

AGENDA
MAPLEWOOD CITY COUNCIL WORK SESSION
TUESDAY, FEBRUARY 13, 2024 @ 6:00PM
CITY COUNCIL CHAMBERS
7601 MANCHESTER ROAD
OR
VIA TELECONFERENCE
(WWW.CITYOFMAPLEWOOD.COM FOR DETAILS)

1. Call to Order
2. Roll Call
3. Motion to Excuse Councilmembers
4. Discussion of City Contracting with Unionized Vendors
5. Legislative Advocacy Efforts by Council Members
6. City Legal Services Costs and Budgeting
7. Adjournment

Memorandum



To: Mayor Knapper & Councilmember Coriell

Cc: Councilmembers Faulkingham, Garcia, Homa, Mattox, and Page

From: Amber Withycombe, City Manager

Date: February 6, 2023

Re: Discussion of City Contracting with Unionized Vendors

In December, Mayor Knapper and Councilmember Coriell opened a discussion with Acting City Manager Nighbor and Attorney Graves about the city's practices and policies regarding vendor bidding, selection, and contracting, particularly as they pertain to unionized vendors. At that time, Attorney Graves advised the Council to defer the conversation until a permanent City Manager was in place.

To advance that discussion, and for your reference, I have enclosed Article V., Division 2, of the city's code of ordinances, which guides the city's procurement practices.

DIVISION 2. - PROCUREMENT REGULATIONS

Sec. 2-281. - Purpose.

The purpose of this division is to establish rules and procedures governing the procurement and disposition of materials, supplies, equipment and services for the city, and to maintain a high ethical standard for all officers and employees of the city in connection therewith.

(Code 1972, § 207.08(A); Code 1982, § 2-286; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-282. - Purchasing agent—Designation.

The city manager, or his designated representative, shall be the purchasing agent for the city.

(Code 1972, § 207.08(B); Code 1982, § 2-287; Ord. No 3821, § 1, 6-23-1975)

Sec. 2-283. - Same—Power and duties.

The purchasing agent shall, in accordance with and subject to the rules and regulations and procedures in this division and applicable laws:

- (1) Direct, supervise and be responsible for the procurement and acquisition of all materials, supplies and equipment, and all contractual services by any department, agency, or office of the city, and by any other governmental department, agency or office with respect to any procurement by such department, agency or office funded wholly or partially, directly or indirectly, by city funds; provided, however, the purchasing agent shall not be responsible for contracts for the acquisition of real estate, public improvements and professional services.
- (2) Sell, dispose of all obsolete, unusable or unneeded personal property of the city.

(Code 1972, § 207.08(C); Code 1982, § 2-288; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-284. - Gifts and rebates prohibited.

The purchasing agent and every other officer, agent and employee of the city are hereby prohibited from accepting, directly or indirectly, from any person, firm or corporation, to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever.

(Code 1972, § 207.08(E); Code 1982, § 2-289; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-285. - Purchasing regulations.

- (a) The purchasing agent is authorized and directed to adopt such written regulations, purchasing records, forms and procedures as may be necessary for the implementation of this division. Copies of regulations, records, forms and procedures shall be on file in the office of the purchasing agent and shall be available for public inspection.
- (b) Any purchase order or contract within the purview of this section in which the purchasing agent or any officer or employee of the city is financially interested, directly or indirectly, shall be void except that before the execution of a purchase order or contract the council shall have the authority to waive compliance with this division when the best interest of the city requires such action and the laws of the state do not prohibit the transaction. The purchasing agent shall immediately report to the council any information that he has or which shall come to his attention that would indicate any such financial interest either before or after a purchase has been made.
- (c) Records pertaining to purchases shall be kept on file in the purchasing agent's office for such period of time as required by state law.

(Code 1972, § 207.08(F); Code 1982, § 2-290; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-286. - Availability of funds.

The purchasing agent shall refuse to purchase or permit the withdrawal of stores and inventories on hand, of any contractual services or supplies when the same would be in excess, taking into account all prior purchases during the fiscal period of the budget appropriation for such contractual services or supplies for the using agency requesting the purchase.

(Code 1972, § 207.08(G); Code 1982, § 2-291; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-287. - Formal competitive bidding.

