



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, June 3, 2019
6:30pm**

- I. Planning and Public Works Committee** – Chairperson Mary Ann Mastorakos, Ward II
- A. Bill No. 3247 - P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)**
An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of a “C-8” Planned Commercial District to a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road. [P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)] - (18S331381). **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- B. Bill No. 3248 - P.Z. 02-2019 Highland on Conway (14880 Conway Road)** An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to an “R-3” Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road. [P.Z. 02-2019 Highland on Conway, 14880 Conway Road (NU to R-3) 18R120324]. **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval, as amended, to “R-3” Residence District.**
- C. Bill No. 3249 - P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown)** An ordinance amending the Unified Development Code of the City Of Chesterfield by changing the boundaries of the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153 acre tract of land located on the north side of North Outer 40 Road. [P.Z. 06-2019 17627 & 17659 N. Outer 40 Road, Andrew Brown (FPM3 to AG) 16U110023, 16V320067]. **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- D. Bill No. 3250 - Fair Housing Act** An ordinance revising Chapter 9, Article II of the City of Chesterfield Municipal Code related to Fair Housing in the City of Chesterfield. **(Second Reading) Planning & Public Works Committee recommends approval.**

E. Next Meeting – June 6, 2019 (5:30pm) CANCELED

II. Finance and Administration Committee – Chairperson Michael Moore, Ward III

A. F&A Policies

B. Destruction of Records

C. Tuition Reimbursement, Budget Adjustment

III. Parks, Recreation and Arts Committee – Chairperson Tom DeCampi, Ward IV

IV. Public Health and Safety Committee –

V. Report from the City Administrator & Other Items Requiring Action by City Council – Mike Geisel

VI. Other Legislation

VII. Unfinished Business – Mayor Bob Nation

VIII. New Business – Mayor Bob Nation

IX. Adjourn –

NOTE: *City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE HASS AT (636) 537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.



AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Monday, June 3, 2019
7:00PM

- I. CALL TO ORDER** – Mayor Bob Nation
- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation
- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation
- IV. ROLL CALL** – City Clerk Vickie Hass
- V. APPROVAL OF MINUTES** – Mayor Bob Nation
 - A. Executive Session Meeting Minutes** – May 20, 2019
 - B. City Council Meeting Minutes** – May 20, 2019
- VI. INTRODUCTORY REMARKS (items not requiring action by City Council)** – Mayor Bob Nation
 - A. Thursday, June 6, 2019** – Planning & Public Works Committee (5:30pm)
CANCELED
 - B. Wednesday, June 12, 2019** – Planning Commission (7pm)
 - C. Monday, June 17, 2019** – Next City Council Meeting (7pm)
- VII. COMMUNICATIONS AND PETITIONS**

VIII. APPOINTMENTS – Mayor Bob Nation

IX. STANDING COMMITTEE OF COUNCIL COMMITTEE REPORTS & ASSOCIATED LEGISLATION

A. Planning and Public Works Committee – Chairperson Mary Ann Mastorakos, Ward II

- 1. Bill No. 3247 - P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)** An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of a “C-8” Planned Commercial District to a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road. [P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)] - (18S331381). **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 2. Bill No. 3248 - P.Z. 02-2019 Highland on Conway (14880 Conway Road)** An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to an “R-3” Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road. [P.Z. 02-2019 Highland on Conway, 14880 Conway Road (NU to R-3) 18R120324]. **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval, as amended, to “R-3” Residence District.**
- 3. Bill No. 3249 - P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown)** An ordinance amending the Unified Development Code of the City Of Chesterfield by changing the boundaries of the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153 acre tract of land located on the north side of North Outer 40 Road. [P.Z. 06-2019 17627 & 17659 N. Outer 40 Road, Andrew Brown (FPM3 to AG) 16U110023, 16V320067]. **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.**
- 4. Bill No. 3250 - Fair Housing Act** An ordinance revising Chapter 9, Article II of the City of Chesterfield Municipal Code related to Fair Housing in the City of Chesterfield. **(Second Reading) Planning & Public Works Committee recommends approval.**
- 5. Next Meeting – June 6, 2019 (5:30pm) CANCELED**

B. Finance and Administration Committee – Chairperson Michael Moore, Ward III

- 1. F&A Policies**

2. Destruction of Records

3. Tuition Reimbursement, Budget Adjustment

C. Parks, Recreation and Arts Committee – Chairperson Tom DeCampi, Ward IV

D. Public Health and Safety Committee –

X. REPORT FROM THE CITY ADMINISTRATOR & OTHER ITEMS REQUIRING ACTION BY CITY COUNCIL – Mike Geisel

XI. OTHER LEGISLATION

XII. UNFINISHED BUSINESS – Mayor Bob Nation

XIII. NEW BUSINESS – Mayor Bob Nation

XIV. ADJOURNMENT

NOTE: *City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE HASS AT (636) 537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.

AGENDA REVIEW – Monday 6/3/2019 – 6:30 PM

An AGENDA REVIEW meeting has been scheduled to start at **6:30 pm, on Monday, June 3, 2019.**

Please let me know, ASAP, if you will be unable to attend this meeting.



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

MAY 20, 2019

The meeting was called to order at 7:05 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor Bob Nation
Councilmember Barbara McGuinness
Councilmember Ben Keathley
Councilmember Mary Ann Mastorakos
Councilmember Dan Hurt
Councilmember Michael Moore
Councilmember Tom DeCampi
Councilmember Michelle Ohley

ABSENT

Councilmember Barry Flachsbart

APPROVAL OF MINUTES

The minutes of the May 6, 2019 Executive Session were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Moore, to approve the May 6, 2019 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the May 6, 2019 City Council meeting were submitted for approval. Councilmember Keathley made a motion, seconded by Councilmember Mastorakos, to approve the May 6, 2019 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, June 3, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Andrew Brown, 635 Trade Center Blvd., stated that he was available to answer any questions pertaining to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Jason Hagan, 10850 Galt Industrial Dr., stated that he was available to answer any questions pertaining to Bill No. 3248 (P.Z. 12-2018 Fairfield Suites [Chesterfield Village Lodging]).

Mark Leach, 1608 Ansonborough Dr., spoke in support of the Native American burial mounds and grounds in Chesterfield.

John Williams, 821 Killiney Dr., spoke in support of Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Sue Ferguson, 22 Bonhomme Grove Ct, spoke in support of the R-3 amendment to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Susan Hale, 2 Bonhomme Grove Ct, Spoke in support of R-3 amendment to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Robert Tegman, 6 Bohomme Grove Ct, Spoke in support of R-3 amendment to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Mike Meiners, 801 South Fifth St, Engineer for petitioner, spoke in support of R-4 request to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

Laura Lueking, 15021 Conway Rd, Spoke in support of R-3 amendment to Bill No. 3249 (P.Z 02-2019 Highland on Conway [14880 Conway Rd.]).

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Planning/Public Works Committee

Bill No. 3244 Repeals City of Chesterfield Ordinances 358 and 359 and amends City of Chesterfield Ordinance 1502 to establish a new permitted use and revise development criteria for an existing “C-8” Planned Commercial District for 6.9 acres located at the northwest corner of Clarkson Road and Lea Oak Drive (P.Z. 03-2019 Chesterfield Crossing [Chesterfield Crossing Partners, LLC] – 19S411286, 19S411275) **(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval**

Councilmember Mastorakos, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Hurt, for the second reading of Bill No. 3244. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3244 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3244 with the following results: Ayes – Hurt, Keathley, Moore, McGuinness, Mastorakos, DeCampi and Ohley. Nays – None. Whereupon Mayor Nation declared Bill No. 3244 approved, passed it and it became **ORDINANCE NO. 3051.**

Bill No. 3247 Amends the Unified Development Code of the City of Chesterfield by changing the boundaries of a “C-8” Planned Commercial District to a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road [P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)] - (18S331381) **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval**

Councilmember Mastorakos made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 3247. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3247 was read for the first time.

Bill No. 3248 Amends the Unified Development Code of the City of Chesterfield by changing the boundaries of the “NU” Non-Urban District to an “R-4” Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road [P.Z. 02-2019 Highland on Conway, 14880 Conway Road (NU to R-4) 18R120324] **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee**

**recommends a Green Sheet Amendment to zone to “R-3”
Residence District**

Councilmember Mastorakos made a motion, seconded by Councilmember DeCampi, for the first reading of Bill No. 3248. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3248 was read for the first time.

Councilmember Mastorakos made a motion, seconded by Councilmember DeCampi, to amend Bill No. 3248 by incorporating the green sheet amendments as recommended by the Planning and Public Works Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Bill No. 3249 Amends the Unified Development Code of the City Of Chesterfield by changing the boundaries of the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153 acre tract of land located on the north side of North Outer 40 Road [P.Z. 06-2019 17627 & 17659 N. Outer 40 Road, Andrew Brown (FPM3 to AG) 16U110023, 16V320067] **(First Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval**

Councilmember Mastorakos made a motion, seconded by Councilmember DeCampi, for the first reading of Bill No. 3249. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3249 was read for the first time.

Bill No. 3250 Revises Chapter 9, Article II of the City of Chesterfield Municipal Code related to Fair Housing in the City of Chesterfield **(First Reading) Planning & Public Works Committee recommends approval**

Councilmember Mastorakos made a motion, seconded by Councilmember Moore, for the first reading of Bill No. 3250. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3250 was read for the first time.

Councilmember Mastorakos made a motion, seconded by Councilmember DeCampi, to authorize the City Administrator to execute a Quitclaim Deed, which transfers right-of-way land at Long Road and Edison Avenue comprised of approximately 1,262 square feet, to the Missouri Department of Transportation. A roll call vote was taken with the following results: Ayes – Hurt, Moore, DeCampi, Mastorakos, Ohley, McGuinness and Keathley. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Mastorakos announced that the next meeting of this Committee is scheduled for Thursday, June 6, at 5:30 p.m.

Finance and Administration Committee

Councilmember Michael Moore, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee is scheduled for Tuesday, May 28, at 5:30 p.m.

Parks, Recreation & Arts Committee

Councilmember Tom DeCampi, Chairperson of the Parks, Recreation & Arts Committee, indicated that he had no report this evening.

Public Health & Safety Committee

Mayor Nation advised that there was no report for the PH&S Committee.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that Staff is recommending award of a contract for 2019 Salt and Salt Delivery. Based upon review of information provided by Director of Public Works/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to Compass Minerals for the purchase of deicing salt in an amount of \$60.88 per ton, and a contract to Beelman Logistics, LLC for the unloading and delivery of deicing salt in an amount of \$4.32 per ton. Councilmember McGuinness made a motion, seconded by Councilmember Ohley, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Ohley, Keathley, DeCampi, Hurt, Moore, Mastorakos, and McGuinness. Nays – None. Whereupon Mayor Nation declared the motion passed.

OTHER LEGISLATION

Bill No. 3245	Amends Section I. of Attachment ‘A’ of City of Chesterfield Ordinance 3026 by repealing Section I.10.c of Attachment ‘A’ of Ordinance 3026 and enacting in lieu thereof a new section to be known as Section I.10.c within a “C-8” Planned Commercial District located within the northwest quadrant of the I-64 and MO 340 (Olive / Clarkson) Interchange (P.Z. 05-2019 Chesterfield Ridge Center {Parcels VII and VIII}) (Second Reading) Planning Commission recommends approval
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Councilmember Moore made a motion, seconded by Councilmember Mastorakos, for the second reading of Bill No. 3245. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3245 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3245 with the following results: Ayes – Hurt, DeCampi, McGuinness, Keathley, Mastorakos, Moore, and Ohley. Nays – None. Whereupon Mayor Nation declared Bill No. 3245 approved, passed it and it became **ORDINANCE NO. 3052**.

