

AMENDED

INTRODUCED BY: Councilmember Paulette Carr

DATE: December 9, 2019

BILL NO. 9398

ORDINANCE NO. 7122

AN ORDINANCE AMENDING SECTIONS 120.940 AND 120.950 OF MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO THE UNIVERSITY CITY LOOP SPECIAL BUSINESS DISTRICT ADVISORY COMMISSION, BY AMENDING SUBSECTION A.1 OF SECTION 120.940, RELATING TO MEMBERSHIP, AND BY AMENDING SUBSECTION A.2 OF SECTION 120.950, RELATING TO BYLAWS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

Section 1. Section 120.940 of the Municipal Code of the City of University City, relating to the University City Loop Special Business District Advisory Commission, is hereby amended by amending subsection A.1 relating to membership, so that Section 120.940, as so amended, shall read as follows:

Section 120.940. Advisory Commission.

A. The City Council shall have sole discretion as to how the revenues of the district shall be used within the scope of this Chapter. To assist in exercising this discretion, a University City Special Business District Advisory Commission is created.

1. Membership. The Advisory Commission shall consist of nine (9) members, chosen from and consisting of individuals who, at the time of appointment and during their entire term, own real property or a licensed business within the district that is subject to the additional tax in Section 120.910 and not in arrears. If the owner of real property or a licensed business within the district is a partnership or a business organization or other entity, including a limited partnership, corporation, estate or trust, the owner may designate in writing an individual as the owner's legally authorized representative and such individual may be appointed to and a member of the Advisory Commission provided, at the time of appointment and during the entire term, the owner is subject to the additional tax in Section 120.910 and not in arrears. No member of the municipal government shall be a member of the Advisory Commission. No individual shall be considered for appointment to the Advisory Commission unless the individual has first submitted an application upon a form furnished by the City Clerk. The Mayor shall appoint a member of the Council to serve as liaison to the Advisory Commission consistent with Council rules and procedures.

2. Term of office. Upon passage and approval of the ordinance codified in this Chapter, the Mayor, with the approval of the City Council, shall appoint to the members of said Advisory Commission two (2) additional members so that each of the nine (9) members shall hold office for three (3) years. With respect to the term of office of the two (2) members added by this amendment, their terms shall be deemed to have commenced on the first (1st) of January 1989. Annually thereafter the Mayor shall, before the first (1st) of January of each year, appoint, as before, replacement members for those members whose terms shall have expired, and those Replacement members shall hold office for three (3) years, and/or until their successors are appointed.

3. Dismissals. The City Council may remove any member of the Advisory Commission for misconduct or neglect of duty.

4. Vacancies. Vacancies on the Advisory Commission, occasioned by removal, resignation or otherwise, shall be reported to the City Council and shall be filled in like manner as normal appointments within thirty (30) days of the report to the Council. Members appointed to fill vacancies shall assume the term of membership held by the vacated member.

5. Compensation. No member of the Advisory Commission shall receive compensation for his/her duties.

6. Conflict of interest. No person shall be employed by the district who is related to a member of the Advisory Commission either by blood or marriage, and no business shall be conducted with firms which are owned in whole, or part, by a person related to a member of the Advisory Commission either by blood or marriage.

Section 2. Section 120.950 of the Municipal Code of the City of University City, relating to duties of the Advisory Commission, is hereby amended by amending subsection A.2 relating to bylaws, so that Section 120.950, as so amended, shall read as follows:

Section 120.950. Duties of Advisory Commission.

A. The Advisory Commission has the responsibility of performing the primary administrative functions of the district. These functions include, but are not limited to, the following:

1. Officers and committees. The original members of the Advisory Commission shall meet within thirty (30) days of their appointment and organize themselves by the election of one (1) of their number as Chairperson, another as Vice Chairperson, and yet another as Secretary-Treasurer, and by the election of such other officers as they may deem necessary. Thereafter, new elections among the members of the Advisory Commission for all officer positions shall occur annually during the month of January. The Chairperson, Vice Chairperson and Secretary-Treasurer of the Advisory Commission shall function as an executive committee, and the members of the Advisory Commission may create such other committees as they deem necessary.