- (a) Formal bids are required to procure supplies, materials or equipment when the value of the proposed procurement is in excess of \$10,000.00 or when directed by the council, or when required by the laws of this state. The procurement of several items of the same type at substantially the same time is a single purchase for the purpose of this section, and the total cost of all such items will determine whether formal competitive bidding procedures must be followed. No contract or purchase shall be subdivided so as to avoid competitive bidding requirements of this division.
- (b) Formal bids shall be invited through a notice to be published in at least one local newspaper of general circulation, at least one time, the first publication to be at least two weeks prior to the date specified for submission of bids. Such notice shall include:
 - (1) A general description of the items to be purchased;

- (2) The condition of such purchase;
- (3) The place specifications and bid forms may be secured;
- (4) The time and place for submitting such bids;
- (5) The time and place for acceptance of bids.

The purchasing agent may also solicit bids by mailing copies of the specifications and bidding documents to prospective vendors. There shall be posted in a conspicuous place in the city hall a copy of the invitation to bid containing the information indicated above. A brief tabulation of the bids during the prior month shall be posted.

- (c) Formal bids shall be sought for any item for which an appropriation has been made in the annual budget of the city.
- (d) Formal bids shall be sealed and identified upon the outside of the envelope as a bid for supplying some material or service to the city. The time that the bid is received by the city is to be marked on the outside of the envelope by the receiving employee.
- (e) The bids shall be opened by the city clerk. All bids received shall be made available for inspection as a public record.
- (f) On all construction bids, the council, after being presented with all available data pertaining to the bid, shall, at a regular or special meeting, award the contract to the lowest, and best bidder; provided, however, the council shall have the authority to reject all bids and to waive minor irregularities.
- (g) Bid deposits, when deemed necessary by the council, may be required. Such deposits may be required to be in the form of a certified check or bid bond and may be for an amount not exceeding \$1,000.00, or ten percent of the amount of the bid, whichever is greater. When so required, all bids not accompanied by such deposit shall be rejected. Such bid deposit shall be returned to all bidders upon execution of a contract with, or issuance of a purchase order to, the successful bidder. A successful bidder shall forfeit his deposit if he fails to enter into a contract within 20 days after the award.
- (h) Performance bonds may be required of the successful bidder, whenever it is deemed appropriate by the council. Such requirement shall be set forth in the conditions of bidding. Such performance bond may be in the form of a specified amount or a percentage of the value of the proposed purchase.
- (i) The purchasing agent shall establish in the conditions of bidding such terms as may be deemed appropriate to protect the interests of the city.

(Code 1972, § 207.08(H); Code 1982, § 2-292; Ord. No. 3821, § 1, 6-23-1975; Ord. No. 4622, § 1, 9-14-1993; Ord. No. 4776, § 1, 4-22-1997; Ord. No. 5729, § 1, 3-11-2014)

Sec. 2-288. - Open market purchasing.

The purchasing agent may, without prior authority, acquire on the open market all goods and services with a value of less than \$10,000.00. Such acquisition shall be based upon sound procurement principles. Formal bids shall not be required to purchases between \$5,000.00 and \$10,000.00, but written quotations from three or more vendors shall be secured.

(Code 1972, § 207.08(I); Code 1982, § 2-293; Ord. No. 3821, § 1, 6-23-1975; Ord. No. 4622, § 2, 9-14-1993; Ord. No. 4776, § 2, 4-22-1997; Ord. No. 5729, § 1, 3-11-2014)

Sec. 2-289. - Negotiated purchasing; nonreceipt or rejection of bids; emergency purchasing.

- (a) *Absence or rejection of bids.* The council may, by resolution, approve negotiated procurement of goods or services of a value in excess of \$10,000.00 if there have been no responsive bids to an advertisement for bids or if the council has rejected all bids for good and sufficient reason.
- (b) *Emergencies generally.* In addition, the council may, by resolution, approve negotiated procurement of goods and services of a value in excess of \$5,000.00 without requiring formal competitive bids if the council determines from all information submitted to it by the purchasing agent and the using agency that the immediate procurement of such goods or services is essential to prevent delays which might adversely affect the health, welfare or convenience of the citizens or cause substantial financial disadvantage to the city.
- (c) *Other emergency purchasing.* Each department head or acting head with the concurrence of the city manager is authorized to purchase up to \$10,000.00 of goods and services as an emergency purchase without any bid procedure if such goods and services are essential and a delay might adversely affect the health, safety or welfare of the city.