Bill No. 3251 Provides for the approval of a Record Plat and Escrow Agreements for the Fienup Farms Plat 7, a 5.34 acre tract of land zoned “PUD” Planned Unit Development on the north side of Wild Horse Creek Road east of its intersection with Kehrs Mill Road and west of its intersection with Baxter Road **(First & Second Readings)**
Planning Commission recommends approval

Councilmember Ohley made a motion, seconded by Councilmember DeCampi, for the first reading of Bill No. 3251. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3251 was read for the first time.

Councilmember Ohley made a motion, seconded by Councilmember DeCampi, for the second reading of Bill No. 3251. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3251 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3251 with the following results: Ayes – Mastorakos, Ohley, Keathley, Hurt, Moore, DeCampi, and McGuinness. Nays – None. Whereupon Mayor Nation declared Bill No. 3251 approved, passed it and it became **ORDINANCE NO. 3053.**

Bill No. 3252 Provides for the approval of a Boundary Adjustment Plat for the consolidation of two parcels to create one 8.47 acre tract of land, zoned “NU” Non-Urban District and “R-2” Residence District, and located on the eastern corner of the intersection of Olive Boulevard and Ladue Road **(First & Second Readings)** **Department of Planning & Development Services recommends approval**

Councilmember McGuinness made a motion, seconded by Councilmember Mastorakos, for the first reading of Bill No. 3252. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3252 was read for the first time.

Councilmember McGuinness made a motion, seconded by Councilmember Mastorakos, for the second reading of Bill No. 3252. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3252 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3252 with the following results: Ayes – McGuinness, Ohley, Moore, Keathley, Mastorakos, Hurt and DeCampi. Nays – None. Whereupon Mayor Nation declared Bill No. 3252 approved, passed it and it became **ORDINANCE NO. 3054.**

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:10 p.m.

Mayor Bob Nation

ATTEST:

Amanda Miller, Deputy City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

A. Thursday, June 6, 2019 – Planning & Public Works Committee (5:30pm)
Canceled

B. Wednesday, June 12, 2019 – Planning Commission (7pm)

C. Monday, June 17, 2019 – Next City Council Meeting (7pm)

PLANNING AND PUBLIC WORKS COMMITTEE

Chair: Councilmember Mastorakos

Vice Chair:

The Planning and Public Works Committee has the following action items for the June 3, 2019 City Council Meeting.

Bill No. 3247 - P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)

An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of a "C-8" Planned Commercial District to a "PC" Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road. [P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)] - (18S331381).

(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.

Bill No. 3248 - P.Z. 02-2019 Highland on Conway (14880 Conway Road)

An ordinance amending the Unified Development Code of the City of Chesterfield by changing the boundaries of the "NU" Non-Urban District to an "R-3" Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road. [P.Z. 02-2019 Highland on Conway, 14880 Conway Road (NU to R-3) 18R120324].

(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval, as amended, to "R-3" Residence District.

Bill No. 3249 - P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown)

An ordinance amending the Unified Development Code of the City Of Chesterfield by changing the boundaries of the "FPM3" Flood Plain Planned Industrial District to the "AG" Agricultural District for a 153 acre tract of land located on the north side of North Outer 40 Road. [P.Z. 06-2019 17627 & 17659 N. Outer 40 Road, Andrew Brown (FPM3 to AG) 16U110023, 16V320067].

(Second Reading) Planning Commission recommends approval. Planning & Public Works Committee recommends approval.

Bill No. 3250 - Fair Housing Act

An ordinance revising Chapter 9, Article II of the City of Chesterfield Municipal Code related to Fair Housing in the City of Chesterfield.

(Second Reading) Planning & Public Works Committee recommends approval.

NEXT MEETING

The next meeting of the Planning & Public Works Committee which was scheduled for Thursday, June 6, 2019 at 5:30 pm, has been canceled.

If you have any questions, please contact Director of Public Works/City Engineer Jim Eckrich, Director of Planning and Development Services Justin Wyse, or me prior to Monday's meeting.

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.84 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF CHESTERFIELD PARKWAY EAST AND CONWAY ROAD. (P.Z. 12-2018 FAIRFIELD SUITES [CHESTERFIELD VILLAGE LODGING] -18S331381).

WHEREAS, the petitioner, Chesterfield Village Lodging, has requested a zoning map amendment to repeal City of Chesterfield Ordinance 1525 from a “C-8” Planned Commercial District to a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on January 14, 2019; and,

WHEREAS, the Planning Commission having considered said request, recommended approval of the amendment by a vote of 7-0; and

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the amendment by a vote of 4-0; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road and as described as follows:

A TRACT OF LAND SITUATED IN FRACTIONAL SECTION 10, TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI, AND BEING NEW PARCEL A OF A RESUBDIVISION OF ADJUSTED LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE SUBDIVISION OF LOT 3 OF HERMAN STEMME OFFICE PARK. PLAT BOOK 345, PG 482. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF CONWAY ROAD, A VARIABLE WIDTH PUBLIC RIGHT OF WAY AND BEING ALSO THE SOUTHWESTERN CORNER OF NEW PARCEL A, A PARCEL OF A RESUBDIVISION OF ADJUSTED LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE SUBDIVISION OF LOT 3 OF HERMAN STEMME OFFICE PARK ACCORDING

TO THE PLAT THEREOF RECORDED IN PLAT BOOK 345 PAGE 482 OF THE ST. LOUIS COUNTY RECORDS; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE OF CONWAY ROAD NORTH 00 DEGREES 40 MINUTES 37 SECONDS WEST ON A BEARING SYSTEM ADOPTED FROM THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 1983, EAST ZONE, 114.47 FEET TO A POINT; THENCE NORTH 32 DEGREES 05 MINUTES 35 SECONDS WEST, 187.43 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 23 SECONDS EAST, 72.00 FEET; THENCE NORTH 57 DEGREES 53 MINUTES 14 SECONDS EAST, 259.73 FEET TO A POINT, SAID POINT BEING ON THE SOUTHWESTERN RIGHT OF WAY LINE OF CHESTERFIELD PARKWAY EAST, A VARIABLE WIDTH PUBLIC RIGHT OF WAY; THENCE ALONG SAID SOUTHWESTERN RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES, SOUTH 32 DEGREES 06 MINUTES 46 SECONDS EAST, 46.86 FEET TO A POINT; THENCE NORTH 89 DEGREES 22 MINUTES 13 SECONDS WEST, 8.43 FEET TO A POINT; THENCE SOUTH 31 DEGREES 48 MINUTES 12 SECONDS EAST, 153.68 FEET TO A POINT; THENCE SOUTH 30 DEGREES 21 MINUTES 18 SECONDS EAST, 78.57 FEET TO A POINT; THENCE SOUTH 27 DEGREES 25 MINUTES 16 SECONDS EAST, 76.89 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 718.94 FEET, AN ARC LENGTH OF 53.37 FEET, A CHORD BEARING OF SOUTH 23 DEGREES 44 MINUTES 17 SECONDS EAST AND A CHORD DISTANCE OF 53.36 FEET; THENCE LEAVING SAID SOUTHWESTERN RIGHT OF WAY LINE OF CHESTERFIELD PARKWAY EAST SOUTH 33 DEGREES 26 MINUTES 08 SECONDS WEST, 121.57 FEET TO A POINT, SAID POINT BEING ON THE AFORESAID NORTH RIGHT OF WAY LINE OF CONWAY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE OF CONWAY ROAD SOUTH 83 DEGREES 48 MINUTES 50 SECONDS WEST, 248.35 FEET TO A POINT, RETURNING TO THE POINT OF BEGINNING AND CONTAINING 123,812 SQ. FT. (2.84 ACRES) MORE OR LESS.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the “Attachment A” and the preliminary plan indicated as “Attachment B” which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by Chesterfield Village Lodging in P.Z. 12-2018, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 14th day of January 2019, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 8 of the City of Chesterfield Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2019.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 05/20/2019

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this Planned Commercial District shall be:
 - a. Hotel and Motel
 - b. Restaurant, sit-down
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall not be restricted.
3. Telecommunication facilities siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area
 - a. If the hotel and motel use is developed in conjunction with the standalone use "restaurant, sit down," the hotel shall not exceed three (3) stories and a room count of ninety-two (92) rooms. Building height shall be measured from the average finished ground elevation of each building and shall be exclusive of rooftop mechanical equipment and screening. The total gross floor area of the freestanding sit-down restaurant shall not exceed 5,400 square feet.
 - b. If the hotel and motel use is not developed in conjunction with the standalone use "restaurant, sit down," the hotel shall not exceed four (4) stories and a room count of two hundred (200) rooms. Building height shall be measured from the average finished ground elevation of each building and shall be exclusive of rooftop mechanical equipment and screening.
2. Height

The maximum height of the building, exclusive of rooftop mechanical equipment and screening, shall not exceed 65 feet.

3. Building Requirements

- a. A minimum of 26% open space is required for this development.
- b. This development shall have a maximum F.A.R. of 0.86.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. 25 feet from the right-of-way of Conway on the southern boundary of the Planned Commercial “PC” District.
- b. 15 feet from the right-of-way of Chesterfield Parkway East on the eastern boundary of the “PC” District.
- c. 10 feet from the northern boundary of the “PC” District.
- d. 10 feet from the western boundary of the “PC” District.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. 10 feet from the right-of-way of Conway on the southern boundary of the Planned Commercial “PC” District.
- b. 15 feet from the right-of-way of Chesterfield Parkway East on the eastern boundary of the “PC” District.
- c. 5 feet from the western boundary of the “PC” District.
- d. Parking shall not be permitted along the northern boundary of the “PC” District.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Parking lots shall not be used as streets.

3. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
4. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. The width of the required landscape buffers along Conway Road and Chesterfield Parkway East shall correspond to the parking setbacks.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Transportation (or MoDOT), for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be as shown on the Preliminary Site Plan and adequate sight distance shall be provided, as directed by the City of Chesterfield, and St. Louis County Department of Transportation, as applicable.
2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right of way.
2. Existing sidewalk along Chesterfield Parkway and Conway Road shall remain and at the time of construction shall be evaluated and updated, as necessary, to conform to ADA standards. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects and shall provide an internal connection from the existing sidewalk onto the site as shown on the Preliminary Plan.
3. Prior to improvement / construction plan approval, the engineer shall provide a signed and sealed note on the plans for both residential and commercial projects, stating that the unimproved existing sidewalk/pedestrian path along the project frontage meets current St. Louis County / ADA Standards.
4. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Transportation as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
5. Improve Chesterfield Parkway East right-of-way, as directed by the Saint Louis County Department of Transportation.
6. Additional right-of-way and road improvements shall be provided, as required by the St. Louis County Department of Transportation and the City of Chesterfield.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.

L. POWER OF REVIEW

The development shall adhere to the Power of Review requirements of the City of Chesterfield Code.

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield and the Metropolitan St. Louis Sewer District. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential developments or issuance of building permits exceeding sixty percent (60%) of the approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on all Site Development Plans.
3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
4. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
5. The lowest opening of all structures shall be set at least two (2) feet higher than the one hundred (100) year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the one hundred (100) year high water.

6. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.
7. Storm sewers shall be as approved by the Metropolitan St. Louis Sewer District and the City of Chesterfield.
8. Formal MSD review, approval, and permits are required prior to construction.

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

P. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City Code shall be required where applicable.
3. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.
4. Retaining walls along public right of way shall be private and remain private forever and shall be located such that it is not necessary to support any public improvements.

5. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
6. The developer is advised that utility companies will require compensation for relocation of their facilities within public road right-of-way. Utility relocation cost shall not be considered as an allowable credit against the petitioner's traffic generation assessment contributions. The developer should also be aware of extensive delays in utility company relocation and adjustments. Such delays will not constitute a cause to allow occupancy prior to completion of road improvements.
7. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B.** In lieu of submitting a Site Development Concept Plan and Site Development Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C.** Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D.** Said Plan shall be submitted in accordance with the combined requirements for Site Development and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

- E.** Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B.** Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.

12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

As this development is not subject to traffic generation assessment, the roadway improvements required herein represent the developer's road improvement obligation. These improvements will not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
Hotel	\$1,546.62/parking space
Loading Space	\$3,796.14/parking space

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, rates shall be provided by St. Louis County Department of Transportation.

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Transportation and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

The applicable rates limiting required road improvements shall be adjusted on January 1, 2020 and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Transportation.

Prior to Special Use Permit issuance by the Saint Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis County Department of Transportation to guarantee completion of the required roadway improvements.

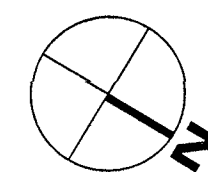
VI. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

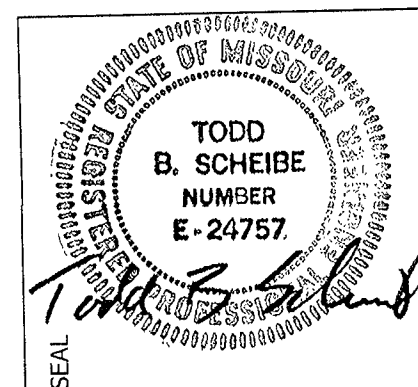
ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

(IN FEET)
1 inch = 20 ft.



The Professional Engineer's seal and signature apply only to the document to which they are affixed. The Engineer expressly disclaims any responsibility for all other plans, specifications, estimates, reports or other documents or instruments relating to or intended to be used for any part of the engineering project.



G&W
ENGINEERING
ST. LOUIS, MO 63105
PROJECT NUMBER CV18-0409
469-3737
WWW.GANDWENGINEERING.COM
COURTESY OF THE MISSOURI DEPT. OF TRANSPORTATION

CHESTERFIELD VILLAGE
LODGING, LLC
1850 CRAIGSHIRE, SUITE 103
ST LOUIS, MO 63146

PRELIMINARY DEVELOPMENT PLAN
SPRINGHILL SUITES / FAIRFIELD SUITES
1065 East Chesterfield Parkway
Chesterfield, Missouri 63017

A TRACT OF LAND BEING NEW PARCEL A OF A RESUBDIVISION OF ADJUSTED LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE RESUBDIVISION OF LOT OF HERMAN STEMMER OFFICE PARK, PB 345 PG-482 OF THE ST LOUIS COUNTY RECORDS.

DESCRIPTION	ISSUE DATE
JOB NO: CV18-0409.00	
DRAWN BY: GAS	
CHECKED BY: TBS	
DATE: 04/09/2019	
SHEET NO. PRELIMINARY DEVELOPMENT PLAN	
01	

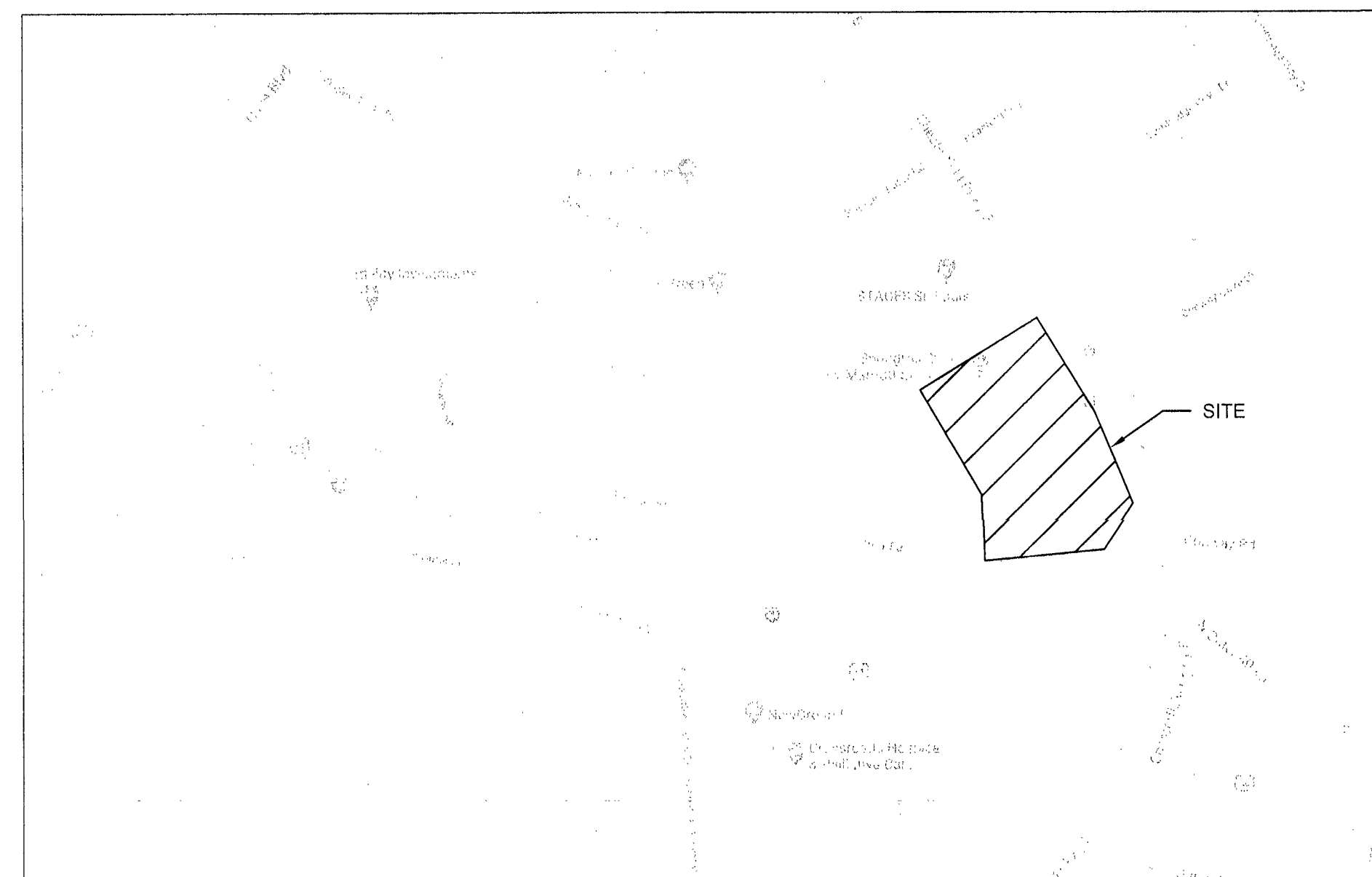
PRELIMINARY - NOT FOR CONSTRUCTION

RECEIVED
APR 15 2019
City of Chesterfield
Department of Public Services

01

1065 East Chesterfield Parkway
St Louis, MO 63017

SCALE: NTS, MAP IMAGE SOURCE: GOOGLE



<u>PROPERTY ADDRESSES:</u>	<u>PARCEL ID #:</u>	<u>MUNICIPALITY:</u>	<u>ZONING DISTRICT:</u>
1065 EAST CHESTERFIELD PARKWAY	18S331381	CHESTERFIELD	C-8

TOTAL AREA:
2.84 ACRES

OWNER NAME:
CHESTERFIELD VILLAGE LODGING, LLC
1850 CRAIGSHIRE ROAD
ST LOUIS, MO 63146
314-434-4004

FIRE DISTRICT:
MONARCH FIRE PROTECTION DISTRICT

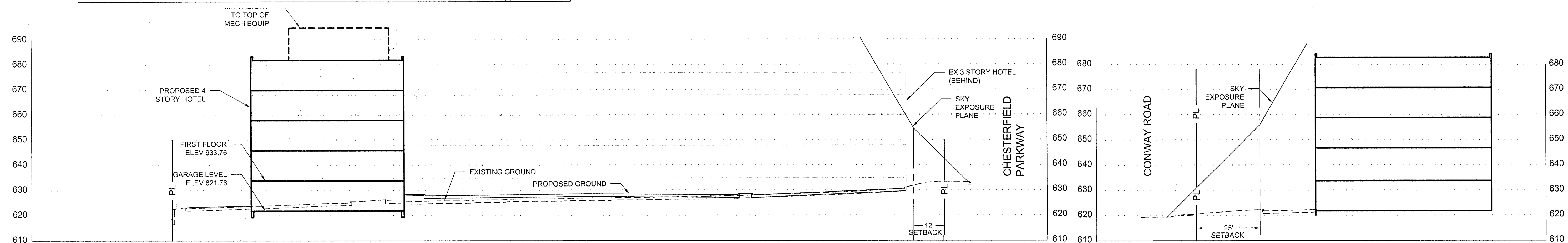
UTILITIES AND CONTACT:
MISSOURI AMERICAN WATER
SPIRE ENERGY
AT&T
AMEREN MISSOURI
METROPOLITAN ST. LOUIS SEWER DISTRICT

PLAN SUBMITTER:
ANDY SUTTON
G&W ENGINEERING
138 WELDON PARKWAY
MARYLAND HEIGHTS, MO 63043
314.236.6371
ASUTTON@GANDWENGINEERING.COM

Existing Area Calculations			Proposed Area Calculations		
Description	Area (ac)	Percent %	Description	Area (ac)	Percent %
Existing Hotel	0.40	13.95%	Existing Hotel	0.40	13.95%
Existing Restaurant	0.12	4.20%	Proposed Hotel	0.32	11.28%
Existing Pavement (not including walks or plazas)	1.66	58.41%	Proposed Pavement (not including walks or plaza)	1.32	46.49%
Existing walks & plaza	0.13	4.55%	Proposed walks & plaza	0.18	6.18%
Existing Green Space	0.54	18.89%	Proposed Green Space	0.63	22.10%
Total	2.84	100.00%	Total	2.84	100.00%

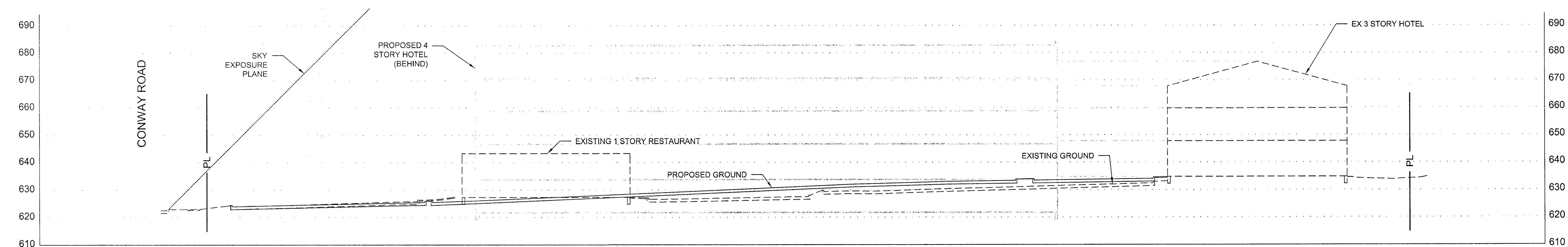
Existing Open Space	0.67	23.43%
Open Space	0.80	28.27%

DESCRIPTION	AREA (SF)
SITE	123,812
EXISTING HOTEL	51,810
PROPOSED HOTEL	54,780
TOTAL	106,590

$$\text{F.A.R.} = 106,590 / 123,812 = 0.86$$


SECTION B-B
(EAST - WEST)