2. Bylaws. The Advisory Commission shall make and adopt such bylaws, rules and regulations for their own guidance and for the administration of the district as may be appropriate, but not inconsistent with the ordinances of the City or the Statutes of the State of Missouri. The Council may at any time, by resolution or motion, revoke, suspend or amend any such bylaw, rule or regulation.

3. Development plan. The Advisory Commission shall be responsible for the development and maintenance of an overall plan of action for the district. This plan will be construed to be the major policy instrument of the district, and all expenditures and activities are to be reviewed in light of the plan. The Advisory Commission shall be required to hold at least one (1) meeting a year to which all individuals owning property and/or operating a municipally-licensed business within the boundaries of the district are actively encouraged to attend with the expressed purpose of reviewing and updating the plan.

4. Budget. The Advisory Commission shall be required to create and maintain a line-item budget for any existing revenue and the anticipated revenue of the district for the year following the date of the last-published budget. Said budget must be published annually and submitted to the City Council for approval by the first (1st) of July. Prior to the submittal of the budget to the City Council the Advisory Commission shall be required to hold at least one (1) meeting to which all individuals owning property and/or operating a municipally-licensed business within the boundaries of the district are actively encouraged to attend with the expressed purpose of reviewing the proposed budget. The Advisory Commission may make recommendations for the modification or elaboration of the budget to the City Council at any time.

5. Annual report. The Advisory Commission shall be required to submit an annual report of its activities to the City Council by the first (1st) of July of each year. This report should inventory the projects undertaken by the district in the preceding year and their status, minutes of all meetings held by the Advisory Commission and any of its committees, relevant correspondence, a copy of the latest plan adopted for the district, a financial report of the district, a statement by the executive committee on the status of the effectiveness of the district, and such other items as may be deemed relevant by the Advisory Commission. Upon receipt of the annual report the City Council shall place same on file with the City Administrator and note that it is available for public inspection.

PASSED this 10th day of March 2020.



MAYOR


ATTEST:



CITY CLERK



CERTIFIED TO BE CORRECT AS TO FORM:



CITY ATTORNEY



Council Agenda Item Cover

MEETING DATE: March 10, 2020

AGENDA ITEM TITLE: An Ordinance Amending Sections 120.940 and 120.950 of the Municipal Code of the City of University City, Relating to the University City Loop Special Business District Advisory Commission, By Amending Subsection A.1 of Section 120.940, Relating to Membership, and By Amending Subsection A.2 of Section 120.950, Relating to Bylaws.

AGENDA SECTION: Unfinished Business - Bills

CAN THIS ITEM BE RESCHEDULED? Yes

BACKGROUND REVIEW:

This Amended Bill amends Municipal Code Section 120.940.A.1, relating to the University City Loop Special Business District Advisory Commission membership. Currently, individuals who own property or operate a municipally-licensed business within the District may be appointed to Commission. The Amended Bill clarifies that the real property or licensed business must be subject to the additional tax in Municipal Code Section 120.910 and not be in arrears. The additional tax on real property is 85 cents per \$100 of assessed valuation, and on licensed businesses it is 50% over any other business license taxes levied by the City. Revenue from the taxes is used to pay all costs and expenses incurred in the operation of the District.

The Amended Bill further clarifies that if the owner of real property or a licensed business within the district is a partnership or a business organization or other entity, including a limited partnership, corporation, estate or trust, the owner may designate in writing an individual as the owner's legally authorized representative and such individual may be appointed to the Advisory Commission provided the owner is subject to the additional tax in Section 120.910 and not in arrears. Most of the real property and many licensed businesses are owned by entities rather than individuals, and the informal practice has been to appoint individuals associated with such entities to the Commission. The Amended Bill formalizes the practice but requires that there be a written designation by the entity.

The Amended Bill also provides that no individual shall be considered for appointment to the Advisory Commission unless the individual has first submitted an application upon a form furnished by the City Clerk, and that the Mayor shall appoint a member of the Council to serve as liaison to the Advisory Commission consistent with Council rules and procedures. These changes are consistent with current practice and Rule 40 of Council

Lastly, the Amended Bill amends Municipal Code Section 120.950.A2, relating to bylaws of the Advisory Committee, by authorizing the Council, at any time, by resolution or motion, to revoke, suspend or amend any bylaw, rule or regulation of the Advisory Commission.

RECOMMENDATION: City Manager recommends approval.

ATTACHMENT:

1. Amended Bill NO. 9398