(Code 1972, § 207.08(J); Code 1982, § 2-294; Ord. No. 3821, § 1, 6-23-1975; Ord. No. 4622, § 3, 9-14-1993; Ord. No. 4776, § 3, 4-22-1997; Ord. No. 5729, § 1, 3-11-2014)

Sec. 2-290. - Sole source, specialized and nonstandard items.

The council may, by resolution, approve negotiated procurement of goods of a value in excess of \$10,000.00 without formal bids if the council determines from all information submitted to it by the purchasing agent and the using agency, that such goods are available from or they can be acquired only from a sole source of supply and that no standard goods or services would or could reasonably satisfy the city's requirements.

(Code 1972, § 207.08(K); Code 1982, § 2-295; Ord. No. 3821, § 1, 6-23-1975; Ord. No. 4622, § 4, 9-14-1993; Ord. No. 4776, § 4, 4-22-1997; Ord. No. 5729, § 1, 3-11-2014)

Sec. 2-291. - Inspection and testing.

- (a) The purchasing agent or his deputy shall inspect or supervise the inspection of all deliveries of supplies, materials, equipment or contractual services to determine their conformance with the specification set forth in the order or contract.
- (b) The purchasing agent may authorize using agencies that have the staff and facilities for adequate inspection to evaluate all deliveries made to the city under rules and regulations that the purchasing agent shall prescribe.
- (c) The purchasing agent shall have the authority to require chemical and physical testing of bid and delivery samples to determine their quality and conformance with the specifications. In the performance of such testing, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the city or any outside laboratory.

(Code 1972, § 207.08(L); Code 1982, § 2-296; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-292. - Cooperative purchasing.

The purchasing agent shall have authority to join with any other governmental unit in cooperative purchasing or the use of specifications, when the best interests of the city would be served by such cooperation.

(Code 1972, § 207.08(M); Code 1982, § 2-297; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-293. - Unauthorized purchases.

Except as provided by this section or by the regulations prescribed by the purchasing agent, it shall be unlawful for any officer or employee of the city other than the purchasing agent to purchase materials, supplies, equipment, or services, or to enter into contracts for any goods or services, and the city shall not be bound by any purchase order or contract made in violation of this section.

(Code 1972, § 207.08(N); Code 1982, § 2-298; Ord. No. 3821, § 1, 6-23-1975)

Sec. 2-294. - Disposition of surplus supplies, materials or equipment.

- (a) All using agencies shall submit to the purchasing agent at such times and in such form as he shall prescribe reports showing stocks of all supplies, materials and equipment which are no longer used or which have become obsolete, worn out or scrapped.
- (b) The purchasing agent shall have the authority to transfer surplus supplies, materials and equipment to other using agencies, or shall have the authority to exchange such property for new supplies, materials and equipment.
- (c)

Surplus, unusable or obsolete supplies, materials and equipment whose estimated value is in excess of \$5,000.00 shall be sold by formal written inviting bids as provided for procurement by competitive bids as provided in this division. Proceeds of such sale shall go to the general fund of the city.

- (d) Sales of surplus, obsolete or unusable property whose value is estimated to be less than \$10,000.00 shall be sold at public auction. Such auction shall be advertised at least one time, one week prior to such auction. Proceeds of such auction shall go to the general fund of the city.

(Code 1972, § 207.08(O); Code 1982, § 2-299; Ord. No. 3821, § 1, 6-23-1975; Ord. No. 4776, § 5, 4-22-1997; Ord. No. 5729, § 1, 3-11-2014)

Sec. 2-295. - Local purchase of goods and services.

- (a) Goods and services purchased by the city shall be purchased from merchants and businessmen located in the city, unless:
 - (1) Such goods and services are not available in the city;
 - (2) Such goods and services may be purchased outside the city at a savings of five percent or more; or
 - (3) An emergency exists and such goods or services are not immediately available in the city.
- (b) The city manager shall be responsible for all purchases.

(Code 1982, § 2-300; Res. No. 20-1979, § 1, 2-26-1979)

Sec. 2-296. - Purchase of American goods.