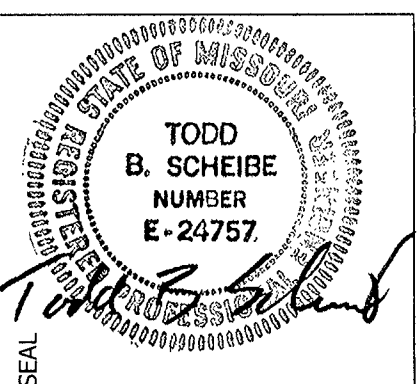
SECTION C
SKY EXPOSURE PLANE



SECTION A-A
(NORTH - SOUTH)

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G&W
ENGINEERING
ST. LOUIS, MO 63105
PROJECT INQUIRY 800-040-
3838
13141-468-375
WWW.GANDWENGINEERING.COM
MISSOURI REGISTERED AUTHORITY # 3002018020

CHESTERFIELD VILLAGE
LODGING, LLC
1850 CRAIGSHIRE, SUITE 103
ST LOUIS, MO 63146

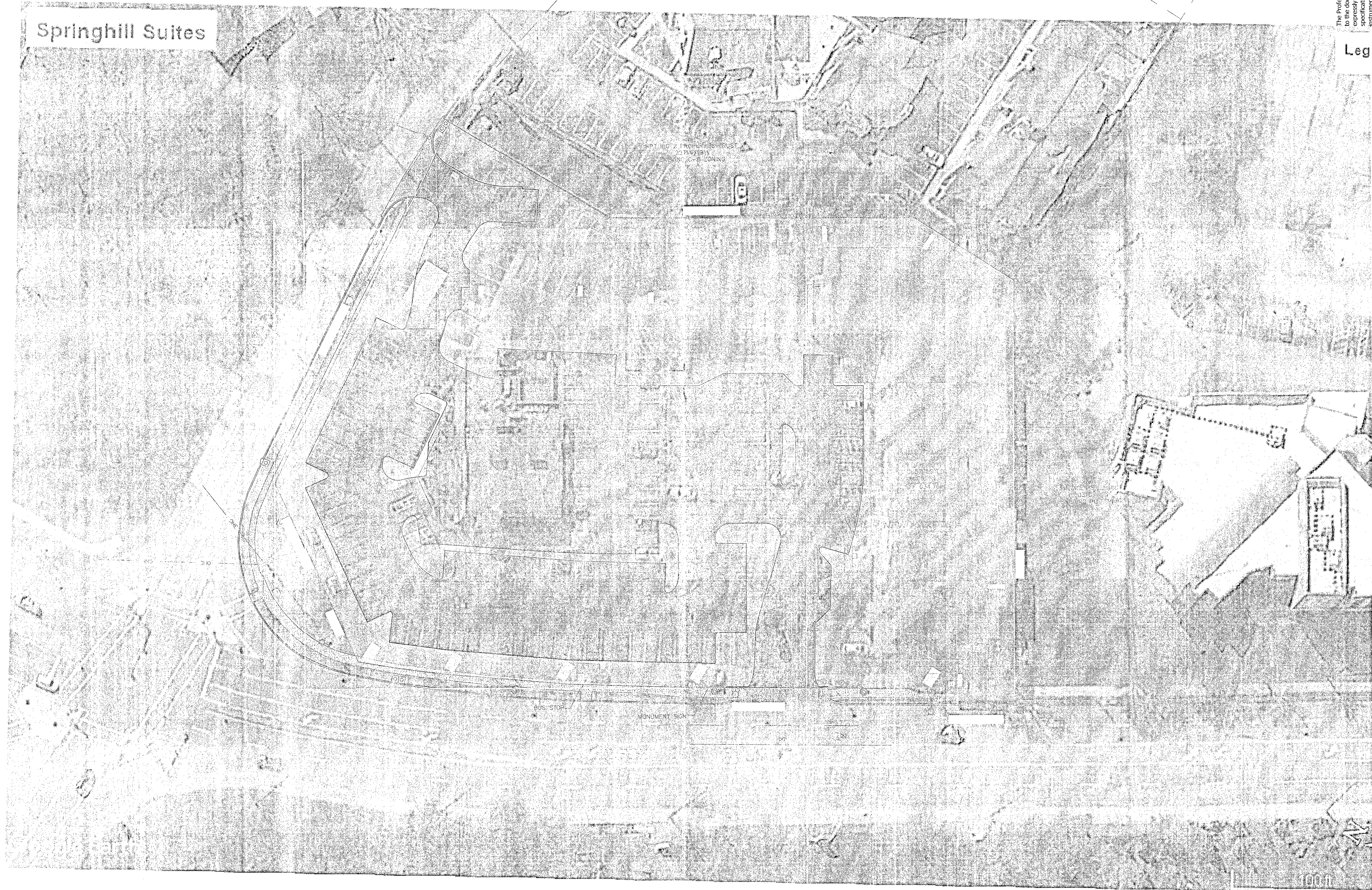
PRELIMINARY DEVELOPMENT PLAN
SPRINGHILL SUITES / FAIRFIELD SUITES
1065 East Chesterfield Parkway
Chesterfield, Missouri 63017

A TRACT OF LAND BEING NEW PARCEL A OF A RESUBDIVISION OF ADJUSTED LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE SUBDIVISION OF LOT OF HERMAN STEINME OFFICE PARK, PB 345 PG 482 OF THE ST LOUIS COUNTY RECORDS.

PRELIMINARY - NOT FOR CONSTRUCTION

DESCRIPTION							
ISSUE DATE							
JOB NO:		CV18-0409.00					
DRAWN BY:		GAS					
CHECKED BY:		TBS					
DATE:		04/09/2019					
SHEET NO. PRELIMINARY DEVELOPMENT PLAN							

02



NOTE: THIS SHEET IS FOR REFERENCE ONLY, TO SHOW
EXISTING IMPROVEMENTS WITHIN 150' OF SITE.

PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY DEVELOPMENT PLAN
SPRINGHILL SUITES / FAIRFIELD SUITES
1065 East Chesterfield Parkway
Chesterfield, Missouri 63017

A TRACT OF LAND BEING NEW PARCEL A OF A RESUBDIVISION OF ADJUSTED
LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE
SUBDIVISION OF LOT OF HERMAN STEMMER OFFICE PARK, PB 345 PG 482 OF THE
ST LOUIS COUNTY RECORDS.

CHESTERFIELD VILLAGE
LODGING, LLC
1850 CRAIGSHIRE, SUITE 103
ST LOUIS, MO 63146

G&W
ENGINEERING
138 VILSON PARKWAY, SUITE 100
ST. LOUIS, MO 63103
WWW.GANDWENGINEERING.COM
MISSOURI STATE CHARTERED ARCHITECT # 2004762

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specifications, estimates, reports or other documents or
instruments relating to or intended to be used for any part
of the engineering project.
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SHEET NO.
PRELIMINARY
DEVELOPMENT PLAN

03

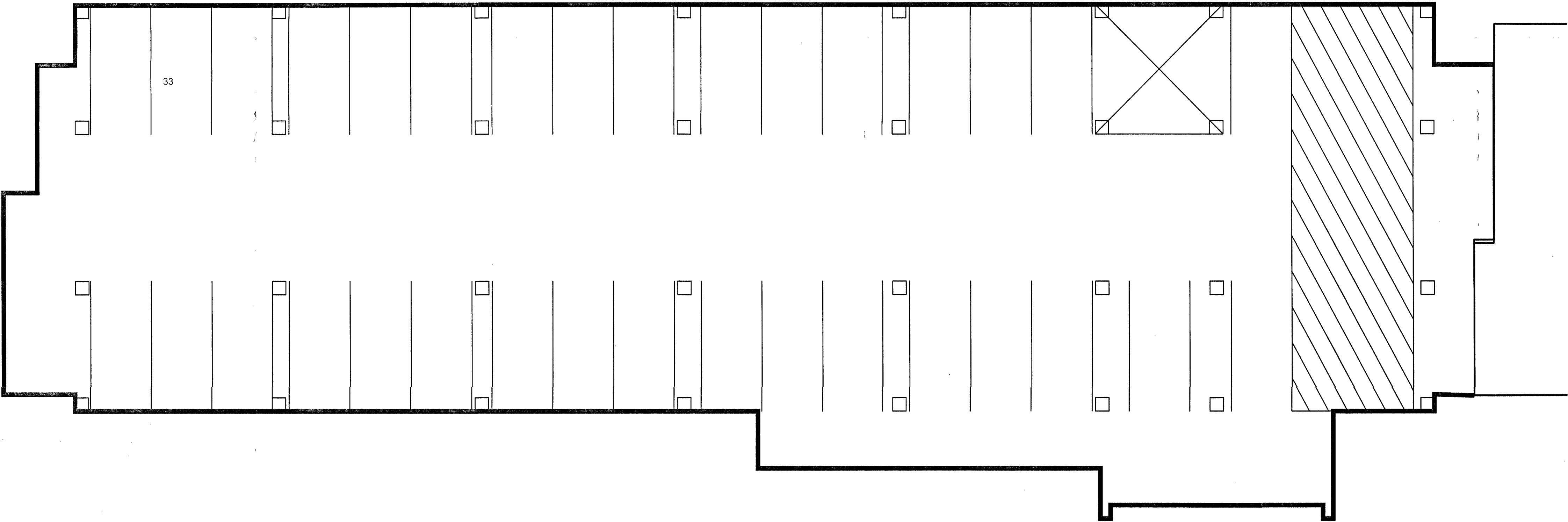
JOB NO: CV18-0409.00
DRAWN BY: GAS
CHECKED BY: TBS
DATE: 04/09/2019

ISSUE DATE	DESCRIPTION

SEAL

Springhill Suites / Fairfield Suites

1065 East Chesterfield Parkway
St Louis, MO 63017



GARAGE PARKING PLAN (UNDER BUILDING)
SCALE: 1" = 10'

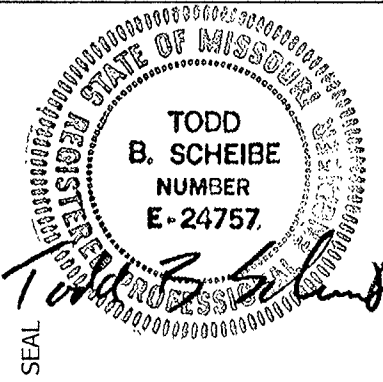
PRELIMINARY - NOT FOR CONSTRUCTION

PRELIMINARY DEVELOPMENT PLAN
SPRINGHILL SUITES / FAIRFIELD SUITES
1065 East Chesterfield Parkway
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A TRACT OF LAND BEING NEW PARCEL A OF A RESUBDIVISION OF ADJUSTED LOT 3C OF A BOUNDARY ADJUSTMENT PLAT OF LOTS 3B AND 3C OF THE SUBDIVISION OF LOT OF HERMAN STEMMER OFFICE PARK, PB 345 PG 482 OF THE ST LOUIS COUNTY RECORDS.

ISSUE DATE	DESCRIPTION
JOB NO: CV18-0409.00	
DRAWN BY: GAS	
CHECKED BY: TBS	
DATE: 04/09/2019	
SHEET NO. PRELIMINARY DEVELOPMENT PLAN	

04

CHESTERFIELD VILLAGE
LODGING, LLC
1850 CRAIGSHIRE, SUITE 103
ST LOUIS, MO 63146



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BILL NO. 3248

ORDINANCE NO.

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “NU” NON-URBAN DISTRICT TO AN “R-3” RESIDENCE DISTRICT FOR A 2.14 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD AT ITS INTERSECTION WITH STILL HOUSE CREEK ROAD. [P.Z. 02-2019 HIGHLAND ON CONWAY, 14880 CONWAY ROAD (NU TO R-3) 18R120324].

