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Filed:   5-10-16  

Sponsored by:   McClure  

COUNCIL BILL NO.   2016- 113  

RESOLUTION NO.                                   

A RESOLUTION

1 AUTHORIZING the City Clerk of the City of Springfield, Missouri, to verify the Petition  
2 to Amend and Restate the Petition to Establish the Downtown  
3 Springfield Community Improvement District submitted by the  
4 Downtown Springfield Community Improvement District, should said  
5 Petition meet the requirements of Sections 67.1401 to 67.1571 RSMo.  
6  
7  
8

9 WHEREAS, on October 17, 2015, the Downtown Springfield Community  
10 Improvement District (DTCID), submitted and filed the Petition to Amend and Restate  
11 the Petition to Establish the Downtown Springfield Community Improvement District (the  
12 "Petition") with the City Clerk; and  
13

14 WHEREAS, one of the purposes of the Petition was to expand the territorial  
15 boundaries of the DTCID; and  
16

17 WHEREAS, on November 23, 2015, the City Clerk, pursuant to section  
18 67.1421.3 verified the Petition; and  
19

20 WHEREAS, on January 11, 2016, City Council adopted Special Ordinance No.  
21 26678, which approved the Petition; and  
22

23 WHEREAS, subsequent to the passage of Special Ordinance No. 26678, City  
24 staff learned that the proper amount of signatures needed to comply with section  
25 67.1441 had not been obtained by the DTCID in the proposed area of expansion, City  
26 staff communicated the deficiency in the Petition to the DTCID and the DTCID secured  
27 additional signatures of property owners in the proposed area of expansion and has  
28 requested that the City Clerk use the signatures from the October 17, 2015, Petition  
29 together with the additional signatures to verify a new Petition, and that such Petition  
30 and verification take the place of the Petition and verification which was attached to  
31 Special Ordinance No. 26678.  
32

33 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
34 SPRINGFIELD, MISSOURI, as follows, that:  
35

36           Section 1 – The City Clerk is hereby authorized to re-certify the Petition which  
37 has been submitted by the DTCID. The City Clerk is further authorized to combine the  
38 signatures obtained prior to the enactment of Special Ordinance No. 26678 provided  
39 that said petitioners have been verified as still owning the property for which they signed  
40 the petition and provided that the petition to be submitted by the DTCID shall contain  
41 the same provisions, conditions, and information which appeared on the initial petition  
42 as approved by said Special Ordinance.

43  
44           Section 2 – This resolution shall be effective immediately upon adoption.

45  
46 Passed at meeting: \_\_\_\_\_

47  
48  
49 \_\_\_\_\_  
50 Mayor

51  
52 Attest: \_\_\_\_\_, City Clerk

53  
54  
55 Filed as Resolution \_\_\_\_\_

56  
57 Approved as to form: *A. Chalot, Wader*, Assistant City Attorney

58  
59  
60 Approved for Council action: *Greg Burns*, City Manager  
61

## EXPLANATION TO COUNCIL BILL NO: 2016- 113

FILED: 05-10-16

ORIGINATING DEPARTMENT: Law Department

PURPOSE: To adopt a Resolution to authorize the City Clerk of the City of Springfield, Missouri, to verify the Petition to Amend and Restate the Petition to Establish the Downtown Springfield Community Improvement District provided by the Downtown Springfield Community Improvement District should the petition meet the requirements of Section 67.1421 RSMo.

BACKGROUND INFORMATION: On October 17, 2015, the petition was filed with the City Clerk. A component of the petition was the addition of territory to the existing boundaries of the Downtown Springfield Community Improvement District (DTCID). On November 23, 2015, the City Clerk, pursuant to section 67.1421.3 RSMo, verified that the petition complied with the statutory requirements to reestablish and add territory to the DTCID. The City Clerk's verification was based upon a report generated by the Planning and Development Department. Notices were mailed as required by statute, and on January 11th, 2016, following public hearing, the Council approved Special Ordinance No. 26678 amending the DTCID and expanding its boundary.

Following passage, the Law Department discovered that an error had been made in the signature calculations for the expansion area of the DTCID. The Community Improvement District Act, RSMo §§ 67.1401-67.1571, requires, among other things, that a proper petition to expand the boundaries of an existing Community Improvement District (CID) be signed by more than fifty percent of the per capita owners of real property in the area to be added and also be signed by property owners who collectively own more than fifty percent of the total assessed value of the real property located in the area to be added. The petition submitted on October 17, 2015, met the signature requirements within the existing CID boundary but only met one of the two threshold tests for the expansion area. Since the requirements of section 67.1421 RSMo had not been met in the proposed expansion area of the DTCID, the petition did not meet the statutory requirements.

Upon realizing the error, city staff contacted the DTCID and made them aware of the problem. To rectify the situation, the DTCID began contacting additional property owners in the expansion area. The DTCID has now collected more signatures and has submitted them for inclusion to their petition request. These additional signatures provide sufficient per capita and assessed values in order to meet the requirements of the CID Act. The DTCID has requested that their Petition be re-verified by the City Clerk including the additional signatures.

This resolution, if approved by the City Council, would authorize the City Clerk to use the signatures from the October 17, 2015 petition together with the additional signatures provided to the City Clerk on April 28, 2016, to determine whether the newly-presented

combined petition meets the requirements of the CID Act. Should the City Clerk verify this petition, a council bill will be drafted which will allow the City Council to repeal Special Ordinance No. 26678, hold an additional public hearing, and enact in lieu thereof a new ordinance, approving the new petition.

REMARKS: The DTCID has requested that the City Clerk verify the subsequent petition with the signatures from the October 17, 2015 Petition and the additional signatures obtained since the passage of Special Ordinance No. 26678.

Submitted by:



Nicholas Woodman,  
Assistant City Attorney

Recommended by:



Marrienne Banks,  
Interim City Attorney

Approved by:



Greg Burris,  
City Manager