- (a) Goods purchased by the city shall be American-made, unless:
 - (1) Such goods are not available as American-made;
 - (2) Foreign goods may be purchased at a savings of five percent or more; or
 - (3) An emergency exists and American goods are not immediately available.
- (b) The city manager shall be responsible for all purchases.

(Code 1982, § 2-301; Ord. No. 4268, § 1, 10-28-1986)

Secs. 2-297—2-325. - Reserved.

INTEROFFICE MEMORANDUM

TO: City Manager Amber Withycombe, Members of Council

FROM: Mayor Nikylan Knapper and Matt Coriell, Ward 1 Councilperson

DATE: February 8, 2024

RE: Responsible bidder language adopted by St. Louis County

Colleagues,

This is the responsible bidder language adopted by St Louis County recently:

“The Agent shall have the authority to award contracts within the purview of this chapter. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the Agent shall consider: The ability, capacity or skill of the bidder to perform the contract or provide the service required; whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; the quality, availability of the supplies, or contractual services to the particular use required; the ability of the bidder to provide future maintenance and service for the use of the subject to the contract; and the number and scope of conditions attached to the bid. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Agent with the concurrence of the County Counselor and filed with the other papers relating to the transaction. If all bids received are for the same total amount or unit price, the Agent shall re-advertise for bids, unless the public interest will not permit this delay. In such case, the Agent shall award the contract to one (1) of the tie bidders by drawing lots in the presence of the County Clerk or his duly authorized representative in public, or by purchasing the supplies or contractual services in the open market, provided the price paid therefor shall not exceed the lowest contract bid price submitted for the same supplies or contractual services. If two (2) or more bidders tie for low bid and elements of time or responsibility of the bidders are not sufficient to justify the award to one (1) of the tie bidders, the Agent shall award the contract to one (1) of the tie bidders by drawing lots in the presence of the County Clerk or his duly authorized representative in public.

(7)

(a)

As to construction projects, the term "responsible bidder" shall be further restricted to include, except as to federal or State projects if prohibited as a condition of funding, only those bidders who certify by notarized statement that: they have not been barred from bidding on any federal or State projects within the last year; that they have not had any State or County-issued business, trade or contracting license suspended or revoked within the last year; that they have and enforce a drug-testing policy for all employees in the field; that all employees will be licensed, with the appropriate licensing authority; that prevailing wages will be paid to all employees; that all on-site employees and on-site employee supervisors will be OSHA-certified in compliance with then-current OSHA safety requirements prior to working on the project; that all on-site employees will be ten-hour OSHA-certified; that all on-site employee supervisors will be thirty-hour OSHA-certified; and that they will comply with all applicable laws, ordinances, rules and regulations governing the conduct of business in St. Louis County and the State of Missouri.

(b)

As used in this subsection:

i.

"On-site employee" shall mean any laborer, workers, drivers, equipment operators, and craftspersons employed by contractors and subcontractors to be directly engaged in construction at the site of the construction project.

ii.

"Directly engaged in construction" shall mean work performed in the actual erection of the structure or completion of the improvement constituting the public work project. Persons engaged solely in the transportation of materials, fuel or equipment to the site, and persons engaged in the business of landscaping, including, contractors who perform landscaping work, seeding, sodding and planting of trees and shrubs, and design and construction of common outdoor accessory features such as retaining walls, shall not be deemed to be directly engaged in construction.

iii.

A "subcontractor" is a person who enters into a subcontract with a contractor for construction of public works and employs on-site employees for completion of the contract.

iv.

A "supervisor" is a foreman, project manager, safety director or lead tradesman on the project.

(c)

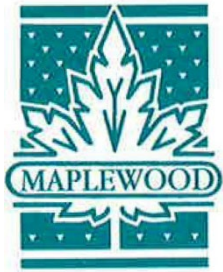
For construction projects with an estimated cost greater than seventy-five thousand dollars (\$75,000.00), contractor shall certify that contractor and any and all subcontractors that perform work on such project on behalf of said certifying contractor: (1) participate in or maintains apprentice programs registered with the U.S. Department of Labor and compliant with 29 C.F.R. Part 29 and 29 U.S.C. Sec. 50; (2) that each program has active, registered apprentices; and (3) that each program complies with all required federal Department of Labor regulations, including affirmative-action obligations described in 29 C.F.R. Part 30.