WHEREAS, the petitioner, DK & JC, LLC has requested a change in zoning from the “NU” Non-Urban District to an “R-4” Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on March 25, 2019; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning by a vote of 5-2; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of a change of zoning to the “R-3” Residence District by a vote of 3-0 with one abstention; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing an “R-3” Residence District designation for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road and as described as follows:

A tract of land being part of U.S. Surveys 366 and 370, Township 45 North, Range 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at the northwest corner of Lot 5 of “Highland on Conway Plat No.1”, a subdivision recorded in plat book 83 page 23 of the St. Louis County Records, said point being in the southern right of way line of Conway Road (width varies); thence along said southern right of way line north 58 degrees 34 minutes 52 seconds east, a distance of 240.00 feet to the northwest corner of property conveyed to James J. and Barbara S. Walsh, Trustees in the Walsh Living Trust in book 18414 page 3162 of said county records; thence along the western line of said Walsh Trust Property south 35 degrees 17 minutes 00 seconds west, a distance of 367.36 feet to a point in the northern line of Lot 9 of said Highland on Conway Plat No.1; thence along said north line of said Lot 9 north 69 degrees 12 minutes 00 seconds west, a distance of 247.31 feet to the southeast corner of “Conway on the Grove”, a subdivision recorded in plat book 351 pages 571-572 of said county records; thence along the eastern line of said Conway on the Grove and a prolongation thereof north 35 degrees 17 minutes 00 seconds east, a distance of 413.03 feet to the point of beginning containing 2.14 acres, more or less.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations.

Section 3. The City Council, pursuant to the petition filed by DK & JC, LLC in P.Z. 02-2019, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 25th day of March 2019, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 8 of the City of Chesterfield Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2019

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 05/20/2019

BASIS OF BEARINGS:
P.B. 83, PG. 23

BOUNDARY AND IMPROVEMENT SURVEY PT LOT 5 OF HIGHLAND ON CONWAY PLAT NO. 1, A SUBDIVISION RECORDED IN PLAT BOOK 83 PAGE 23 ST LOUIS COUNTY, MISSOURI

SCHEDULE B SECTION II: ITEM 10: IS SHOWN HEREON

THIS IS TO CERTIFY THAT AT THE REQUEST OF DK & JC LLC / ALLIANCE TITLE GROUP, LLC / FIDELITY NATIONAL TITLE INSURANCE COMPANY AND PER TITLE COMMITMENT NUMBER 5400ATG, WE HAVE DURING THE MONTH OF November, 2018 EXECUTED A BOUNDARY AND IMPROVEMENT SURVEY ON PT LOT 5 OF HIGHLAND ON CONWAY PLAT NO. 1, A SUBDIVISION IN ST. LOUIS COUNTY, MO. THE RESULTS REFLECT THE CONDITIONS FOUND AT THE TIME OF THE SURVEY, ARE CORRECTLY SHOWN ABOVE AND CONFORM TO THE CURRENT STANDARDS FOR URBAN CLASS PROPERTY BOUNDARY SURVEYS AS ISSUED BY THE MISSOURI DEPARTMENT OF AGRICULTURE AND THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. THIS SURVEY WAS CONDUCTED UNDER THE IMMEDIATE PERSONAL SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR. THE EASEMENTS, RESTRICTIONS, AND BUILDING LINES SHOWN ARE BASED ON RECORD PLAT INFORMATION OR ON INFORMATION SUPPLIED BY THE CLIENT. NO INVESTIGATION HAS BEEN MADE BY THD DESIGN GROUP AS TO THE PRESENT STATUS OF ANY EASEMENTS, RESTRICTIONS, OR BUILDING LINES, SHOWN OR NOT SHOWN, AFFECTING THE TRACT SURVEYED.

I, ERNEST P TURNER, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF MISSOURI HEREBY STATE FOR AND ON BEHALF OF THD DESIGN GROUP TO DK & JC LLC / ALLIANCE TITLE GROUP, LLC / FIDELITY NATIONAL TITLE INSURANCE COMPANY, THAT A SURVEY OF THE ABOVE DESCRIBED PREMISES WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON November 21, 2018; THAT SAID SURVEY AND THE ATTACHED PRINT HEREON WERE EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR BOUNDARY SURVEYS AND THAT THE SURVEY ACCURATELY REFLECTS ALL IMPROVEMENTS, INCLUDING FENCES, RECORDED EASEMENTS AND UNRECORDED VISIBLE EASEMENTS.

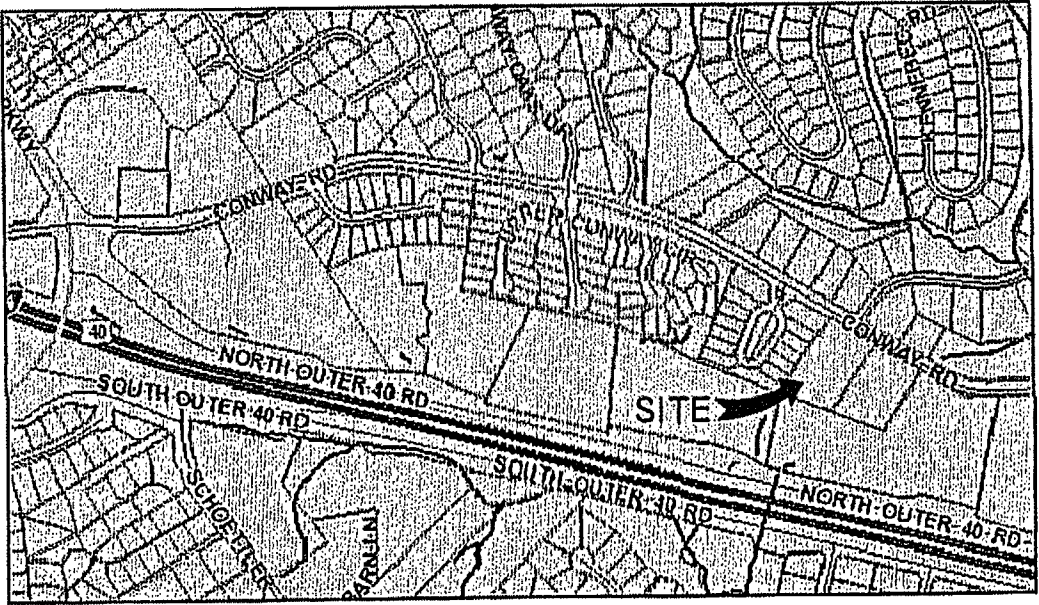
- NOTES:
1. THERE ARE NO ENCROACHMENTS ON THIS PROPERTY.
 2. FENCE OWNERSHIP (IF SHOWN) BASED ON CONSTRUCTION AND FIELD OBSERVATIONS.
 3. BUILDING LINES AND EASEMENTS SHOWN PER ABOVE MENTIONED RECORD PLAT.

THE LAND IS DESCRIBED AS FOLLOWS PER TITLE COMMITMENT:

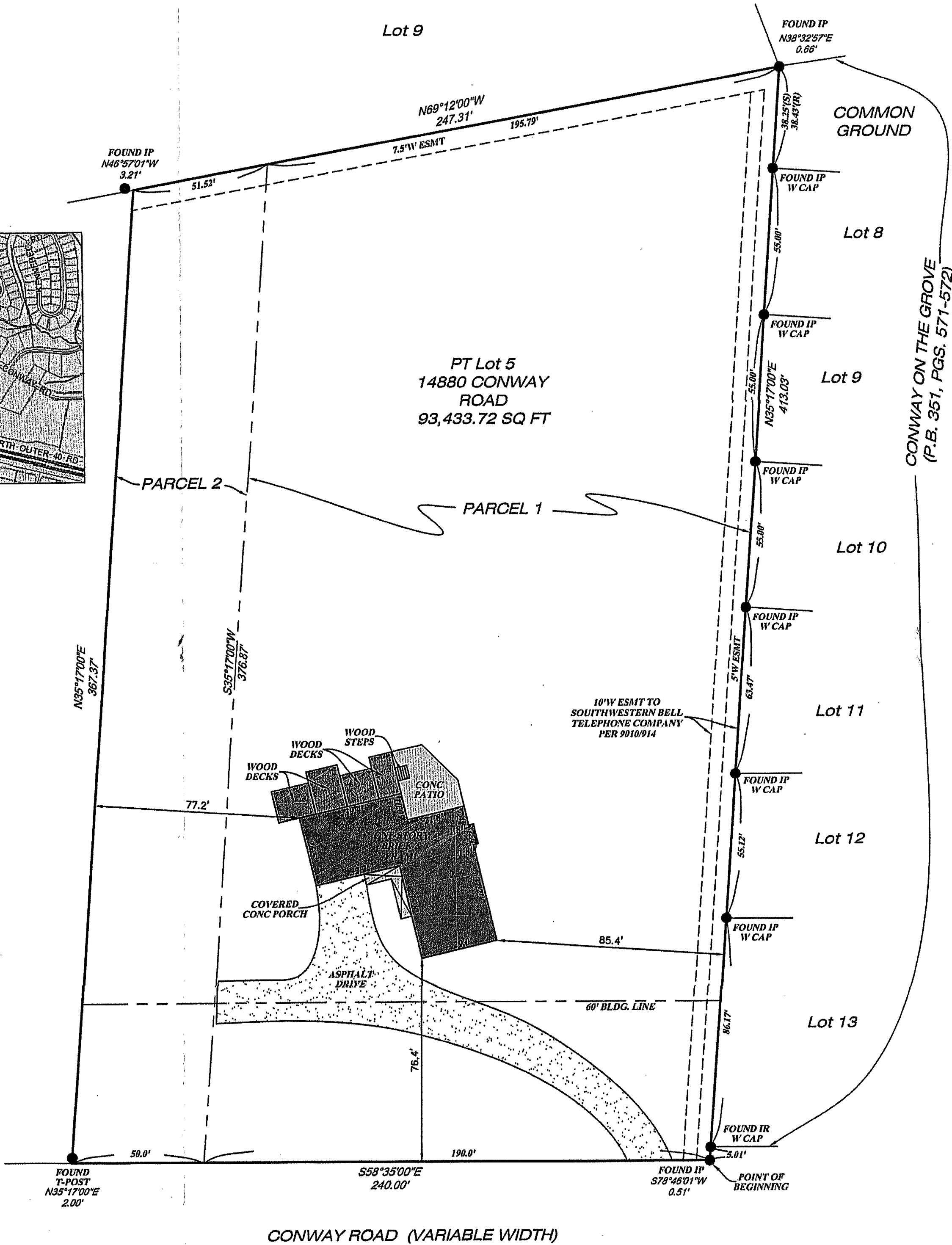
PARCEL NO. 1: THE WESTERN PART OF LOT 5 OF HIGHLAND ON CONWAY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 83 PAGE 23 OF THE ST. LOUIS COUNTY RECORDS AND DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERN CORNER OF SAID LOT 5, THENCE SOUTH 58 DEGREES 35 MINUTES EAST ALONG THE SOUTHWEST LINE OF CONWAY ROAD 190 FEET TO A POINT; THENCE SOUTH 35 DEGREES 17 MINUTES WEST 376.87 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT; THENCE NORTH 69 DEGREES 12 MINUTES WEST ALONG SAID SOUTH LINE 195.79 FEET TO THE SOUTHWEST CORNER OF SAID LOT AND THENCE NORTH 35 DEGREES 17 MINUTES EAST ALONG THE WEST LINE 413.03 FEET TO THE POINT OF BEGINNING ACCORDING TO SURVEY MADE BY ELBRING SURVEYING COMPANY DURING NOVEMBER, 1960.

