

Missouri Legislature Imposes New Four-Day Notice Requirements for Certain Votes by Governing Body

The 2010 Missouri legislative session concluded with a new public notice requirement being imposed on local governments applicable to specific types of governing body "votes as described below. Identical bills, *House Bill 1444* and *Senate Bill 851* (2010), enacted a new §67.2725 RSMo., requiring the governing body of "any county, city, town, or village, **or any entity created by such county, city, town, or village**" to provide a public notice conforming to *§610.020.1 RSMo.* (i.e., Sunshine Law meeting notice) **at least four (4) business days** before the meeting at which the vote will be taken, in addition to the otherwise-applicable 24-hour requirement. In addition to the new four-day notice requirements, the new law also requires a **public hearing** before the subject vote can be taken. Specifically, the new law calls for "a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard."

Effective August 28, 2010 (pending approval by the Governor), this new hearing requirement and longer notice provision apply **only** to the following votes:

- Votes to **implement a tax increase**, but not including the "setting of the annual tax rates provided for under sections 67.110 and 137.055."
- Votes *with respect to a **retail development** project that:*
 - utilize the power of eminent domain,
 - create a transportation development district (TDD),
 - create a community improvement district (CID), or
 - approve a redevelopment plan that pledges public funds as financing for the project or plan.

The four-day notice requirement does not apply to "votes or discussion related to proposed ordinances which **require a minimum of two separate readings on different days** for their passage." This may only apply to circumstances where the city ordinance or charter prohibits two readings on the same night. Accordingly, a review of your current ordinances may be warranted to take advantage of this potential exclusion.

The new law states that "no vote on such issues shall be held until proper notice has been provided under this section" but legal actions challenging the notice requirements must be filed within thirty (30) days of the meeting at which the vote was taken.

NOTE: Consistent with a similar requirement in the Sunshine Law, the new law's hearing and notice requirements apply not just to local governments, but also to "any entity created by such county, city, town, or village." Therefore, each governing body should be certain to amend applicable requirements that apply to taxing districts – such as Transportation Development Districts (TDDs) and Community Improvement District (CIDs) – it may create to ensure compliance with the new law in votes those entities may take.

Finally, the four-day notice required under the new law does not appear to replace or otherwise satisfy any other notice requirements that may be required under currently existing law. Therefore, the safest course of action would be to comply with all other necessary notice requirements in addition to this new four-day notice.

This summary is not exhaustive and is intended only as an outline of the significant provisions of HB 1444 and SB 851 (2010). Please contact your City Attorney or other legal counsel to ensure the requirements of the new law are met for your specific circumstances.

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Further questions may be directed to:

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