(8)

All contracts of St. Louis County shall be executed by the County Executive and attested by the County Clerk, and shall bear thereon the approval of the County Counselor, and the certification of the Accounting Officer. A copy of each contract shall be filed with the Accounting Officer.

(9)

The Agent shall adopt such rules and regulations as appropriate for the requirement of corporate surety bonds for contracts. These rules and regulations are to be approved by the County Counselor and shall become effective when approved by the St. Louis County Council by Council Order”



To: City Manager Withycombe
From: Mayor Knapper
Date: February 8, 2024
Re: Repeal of Tax on Groceries, Legislative Advocacy & Priorities of City Services

Some state legislators have proposed bills that would repeal the sales tax on groceries. A similar bill made it out of committee last year but did not become law. Should any of these bills make it out of committee, council and I will need to advocate on behalf of the city. I would like to discuss such advocacy with you and council.

Should a bill to repeal sales tax on groceries become law, it will drastically affect our city's budget. Last year, Mr. Reese stated that fire and police personnel would be reduced. I am concerned about this prior suggestion of reduction of services that protect life. As the current city manager, please explain the priorities of city services should the city's budget be reduced due to the enactment of a bill that repeals tax on groceries.

Enclosures: 2023 Memo from Michael Reese; KMOV Article; Letter from Maplewood Firefighters IAFF Local 2665

INTEROFFICE MEMORANDUM

TO: Mayor & City Council

FROM: Michael D. Reese, City Manager

DATE: March 9, 2023

RE: State Bills That Exempt Food From Local Sales Tax

During the Strategic Budget Priority Work Session on February 28, Mayor Knapper inquired about a bill in the Missouri State legislature that would exempt food from local sales tax. Based on this dialogue raised by the Mayor, an alert I received from Municipal League of Metro St. Louis, and several discussions with fellow city managers, it was confirmed that the Missouri legislature was indeed moving quickly on a couple of bills that would exempt food from local sales tax. One bill, SB 131, was voted out of committee and went to the floor earlier this week for debate. Pat Kelly from the Municipal League, who testified against the bill, kept us informed over the last week and I spoke to him on Wednesday evening. The good news for now, is that it does not appear to be moving forward as legislators started to understand the true fiscal impact to local governments. He continues to urge however, that Mayors, Council Members, and City Managers call their legislators and tell them how these bills impact our budgets and our ability to provide safety and basic city services. Pat Kelly has been coordinating with the local Police Chiefs Association on this proposed legislation as well.

We did some research on how SB 131 would impact the City of Maplewood's budget and the community we serve. It would be devastating for the City of Maplewood. We estimate a loss of \$2.1M per year in General Sales Tax revenues alone based on our four major grocery stores in town. The \$2.1M loss represents 25% of our budget and would mean massive layoffs, especially in police and fire since public safety represents about 64% of our total general fund budget. We would likely have to layoff 10 police personnel, 8 fire personnel, 3 public works personnel, 2 executive department personnel (a total reduction of 23 employees and decreasing our work force from 79 employees to 56); eliminate all memberships, training, and travel from budgets; cut our street and sidewalk capital budget program by at least one-third; and default on payments for our Tax Increment Financing Bonds. Furthermore, this proposal would also impact our Fire Sales Tax, Parks Stormwater Sales Tax, and Prop P Revenues; all of which affect police and fire services and neighborhood quality of life matters.

In short, our ability to provide police and fire services would be so poor that it would endanger residents and businesses, customer service at city hall would suffer, and our infrastructure (streets, sidewalks, equipment, and buildings) would see a decline over time. These are not idle threats; these are the facts if you take away one-fourth of our revenue with no plan to replace it, and our ability to raise funds locally are minimal to cover such a massive shortfall.

We will continue to monitor the different bills circulating in Jefferson City and will keep you apprised as necessary. Please let me know if you have any questions.