PARCEL NO. 2: PART OF LOT NO. 5 OF HIGHLAND ON CONWAY PLAT NO. 1, A SUBDIVISION IN US SURVEYS 366 AND 370 IN TOWNSHIP 45 NORTH RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 83 PAGE 23 OF THE ST. LOUIS COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT IN THE SOUTH LINE OF CONWAY ROAD, SAID POINT BEING 240 FEET FROM THE NORTHWEST CORNER OF LOT 5, THENCE ALONG THE SOUTH LINE OF CONWAY ROAD NORTH 58 DEGREES 35 MINUTES WEST 50 FEET TO A POINT, THENCE ALONG THE EAST LINE OF PROPERTY OF SIDNEY B. WILSON SOUTH 35 DEGREES 17 MINUTES WEST 376.87 FEET TO THE SOUTH LINE OF SAID LOT 5, THENCE ALONG SAID SOUTH LINE, SOUTH 69 DEGREES 12 MINUTES EAST 50 FEET, MORE OR LESS, TO A POINT, AND THENCE NORTH 35 DEGREES 17 MINUTES EAST TO THE POINT OF BEGINNING.

LOCATION MAP



PT Lot 5



NO. 18-2736
DATE: 11/21/18
DRAWN BY: CMS
CREW: DK / SN

THD DESIGN GROUP, INC.
"your solution for engineering and surveying"
148 CHESTERFIELD INDUSTRIAL BLVD. STE E, CHESTERFIELD, MO 63005
TEL: 636-394-3972
WEB: THDDESIGNGROUP.COM
CORPORATE CERTIFICATE OF AUTHORITY # 2011004412

BOUNDARY AND IMPROVEMENT SURVEY
PT LOT 5 OF HIGHLAND ON CONWAY
PLAT NO. 1,
A SUBDIVISION RECORDED IN
PLAT BOOK 83 PAGE 23
ST LOUIS COUNTY, MISSOURI

STATE OF MISSOURI
ERNEST P. TURNER
REGISTERED LAND SURVEYOR
NUMBER 18-1610
11-21-18
ERNEST P. TURNER
MISSOURI P.L.S. #1610
THD DESIGN GROUP, INC.

SCALE: 1" = 30'
0 15 30

1 OF 1

BILL NO. 3249

ORDINANCE NO.

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “FPM3” FLOOD PLAIN PLANNED INDUSTRIAL DISTRICT TO THE “AG” AGRICULTURAL DISTRICT FOR A 153 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD. [P.Z. 06-2019 17627 & 17659 N. OUTER 40 ROAD, ANDREW BROWN (FPM3 TO AG) 16U110023, 16V320067].

WHEREAS, the petitioner, Andrew Brown, has requested a change in zoning from the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153 acre tract of land located on the north side of North Outer 40 Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on April 22, 2019; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning by a vote of 7-0; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning by a vote of 4-0; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing an “AG” Agricultural District designation for a 153 acre tract of land located on the north side of North Outer 40 Road and as described as follows:

A tract of land being part of Lots 2 and 3 of Damian Kroenung Estate, and part of U.S. Surveys 126 and 1010, Township 45 North – Ranges 3 and 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point in the West line of property described in deed to the City of Chesterfield, Missouri, recorded in Book 17745 page 5575 of the St. Louis County Records, said point being distance North 01 degrees 20 minutes 26 seconds East 382.41 feet from the intersection of said West line with the North line of Missouri Interstate Highway 64, varying width, as described in Book 6343 page 824 of the St. Louis County Records; thence Westwardly, leaving said West line, along a curve to the left whose radius point bears South 13 degrees 25 minutes 43 seconds West 1500.00 feet from the last mentioned point, a distance of 99.84 feet to a point; thence North 80 degrees 23 minutes 06 seconds West 549.06 feet to a point; thence along a curve to the left whose radius point bears South 09 degrees 36 minutes 54 seconds West 3000.00 feet from the last mentioned point, a distance of 365.07 feet to a point; thence North 87 degrees 21 minutes 26 seconds West 524.85 feet to a point; thence North 88 degrees 21 minutes 03 seconds West 116.56 feet to a point; thence along a curve to the right whose radius point bears North 01 degrees 38 minutes 57 seconds East 910.00 feet from the last mentioned point, a distance of 305.65 feet to a point; thence North 69 degrees 06 minutes 22 seconds West 79.77 feet to a point; thence North 67 degrees 40 minutes 02 seconds West 139.36 feet to a point; thence along a curve to the right whose radius point bears North 22 degrees 19 minutes 58 seconds East 3050.00 feet from the last mentioned point, a distance of 337.29 feet the East line of property described in deed to Brownstone Properties L.L.C. as recorded in Book 20758 page 3332 of the St. Louis County Records; thence Northwardly along said East line North 06 degrees 51 minutes 07 seconds West 2197.48 feet to the edge of water of the Missouri River as located by Volz Inc. on August 31, 2016; thence Eastwardly along the meanders of said edge of water of the Missouri the following courses and distances; North 76 degrees 57 minutes 24 seconds East 45.04 feet, South 83 degrees 50 minutes 05 seconds East 214.87 feet, North 86 degrees 58 minutes 36 seconds East 258.05 feet, South 89 degrees 23 minutes 05 seconds East 303.04 feet, North 79 degrees 04 minutes 00 seconds East 201.57 feet, North 48 degrees 28 minutes 21 seconds East 170.10 feet, North 84 degrees 12 minutes 02 seconds East 118.66 feet, South 82 degrees 52 minutes 14 seconds East 269.38 feet, North 87 degrees 34 minutes 35 seconds East 247.62 feet, South 88 degrees 56 minutes 12 seconds East 529.93 feet, North 83 degrees 59 minutes

23 seconds East 319.21 feet and North 86 degrees 18 minutes 29 seconds East 153.70 feet to the aforementioned West line of the City of Chesterfield, Missouri property; thence Southwardly along said West line South 01 degrees 20 minutes 26 seconds West 2817.68 feet to the point of beginning and containing 153.018 acres according to survey by Volz Inc. during September 2016.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations.

Section 3. The City Council, pursuant to the petition filed by Andrew Brown in P.Z. 06-2019, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 22nd day of April 2019, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 8 of the City of Chesterfield Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2019

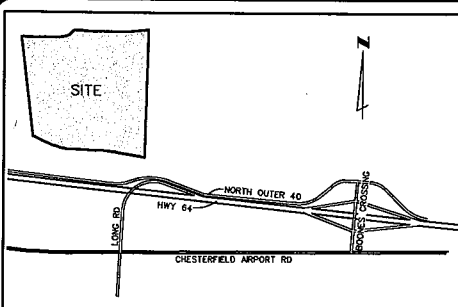
PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

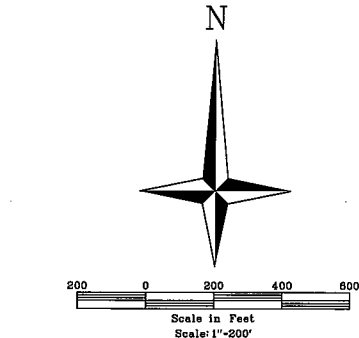
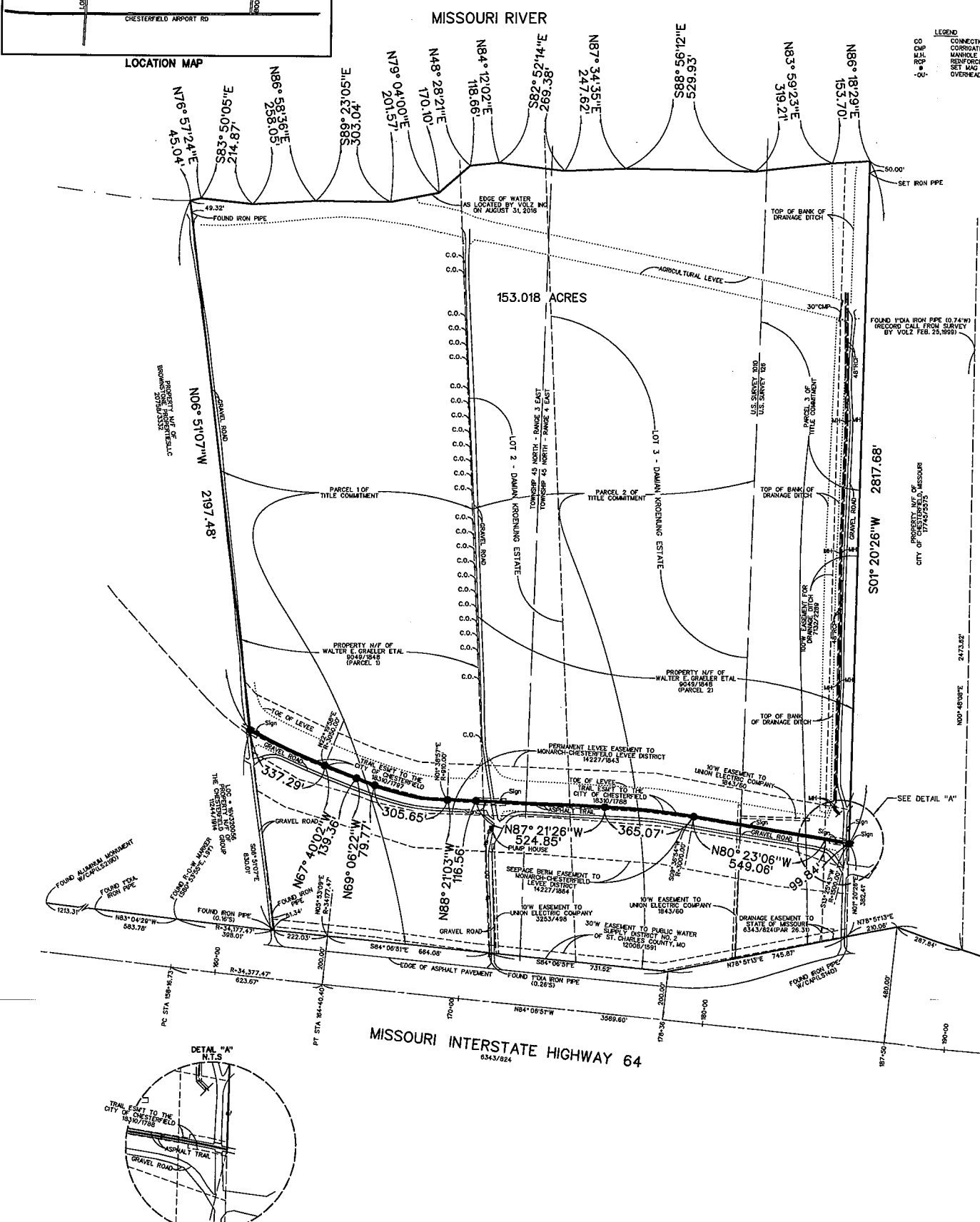
Vickie Hass, CITY CLERK

FIRST READING HELD: 05/20/2019



ALTA/NSPS LAND TITLE SURVEY
A TRACT OF LAND BEING
PART OF LOTS 2 AND 3 OF DAMIAN KROENUNG ESTATE
AND PART OF U.S. SURVEYS 126 AND 1010
TOWNSHIP 45 NORTH - RANGES 3 AND 4 EAST
ST. LOUIS COUNTY, MISSOURI

RECEIVED
MAR - 7 2019
City of Chesterfield
Department of Public Services



- Notes:
- Bearings were established from Grid North of the "Missouri Coordinate System of 1983 - East Zone" by utilizing Trimble R8 - 5800 GPS instrumentation and the MoDOT GPS RTK Network.
 - Property referenced from Continental Title Company File No.: 16231604/Revision 1. The above referenced commitment was relied upon to disclose all easements of record.

