting, suggested the Commission look at some statutory confusion and maybe conduct a general review. Mr. Hayek said he would be happy to be on the Rules Committee and suggested Commission members let him know of any possible changes they might wish to suggest.

Mr. M. Armstrong asked about previous outstanding litigation matters and if they had been resolved. Mr. Hamilton said he understood they had been and said he would look into it. Mr. Hayek asked Mr. Hamilton to give a brief report at the next meeting.

Mr. Hayek said the Boundary Commission received a nice thank you note from the Westfall family for flowers sent.

#### ADJOURNMENT

Mr. M. Armstrong made a motion to adjourn. Mr. Spears seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

The meeting was adjourned.

Respectfully submitted,  
Kim Miller  
Executive Director

Approved: 12/16/03