Michael D. Reese
City Manager

KMOV

By [Jon Kipper](#)

Published: Mar. 13, 2023 at 10:40 PM CDT

‘It’s a huge hit’ City officials sound alarm on possible repeal of the tax on groceries

City officials in various St. Louis County municipalities are sounding the alarm that they will see a major loss of revenue if the Missouri Legislature repeals

ST. LOUIS COUNTY, Mo. (KMOV) - City officials in various St. Louis County municipalities are sounding the alarm that they will see a major loss of revenue if the Missouri Legislature repeals a tax on food.

At least one bill that exempts taxes on groceries has gotten out of a Senate committee, and another bill repealing taxes on firearms could include a food tax exemption.

“I don’t know anybody that really likes to pay taxes,” said Molley McCombs.

After paying for her groceries, McCombs states the obvious, that taxes aren’t enjoyable to pay for anybody and she wouldn’t mind seeing the grocery tax go away.

“I feel we pay a lot of taxes on groceries, and with inflation, I feel like it cuts into a lot of people’s budgets,” said McCombs.

Currently, Missouri is the minority in the United States, as the state is just one of 13 states that charge taxes on groceries at all.

“It’s easy for somebody in Jefferson City to cut city taxes when it doesn’t affect the state budget,” said Doug Harms, City Administrator for Des Peres.

Des Peres is a city with several large grocery stores in it, including a Schnucks, Dierbergs and a Sam’s Club.

Harms said the grocery tax gives the city anywhere from \$2.5 to \$3 million a year. That’s about 25% of the general fund, which pays for roads, police, fire and other basic city services.

He didn’t want to say specifically he’d have to cuts to the police and fire but alluded that the city would have to make cuts somewhere.

“Follow the logic and if you have to cut 25% out of a \$12 million budget, then logically some of that is going to have to come out of police and fire, or you find another way to fund those services,” said Harms.

Maplewood’s City Manager Michael Reese was starker in a memo to the mayor and city council.

“We would likely have to lay off 10 police personnel, eight fire personnel,” said Reese.

Reese mentioned that the city would also have to lay off other city employees, cut road and sidewalk projects and default on payments to their Tax Increment Financing Bonds.

Plus, he said those cuts to public safety would put the city in a dire position.

“Our ability to provide police and fire services would be so poor that it would endanger residents and businesses,” said Reese.

The only other way a city could add revenue is to begin charging or to raise property taxes, something that Harms said wouldn’t make up the difference for Des Peres.

“Not only would we have to get the voters to approve it, but it would only go so far and it still wouldn’t be enough,” said Harms.

That’s not a trade that some Des Peres residents want to make, including Dan McGraw, who was putting his groceries in his car when he spoke with News 4.

“I’d rather have the grocery tax. I do enough personal property taxes,” said Harms.

Other cities would take major hits as well, including Chesterfield and Creve Coeur. City administrators for both cities told News 4 that over 10% of their revenue is tied to the grocery sales tax.

Both men said cuts would have to be made if this law went into place.

Pat Kelly, executive director for the League of Municipalities, said some cities in Missouri could be in jeopardy of bankruptcy if the bill passes. That would be due to future payments that need future revenue to cover the cost.

The bill also drops the one percent state tax on food that goes to education. The estimated loss to public schools is over \$154 million in 2025.

This isn’t the only legislative bill that would repeal taxes. One bill includes a tax exemption for diapers, feminine hygiene products and firearms.

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Maplewood Firefighters Union Shop

March 15, 2023

Michael Reese
City Manager
City of Maplewood
7601 Manchester Rd.
Maplewood, MO 63143

Dear Mr. Reese,

I am writing to you on behalf of the union members of the Fire Department in regards to statements attributed to you in a recently published article by KMOV.

The article quoted you, from a memo drafted to the mayor and city council, that should the state grocery tax be repealed “We would likely have to lay off 10 police personnel, eight fire personnel.” Also, “Our ability to provide police and fire services would be so poor that it would endanger residents and businesses.”

I want to thank you for acknowledging how integral our public safety employees, and the services they provide, are to the residents of the city. That being said, the shop was taken aback when word of the article started getting around. Especially in relation to the potential of 40% of the department being laid off as a result of state legislation.

The most alarming factor in all of this is that the news article is the first time that we were made aware of this situation. Also, the specific number of personnel quoted in the article (10 & 8) suggests that discussions about this legislation have been occurring without any notice being given to the potentially affected departments.