Surveyed property is that portion of the parcels described below, North of the center of the Monarch Chesterfield Levee.

Descriptions from Title Commitment:

Parcel 1:
A tract of land in U.S. Survey 1010, Township 45 North, Range 3 East in St. Louis County, Missouri, described as: Beginning at an old stone in the North line of the Olive Street Road at its intersection with the West line of the Damian Kroenung Estate Subdivision; thence along the West line of said Estate Subdivision, North 2 degrees, 59 minutes West 33.653 chains to the high bank of the Missouri River and 69.758 chains to the bank of the Missouri River; thence along said river bank North 70 degrees, 16 minutes West, 18.452 chains to a stake in the East line of property, now or formerly of William Ederborn; thence along said East line South 7 degrees, 13 1/2 minutes East, 37.358 chains to the high bank of the Missouri River and 76.68 chains to an old stone in the North line of Olive Street Road and thence along the North line of said Road, North 89 degrees 5 minutes East, 11.355 chains to the beginning, containing 47.04 acres to the high bank of said Missouri River, or in all 102.64 acres, according to survey thereof executed by William Eltring, County Surveyor.

EXCEPTING THEREFROM that part of above described property conveyed to State of Missouri by deed recorded in Book 1270 page 406, for the widening of Olive Street Road.

EXCEPTING THEREFROM that part thereof condemned by the State of Missouri, ex rel., Missouri State Highway Commission, for highway purposes in Cause No. 290860 of the Circuit Court of St. Louis County, Missouri.

EXCEPTING THEREFROM that part of the above described property consisting of approximately 25 acres of land conveyed to John H. Kramer by General Warranty Deed recorded in Book 7132 page 2298.

Parcel 2:
All that part of the following described property lying North of Highway 40: A tract of land in U.S. Survey 1010, Township 45 North, Range 3 and 4 East and being part of Lots 2 and 3 of Damian Kroenung Estate, in St. Louis County, Missouri and described as follows: Beginning at the intersection of the North line of Olive Street Road with East line of Survey 1010, thence North 1 degree 27 minutes East 60.50 chains to the bank of the Missouri River, thence following said river North 89 degrees 19 minutes West, 6.054 chains to a point, thence North 59 degrees 48 minutes West 11.00 chains to a point, thence North 80 degrees West 2.789 chains to a point in West line of Lot 3, thence along West line of Lot 3, South 2 degrees 59 minutes East 67.098 chains to a point in the North line of Olive Street Road, thence along the North line of Olive Street Road, North 89 degrees 5 minutes East 13.291 chains to the place of beginning.

EXCEPTING THEREFROM that part conveyed to the State of Missouri for Highway purposes, by deed recorded in Book 1289 page 136.

ALSO EXCEPTING THEREFROM that part condemned for road purposes by Cause #290860 of the Circuit Court of St. Louis County, Missouri, a copy of Report of Commissioners recorded in Book 6343 page 824 of the St. Louis County Records.

ALSO EXCEPTING THEREFROM that part conveyed to VSS Partnership, by deed recorded in Book 7811 page 555.

Parcel 3:
All that part of the following described property lying North of Highway 40: A tract of land in U.S. Survey 126, Township 45 North, Range 4 East, in St. Louis County, Missouri, described as follows: Beginning at a stone in the West line of said Survey 126, distant North 1 degree 27 minutes East 4.085 chains from the center line of Olive Street Road, thence North 1 degree 27 minutes East 56.754 chains to a point on the Missouri River Bank, thence along said River Bank, South 88 degrees 48 minutes East 6.508 chains to a point, thence South 0 degrees 54 minutes West 53.587 chains to a stone, said stone being distant North 0 degrees 54 minutes West 6.715 chains from the center line of Olive Street Road, thence South 70 degrees 57 minutes West 7.515 chains to the place of beginning.

Description of Surveyed Property
Property description is of that part of parcels in the title commitment North of the center of the Monarch Chesterfield Levee:

A tract of land being part of Lots 2 and 3 of Damian Kroenung Estate, and part of U.S. Surveys 126 and 1010, Township 45 North - Ranges 3 and 4 East, St. Louis County, Missouri and being more particularly described as follows:

Beginning at a point in the West line of property described in deed to the City of Chesterfield, Missouri, recorded in Book 17745 page 5575 of the St. Louis County Records, said point being distance North 01 degrees 20 minutes 26 seconds East 382.41 feet from the intersection of said West line with the North line of Missouri Interstate Highway 64, varying width, as described in Book 6343 page 824 of the St. Louis County Records; thence Westwardly, leaving said West line, along a curve to the left whose radius point bears South 13 degrees 25 minutes 43 seconds West 1500.00 feet from the last mentioned point, a distance of 89.84 feet to a point; thence North 80 degrees 23 minutes 06 seconds West 549.06 feet to a point; thence along a curve to the left whose radius point bears South 09 degrees 36 minutes 54 seconds West 3000.00 feet from the last mentioned point, a distance of 350.07 feet to a point; thence North 87 degrees 21 minutes 26 seconds West 524.85 feet to a point; thence North 88 degrees 21 minutes 03 seconds West 119.58 feet to a point; thence along a curve to the right whose radius point bears North 01 degrees 38 minutes 57 seconds East 910.00 feet from the last mentioned point, a distance of 305.65 feet to a point; thence North 69 degrees 06 minutes 22 seconds West 79.77 feet to a point; thence North 67 degrees 40 minutes 02 seconds West 139.36 feet to a point; thence along a curve to the right whose radius point bears North 22 degrees 19 minutes 58 seconds East 3050.00 feet from the last mentioned point, a distance of 337.29 feet the East line of property described in deed to Brownstone Properties L.L.C. as recorded in Book 20758 page 3332 of the St. Louis County Records; thence Northwardly along said East line North 05 degrees 51 minutes 07 seconds West 2187.48 feet to the edge of water of the Missouri River as located by Volz Inc. on August 31, 2016; thence Eastwardly along the meanders of said edge of water of the Missouri River the following courses and distances; North 76 degrees 57 minutes 54 seconds East 45.04 feet, South 83 degrees 50 minutes 05 seconds East 214.87 feet, North 86 degrees 58 minutes 35 seconds East 258.05 feet, South 89 degrees 23 minutes 05 seconds East 303.04 feet, North 79 degrees 04 minutes 00 seconds East 201.57 feet, North 48 degrees 28 minutes 21 seconds East 170.10 feet, North 84 degrees 12 minutes 02 seconds East 118.86 feet, South 82 degrees 52 minutes 14 seconds East 269.38 feet, North 87 degrees 34 minutes 35 seconds East 247.62 feet, South 88 degrees 56 minutes 12 seconds East 528.93 feet, North 83 degrees 59 minutes 23 seconds East 319.21 feet and North 86 degrees 18 minutes 29 seconds East 153.70 feet to the aforementioned West line of the City of Chesterfield, Missouri property; thence Southwardly along said West line South 01 degrees 20 minutes 26 seconds West 2817.68 feet the point of beginning and containing 153.018 Acres according to survey by Volz Inc. during September 2016.

Continental Title Company
File No.: 16231604/Revision 1
effectively dated June 14, 2016
Schedule B Section II
[Note: Surveyor's Comments in Parentheses]

- Hiking, Biking and Walking Trail Easement granted to City of Chesterfield, as more fully set forth in the instrument recorded in Book 18310 at Page 1788 and Book 18310 page 1797. (Shown)
- Easement granted to Monarch Chesterfield Levee District, as more fully set forth in the instrument recorded in Book 14227 at Pages 1843 and 1854. (Shown)
- Consent of Lender and Subordination to Permanent Levee Easement Deeds executed by Kenneth H. Graeler and Gaye S. Graeler, husband and wife and recorded September 16, 2013 in Book 20676 page 1342.
- Easement granted to Public Water Supply District No. 2 of St. Charles County, as more fully set forth in the Report of Commissioners in Cause No. 1998CC-2709 recorded in Book 12008 at Page 1591. (Easement does not plot on surveyed property, shown)
- Easement for Water Pipe granted to St. Louis County Water Company, as more fully set forth in the instrument recorded in Book 6509 at Page 942. (Easement does not plot on surveyed property, not shown)
- Terms and provisions of the Agreement for use and maintenance of drainage ditch recorded in Book 7231 at Page 2283. (Per legal descriptions contained therein, property subject to terms and provisions. Shown)
- Relinquishment of right of direct access to State Highway Route 407R together with the right to construct and maintain a drainage ditch or structure, according to the Report of Commissioners recorded in Book 6343 page 824. (No direct access to State Route 407R, except there is reserved the usual right of direct access between abutting land and outer roadway.)
- Easement granted to Union Electric Company of Missouri, as more fully set forth in the instrument recorded in Book 3235 at Page 458. (Does not plot on surveyed property, shown)
- Easement granted to Union Electric Company of Missouri, as more fully set forth in the instrument recorded in Book 1843 at Page 60. (Affects Parcel 3) (Property is subject to said document, shown)

To: Brownstone Properties, L.L.C.
Continental Title Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 4, 7(a), 8, 9, and 13 of Table "A" thereof. The fieldwork was completed on August 31, 2016. This survey was also executed in compliance with the current Missouri Minimum Standards for Property Boundary Surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects and The Missouri Department of Natural Resources and meets the accuracy requirements set forth for Urban Property.

Eric J. Kirby, P.L.S.
Professional Land Surveyor
Mo. P.L.S.# 2005000074
ekirby@volzinc.com
Date: SEPTEMBER 6, 2016



VOLZ
Incorporated
10849 Indian Head Ind'l. Blvd.
St. Louis, Missouri 63132
314.426.8212 main - 314.850.1250 fax
WWW.VOLZINC.COM

MISSOURI CORPORATE CERTIFICATES OF AUTHORITY:
NO. 19 EXPIRES: DECEMBER 31, 2017 - LAND SURVEYING
NO. 203 EXPIRES: DECEMBER 31, 2017 - ENGINEERING

BILL NO. 3250

ORDINANCE NO.

AN ORDINANCE REVISING CHAPTER 9, ARTICLE II OF THE CITY OF CHESTERFIELD MUNICIPAL CODE RELATED TO FAIR HOUSING IN THE CITY OF CHESTERFIELD.

WHEREAS, the City of Chesterfield seeks to secure to all persons living and/or working, or desiring to live and/or work in the City of Chesterfield, an equal opportunity to view, purchase, lease, rent, or occupy real estate without discrimination based on race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status, or national origin; and

WHEREAS, the City of Chesterfield strives to ensure that its Fair Housing Ordinance is current and consistent with federal and state law; and

WHEREAS, pursuant to the Missouri Human Rights Act, the Missouri Human Rights Commission has jurisdiction to receive, investigate, initiate and pass upon complaints alleging discrimination in housing;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST LOUIS COUNTY, MISSOURI, THAT CHAPTER 9, ARTICLE II, OF THE CHESTERFIELD MUNICIPAL CODE, IS MODIFIED AS FOLLOWS:

Section 9-19. Definitions:

Delete the definition of Investigator and add "Missouri" to the definition of Commission, as follows:

~~INVESTIGATOR – An employee of the City or the Commission, designated by the City Administrator, with the approval of the Commission.~~

COMMISSION - The Missouri Commission on Human Rights.

Section 9-20 Discrimination Prohibited:

Repeal Section 9-20(b)(3) in its entirety and replace with the following:

(b) Exemptions. This article shall not:

(3) Prohibit the operation of: 1) Housing with at least one person who is 55 years of age or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 years of age or older; 2) Housing which is intended for, and solely occupied by, persons 62 years of age or older; 3) Housing specifically designed and operated to assist elderly persons, as defined in a state or federal program.

