

BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI
MEETING MINUTES

July 24, 2018

ROLL CALL

Commissioners Present: Rick Dorsey, Steve Frank , Tom Mooney, Ann Pluemer, Kathleen Schweitzer, Ben Uchitelle, and Steve Wegert

Commissioners Absent: Kyra Watson

Commission Staff Present: Michelle Dougherty, Executive Director
Mike Hart, Legal Counsel

Others present: None

Chairman Schweitzer called the meeting to order at 6:30 p.m., July 24, 2018. The meeting was held in the 8th Floor Conference Room in the County Government Center, 41 S. Central in Clayton, Missouri.

ROLL IS CALLED – QUORUM DECLARED

Roll was called and a quorum declared by Ms. Dougherty.

APPROVE AGENDA

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

APPROVE MINUTES

Mr. Dorsey a motion to approve the minutes of June 26, 2018. Mr. Wegert seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

2nd QUARTER FINANCIAL REPORT

Mr. Wegert had a question about the salary difference from 1st quarter to 2nd quarter. Ms. Dougherty replied that there had been one month with three paychecks. Ms. Dougherty said the commission was doing fine but expected to spend all of the county-amended budget. She also said there was only \$15,000 left in the professional services budget after the county had lowered it from the original, approved and submitted budget.

Mr. Wegert suggested the Commission not acknowledge the County amendment of their budget. Ms. Schweitzer offered the suggestion of making the statements that this is what the County thinks the Commission's budget is.

Ms. Dougherty explained that the MUNIs system will always honor payroll and benefits charges, but if the Commission exceeds a budgeted amount in their system, the MUNIs system will not honor the payment. Discussion followed about what the next step would be if the Commission exceeded the County-amended budget: go before the Council to ask for a supplemental budget, sue the County if they didn't approve a supplemental budget. More discussion about the logic behind the County reducing the Commission's approved

and submitted budget. The County Executive reduced certain line items: salary, professional services, and rent. More discussion about how monies are moved around within the budget and what Ms. Dougherty is able to move around. Mr. Wegert asked if the Commission had sent a letter opposing the budget reduction to the County Counselor. Mr. Hart stated that the Commission had done that but there had been no response, reply, nor acknowledgement of the opposition letter.

Mr. Mooney asked about the Local Travel category. Ms. Dougherty replied that the Commissioners could submit their mileage to the Commission for travel to meetings and public hearings. Mr. Mooney asked if it were a common practice. Ms. Dougherty stated she'd only received mileage reimbursement requests from two commissioners during her tenure. She reiterated that if the commissioners wanted to submit mileage reimbursement requests, it was perfectly acceptable.

STAFF REPORT

Ms. Dougherty stated that in addition to what was in the packet, she would be meeting with Chesterfield the next week to discuss the consolidation process.

She stated the website was so close to going live as the administrative aspects and back-end framework was almost finished with de-bugging. She explained some of the new features on the website. Users of the website are able to see any documents related to any meeting or proposal or map plan that have been uploaded to the database. Ms. Dougherty stated the next phase would be to implement the ability for users to follow specific proposals and to be notified via email of any updates on the selected proposals. Ms. Dougherty stated the election board commented positively on the new site. Ms. Schweitzer asked if the site was ADA compliant. Ms. Dougherty replied she didn't know but would find out for sure.

PUBLIC COMMENTS

There was no public comment.

NEW BUSINESS

1. Budget 2019

Mr. Frank of the Budget committee presented the proposed budget for 2019. He stated the only significant difference was in the professional services category and that was because of the pending and possible litigation. Mr. Uchitelle asked if the executive director's salary increase was reflected in the budget. Mr. Franks said it was. Mr. Dorsey said the budget was only a 3% increase over the prior year submitted budget and most of it is the professional services.

Mr. Dorsey made a motion to approve the 2019 budget. Mr. Wegert seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.*

2. Update on litigation

Mr. Hart stated there was no reason to go into closed session. Mr. Hart updated the Commission that the Crestwood lawsuit has filed a motion for summary judgment asking for the portion of the Boundary commission law that requires the annexing municipality with a fire department to continue to allow the fire protection district

to serve the annexed area while the city paid the fire district levy to be declared unconstitutional and is severable. Mr. Hart said Hazelwood and Robertson have a similar lawsuit. Both have asked the commission to become parties to the lawsuit. Mr. Hart stated he told them it wasn't in the budget at this time. Mr. Dorsey stated he thought the commission wasn't necessarily impacted about by who pays what fees to the fire district. Mr. Hart replied that the Commission would be affected if the lawsuit prevails in declaring the Commission statute unconstitutional. More discussion followed about the effects if the commission's statute is declared unconstitutional because it is deemed a special law. Mr. Uchitelle asked if it is the Commission's benefit if fire protection districts are no longer able to impose their taxes on the annexing city. Mr. Hart stated that is a matter of policy and described how fire protection districts are treated in all other counties in the state when an annexation occurs.

Ms. Schweitzer inquired if the statute is deemed unconstitutional would the underlying reason given by the judge have more or less impact on the functions of the commission. Mr. Hart agreed. Mr. Dorsey suggested that no matter the outcome of the case, the losing party would most likely appeal and the Boundary Commission could get involved at that time. Mr. Hart explained the difference between the old special law test and the new special law test. Mr. Uchitelle agreed with Mr. Dorsey's recommendation to not get involved until after there is a ruling.

OLD BUSINESS

1. Map Plans 2018

Ms. Dougherty stated the commission had received 21 map plans. She said new map plans came from Chesterfield and Manchester and that they did not receive any map plans from St. Ann, Eureka, or Pacific. She said the first public hearing will be August 28 and will be Ballwin, Chesterfield, Ellisville, Manchester, Wildwood, and St. Louis County. Ms. Dougherty stated St. Louis County will be at all public hearings.

The next hearings will be: September 25, 2018 at the Des Peres Lodge; October 23, 2018 at the County Election Board; and November 13 or 27, 2018.

Ms. Pluemer asked if the map plans were confidential. Ms. Dougherty said there were not.

Mr. Uchitelle asked about the format of the public hearings. Discussion followed about appropriate dress, food and drink availability, how long to expect to be there.

2. Rules

Ms. Dougherty stated she was still working on cleaning up the formatting from the Rules committee meeting. Ms. Dougherty stated she had identified some areas in the statute and in the rules that were confusing to her especially in reference to a consolidation. She stated that a consolidation could also include unincorporated area. Ms. Dougherty asked why would a city do a map plan or an annexation if they could just do a consolidation.

Mr. Hart reviewed the existing consolidation guidelines for the commission. Mr. Uchitelle asked if this was newly discovered and Ms. Dougherty replied it's been there all along, but she had only noticed it when she was working on cleaning up the formatting. Mr. Dorsey suggested we make a clarification in the definitions section of the Rules. Mr. Wegert asked if there had been a decision on whether a consolidation could be submitted with an ordinance and a petition. Ms. Dougherty stated there isn't anything that says it can't.

More discussion followed about consolidations. Ms. Dougherty stated this was one of the reasons the Rules revision had not been completed.

ADJOURNMENT

Mr. Dorsey made a motion to adjourn. Mr. Wegert seconded the motion. Voice vote: Ayes, All. Nays, None. *The motion passed.* The meeting was adjourned at 7:26 p.m.

Respectfully submitted,
Michelle Dougherty
Executive Director

Approved: August 28, 2018