It is discouraging that the heads of the Fire Department and shop representatives were not involved in any discussions relating to potential lay offs. We all have a mutual interest in ensuring that no lay offs are made. Our shop is supported by our local union (IAFF 2665), and the grater IAFF, which has resources that could be utilized to help lobby for positive legislation for our municipality and firefighters in Jefferson City.

Moving forward we ask that you allow us to be informed and involved in matters related to major issues such as this.

On a final note, I believe that it would go a long way in easing the shop members minds if they could hear from you personally on this matter.

If you would like to discuss further I would be happy to meet with you in person at your earliest convenience.

Respectfully,

Bryan Boemer
Shop Steward
Maplewood Firefighters
IAFF Local 2665

Memorandum



To: Mayor & City Council
From: Amber Withycombe, City Manager
Date: February 9, 2024
Re: Priorities for City Services

This week, the Missouri Department of Revenue released data showing 2023 taxes collected from the sales of groceries for cities, counties, and taxing districts throughout the state. The state's analysis, which was shared with us by the Municipal League of Metro St. Louis, estimates that Maplewood would lose up to \$3 million in annual revenue if a grocery sales tax exemption were to be implemented. This calculation exceeds the city's previous estimate by \$900,000. While the possibility of such a dramatic cut to the city's budget remains deeply distressing, the implementation of any actions related to cutting the city's budget as a result of lost revenue would:

- Involve significant consultation with all city departments, as well as the Mayor and Council;
- Prioritize the preservation of public safety; and
- Be examined within the context of increasing efficiency through shared services

While a \$3 million annual revenue loss would indeed be devastating to the city, staff are taking proactive measures to track and respond to the current bills moving through the legislature. Maplewood has entered into an agreement with Richmond Heights, Clayton, and Olivette for shared consulting services to monitor legislation and represent the cities' interests with elected officials in Jefferson City. The engagement is costing the city \$3,000 for the duration of the legislative session (February – May) and, coupled with the city's efforts to advocate for its interests via the Municipal League, the Missouri City County Managers Association, and the St. Louis Area Police Chiefs Association, will reinforce any legislative advocacy efforts the Council chooses to undertake.



Fiscal Notes

Fiscal notes from your city are a very important way for legislators to understand the impact proposed legislation could have on Missouri cities. You may receive hundreds of requests from the Missouri Legislative Oversight Division regarding fiscal notes, but MML works to clarify the ones that are the most important.

Below is a list of the most important bills requiring a fiscal note from your city. Please make every effort to provide this information. It makes a big impact as these bills are under consideration.

Contact MML Executive Director Richard Sheets with any questions regarding fiscal notes or proposed legislation.

MML Priority Fiscal Notes

[HB1418](#) - exempts food from local sales taxes

[HB 1464](#) - exempts food from local sales taxes

[HB1540](#) - sunshine fee for geographical information system data

[HB 1743](#) - sales tax exemption for the production of electricity

[HB1856](#) - exempts residences owned by senior from property taxes

[HB 1906](#) – assessment of real property

[HB 1926](#) – municipal plumber license

[HB1947](#) – exempts the sale of used motor vehicle and trailers from sales taxes

[HB 2055](#) - exempts food from local sales taxes

[HB 2061](#) – local tax ballot measures

[HB 2168](#) - *sales and use tax exemption for n machinery and equipment used in providing broadband*

[HB 2174](#) - exempts food from local sales taxes

[HB 2191](#) - exempts firearms and ammunition from state and local sales taxes

[HB 2273](#) - exempts food from local sales taxes

[HB 2401](#)- exempts food from local sales taxes

[HB 2403](#) – assessment of personal property

[HB 2432](#) – property tax credit for seniors

[HB 2435](#) – property tax credit for seniors

[HB 2543](#) - property tax credit for seniors

[SB 725](#) – phase out of the personal property tax

[SB 733](#) – phase out of the personal property tax

[SB 915](#) - exempts residences owned by senior from property taxes

[SB 975](#) - exempts from property tax all real and personal property used primarily for the care of a child outside of his or her home.

[SB 1009](#) - reduces the assessment percentage of real property from 19% to 15%

[SB 1062](#) - exempts food from local sales taxes

[SB1086](#) - phase out of the personal property tax

[SB 1252](#) - exempts food from local sales taxes

[SB 1302](#) - investment of municipal funds

[SB 1354](#) - sales tax exemption for the sale of machinery and equipment used to provide broadband

[SJR 82](#) - replaces the property tax on real property with a sales tax

MISSOURI MUNICIPAL LEAGUE

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Memorandum



To: Councilmember Homa
Cc: Mayor Knapper; Councilmembers Coriell, Faulkingham, Garcia, Mattox, and Page
From: Amber Withycombe, City Manager
Date: February 7, 2023
Re: City Legal Services Costs and Budgeting

Regarding your request for information on the cost of legal services to the city from Lewis Rice, LLC, I have included an itemization of monthly fees in calendar year 2023 on the following page. The itemization shows monthly retainer fees for the City Attorney and Prosecuting Attorney, litigation fees related to the work of both attorneys, and general fees incurred by the City Attorney. Lewis Rice does not separately itemize litigation work performed by the City Attorney and the Prosecuting Attorney, which is often collaborative in nature. As a result, I have indicated on the enclosed spreadsheet that litigation costs are incurred by the Department of Law generally.

Expenses classified as “general” under the City Attorney include labor negotiations, contract and agreement reviews, establishment of the Maplewood Community Growth Fund, redevelopment agreement amendments, election and ballot filings, personnel matters, Sunshine Law requests, and ordinance and resolution reviews, among other items.

The itemization shows a retainer fee for the City Attorney to attend regular City Council meetings and a separate retainer fee for the Prosecuting Attorney to attend municipal court. The city’s monthly invoices from Lewis Rice include detailed documentation and a record of billable hours for both the City Attorney and the Prosecuting Attorney.

While the city has not in the past separated retainer, general, and litigation fees as line items in its budget, staff recommends the following approach to budgeting for FY25 and beyond:

- Separate the current “Legal Counsel” budget category in *Account 1103 - Legal* into line-item budgets for each entity within the Department of Law
- Retain the Prosecuting Attorney monthly retainer fee in *Account 1103 – Legal* (which encompasses municipal court costs)
- Adjust the City Attorney and litigation budgets as follows:
 - Move to *Account 1101 – Legislative* if Proposition J is successful (reflecting that the City Attorney is appointed by the Mayor with approval of the Council)
 - Move to *Account 1102 – Executive* if Proposition J is unsuccessful (reflecting that the City Attorney is appointed by the City Manager)

Should Proposition J be successful, staff also recommends locating the new Prosecuting Attorney line-item budget in *Account 1103 – Legal*.

Legal Fees for CY2023

Dept. of Law	Fees	23-Jan	23-Feb	23-Mar	23-Apr	23-May	23-Jun	23-Jul	23-Aug	23-Sep	23-Oct	23-Nov	23-Dec
City Attorney	Retainer	\$ 600	\$ 600	\$ 300	\$ 600	\$ 600	\$ 300	\$ 600	\$ 300	\$ 600	\$ 600	\$ 300	\$ 300
	General	\$ 8,703	\$ 12,197	\$ 8,732	\$ 5,192	\$ 8,201	\$ 9,561	\$ 5,582	\$ 12,170	\$ 21,747	\$ 14,958	\$ 11,224	\$ 15,006
Prosecuting Attorney	Retainer	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,200	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300	\$ 2,300
Both	Litigation	\$ 1,859	\$ 3,009	\$ 3,157	\$ 4,012	\$ 3,393	\$ 4,691	\$ 2,257	\$ 2,928	\$ 1,373	\$ 3,020	\$ 2,288	\$ 1,342
	Total Invoice	\$ 13,361	\$ 18,006	\$ 14,389	\$ 12,004	\$ 14,394	\$ 16,751	\$ 10,639	\$ 17,698	\$ 26,019	\$ 20,878	\$ 16,112	\$ 18,948

Legal Fees FY20 - FY24 YTD

	FY20	FY21	FY22	FY23	FY24
Budget	\$ 250,000	\$ 250,000	\$ 250,000	\$ 350,000	\$ 250,000
Actual*	\$ 72,959	\$ 131,841	\$ 252,066	\$ 172,684	\$ 110,292

*FY24 amount is YTD through December 31, 2023