Section 9-24 Powers and Duties of Commission:

Repeal section 9-24 in its entirety and replace with the following:

Section 9-24. Filing a Complaint. Pursuant to the Missouri Human Rights Act, Missouri Revised Statute 213.010 – 213.137, the Missouri Commission on Human Rights has jurisdiction to receive, investigate, initiate and pass upon complaints alleging discrimination in housing. Any complaint alleging a violation of this Article shall be filed in strict compliance with the Missouri Human Rights Act, Missouri Revised Statute 213.010 – 213.137.

Section 9-25 Proceedings Before Commission:

Repeal Section 9-25 in its entirety.

Section 9-26 Private Remedies:

Repeal Section 9-26 in its entirety.

Section 9-27 Penalty

Repeal Section 9-27 in its entirety

This Ordinance shall be in full force and effect after its passage and approval by the City of Chesterfield City Council.

Passed and approved this _____ day of _____, 2019

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 05/20/2019

City of Chesterfield, MO
Friday, March 8, 2019

Chapter 9. Discrimination

Cross reference — Municipal court, Ch. **19**.

State law reference — Human rights, RSMo. Ch. 213.

Article I. In General

Sec. 9-1. through Sec. 9-15. (Reserved)

Article II. Fair Housing Code

[1] *Editor's Note: Ord. No. 863, § 1, adopted December 20, 1993, repealed Art. II, §§ 9-16 — 9-27, which pertained to the fair housing code. Sections 2 — 13 enacted new provisions designated by the editor as new Art. II, §§ 9-16 — 9-27, to read as herein set out. See the Code Comparative Table.*

Cross references — Buildings and building regulations, Ch. 7; unified development, Ch. 31.

Sec. 9-16. Short title.

[Ord. No. 863, § 2, 12-20-1993]

This article shall be known and may be cited as the "Fair Housing Ordinance of the City of Chesterfield".

Sec. 9-17. Purpose and declaration of policy.

[Ord. No. 863, § 3, 12-20-1993]

It is hereby declared to be the policy of the City and the purpose of this article, in the exercise of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry, and good government in the City, and to promote and protect fair housing opportunities throughout the City and to acknowledge the value of diversity within our community, to secure to all persons living and/or working, or desiring to live and/or work in the City of Chesterfield, an equal opportunity to view, purchase, lease, rent or occupy real estate without discrimination based on race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

Sec. 9-18. Severability.

[Ord. No. 863, § 4, 12-20-1993]

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 9-19. Definitions.

[Ord. No. 863, § 5, 12-20-1993]

For the purpose of this article:

INVESTIGATOR

An employee of the City or the Commission, designated by the City Administrator, with the approval of the Commission.

AGE CLASSIFICATION

Includes any person eighteen (18) years of age or older.

CHILD

Any person under the age of eighteen (18) who is a member of a family.

COMMISSION

The Commission on Human Rights.

DISCRIMINATION OR DISCRIMINATE

To make distinction in treatment of any person because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

DWELLING UNIT

A room or group of rooms designed for occupancy by one family with eating, sleeping and living facilities or lodging rooms.

LEASE OR LEASING

Includes and means rent, renting, assignment, sublease and subletting.

LENDING INSTITUTION

Any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging, or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

MANAGER

A person who as owner or agent of the owner or owners has the principal responsibility for the management of five (5) or more dwelling units for rent within the City and performs or employs others to perform the services associated with the letting and maintenance of said rental units.

OWNER

Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any real property or any person who is acting as the agent, manager or employee of the owner.

PERSON

Includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

PURCHASE

Includes any contract to purchase.

REAL ESTATE BROKER

Any person licensed as a real estate broker in accordance with the provisions of Chapter 339 RSMo. or required thereby to be so licensed.

REAL ESTATE TRANSACTION

The purchase, sale, exchange or lease of any real property and an option to do any of the foregoing.

REAL PROPERTY

Any real estate improved or unimproved, within the City limits, including rooming units.

SALE

Includes any contract to sell, exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

STEERING

To encourage or discourage the sale or rental of real property because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the area or purported to be moving into the area.

Sec. 9-20. Discrimination prohibited.

[Ord. No. 863, § 6, 12-20-1993]

- (a) No person, including but not limited to, any owner, manager, lessee or sublessee of real property, real estate broker, lender, financial institution, advertiser, real estate appraiser, or agent of any of the foregoing, shall discriminate against any other person (or discriminate against such person because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status) in regard to the sale or rental of or dealings concerning real property. Any such discrimination shall be unlawful. Without limiting the foregoing, it shall also be unlawful discrimination for any person to:
- (1) *Policies and publicity.* Advertise, publish, display or circulate or cause to be published, displayed, advertised or circulated, either in writing or orally, any notice, statement, communication, sign or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental, or financing of real property, or to make any record or inquiry in connection with the prospective purchase, rental

or lease of real property, which expresses directly or indirectly any discrimination, or any intent to discriminate.

- (2) *Discriminate in lending.* Discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repairs or maintenance of any real property in the City.
- (3) *Inducing sales.* Distribute or cause to be distributed written material or statements designed to induce any person to sell or lease real property because of the alleged or actual or because of any present or prospective change in the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the City or neighborhood.
- (4) *Misrepresentation.* Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any real property for the purpose of inducing or attempting to induce the sale or listing for sale of any real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status, or national origin in the area will or may result in lowering of real property values in the block, neighborhood or area in which the property is located.
- (5) *Refusal to sell.* Refuse to sell or rent real property because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.
- (6) *Refusal to show records of available housing.* Refuse to show to any person who has specified his needs, the list or other records identifying all real properties reasonably meeting such specifications.
- (7) *Withholding housing.* Represent to any person that any real property is not available, or otherwise to withhold real property from any person because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.
- (8) *Refusal to show real estate.* Refuse to show real estate because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of any prospective purchaser, lessee or tenant, or because of the race, color, religion, religious affiliation, sex, handicap, marital status, familial status or national origin of the residents in the area in which the property is located.
- (9) *Steering.* Encourage or discourage the sale or rental of real property because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the area or purported to be moving into the area.
- (10) *Evasion.* Employ any person as a salesman or agent as a means of evading provisions of this article.
- (11)

Providing information. Volunteer oral or written information about the racial composition of a neighborhood unless such information is a factual, accurate and actual response to an unsolicited direct question.

(12) *Information regarding complaints.* Fail, within a reasonable time, to provide information requested by the person charged with enforcement of this article as a result of a complaint alleging a violation of this article.

(13) *Rental application.* Discriminate by denying, or unreasonably delaying the processing of a lease or rental application of a person, discriminate in the fixing of the fee or length of processing time, or other terms and conditions of such application process.

(14) *Listing agreement.* Entering into a listing agreement which discriminates against any person.

(b) Exemptions. This article shall not:

(1) Bar any religious or denominational institution or organization, or any charitable or educational organization operated, supervised or controlled by or in connection with a religious organization, from limiting living accommodations, or giving preference with respect thereto, to persons of the same religion or denomination.

(2) Apply to the leasing of rooms to roomers in a dwelling unit occupied by the owner or lessee of the entire premises as a family household having not more than two (2) roomers exclusive of salaried household employees living on premises.

(3) Prohibit the operation of housing units designed and offered predominantly for use and occupancy by persons over the age of sixty-two (62).

(4) Bar any charitable or educational organization from limiting to persons of the same sex the rental of living accommodations in facilities primarily providing single room occupancy.

(5) Include an individual whose only connection with the discrimination is his association with a group or entity which owns, manages, brokers, loans, advertises, or appraises the real property, unless that individual was involved in the discrimination personally.

Sec. 9-21. Discrimination in lending.

[Ord. No. 863, § 7, 12-20-1993]

It shall be unlawful and a violation of this article for any lending institution to discriminate in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real estate property, or to offer, seek or agree to terms, conditions or privileges that discriminate.

Sec. 9-22. Refusal to deal in lending.

[Ord. No. 863, § 8, 12-20-1993]

It shall be unlawful and a violation of this article for any lending institution to refuse to negotiate for, enter into, or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real property because of discrimination.

Sec. 9-23. Coverage.

[Ord. No. 863, § 9, 12-20-1993]

This article shall apply, respectively, to every person, including but not limited to, every owner, lending institution, real estate broker and manager who, within the City, performs any function relating to or in connection with a real estate transaction, whether or not such person maintains an office or place of doing business within the City; provided, however, that the provisions of this article shall not be so construed as to prohibit a person on behalf of the owner from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

Sec. 9-24. Powers and duties of commission.

[Ord. No. 863, § 10, 12-20-1993]

The Commission on Human Rights which was created by Ordinance 131 is hereby declared to remain the Commission on Human Rights and the appointments and terms of office of those currently named to the Commission as of the date of this article shall remain for the balance of their term as if Ordinance 131 had not been repealed and the Commission remaining as if originally constituted by the new ordinance.

It shall be the duty of the Commission, acting through its investigator, to receive and investigate complaints charging violations of this article, including, but not limited to, complaints charging discrimination, seek conciliation of such complaints, seek compliance by violators, hold hearings, and make finding of fact, determine awards, fines and penalties, and make recommendations in accordance with the provisions of this article.

The Commission shall have the power:

- (1) To administer and take sworn testimony.
- (2) To adopt, promulgate, amend and rescind rules and regulations of procedure consistent with the provisions of this article.
- (3) To subpoena witnesses and pertinent documents at both the investigation, conciliation and hearing stages, which power may be enforced by the Commission by proper petition to any court of competent jurisdiction.
- (4) To hold meetings through its Investigator which are closed to the public for the purpose of conciliating complaints.
- (5) To appoint attorneys with expertise in Fair Housing Law, from a list approved by the City Attorney and with the approval of the City Administrator, empowered to prosecute violations under this article and to otherwise act as would the City Attorney.

Sec. 9-25. Proceedings before commission.

[Ord. No. 863, § 11, 12-20-1993]

- (a) Proceedings under this article shall be commenced by the filing with the Commission of a written complaint, under oath or affirmation within one hundred eighty (180) days of the alleged violation. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place and facts surrounding the alleged violation. A complaint may be amended by right until an answer is filed, thereafter by leave of the Commission. The complaint may be filed by an aggrieved party.
- (b) After the complaint is filed, the Commission shall, within ten (10) working days, serve a copy of the complaint personally or by certified mail on the respondent.
- (c) If the Commission determines that the allegations as stated in the complaint, if true, would constitute a violation of this article, it shall cause an investigation of the complaint. The Commission shall conclude its investigation within thirty (30) days of filing of the complaint. If the Investigator is unable to conclude his investigation of the complaint within the thirty (30) days he shall notify the Chairman and the parties of the need to continue the investigation. Such notice shall not reveal any facts related to that investigation. Upon such notice the period for completion of the investigation shall be extended to sixty (60) days from the date of filing the complaint.
- (d) If the Investigator finds in his investigation that the allegations appear to be supported by the facts, he shall set a date for a conciliation conference and notify the parties of the time and place thereof. At such conference the Investigator shall interview the complainant and the person or persons against whom the complaint has been directed, and shall attempt to resolve the complaint by conciliation. The Commission shall establish rules and regulations governing the conciliation of complaints.
- (e) When there is a failure to settle or adjust any complaint through conciliation, the Investigator shall notify in writing the Chairman of the Commission and parties. The Commission, not later than thirty-five (35) days after such notification, shall set a date for a hearing on the complaint. The respondent shall file within thirty (30) days of such notification its' written response to the complaint. The hearing shall commence within sixty (60) days of the notification of a failure to settle or adjust the complaint. In order to encourage full and candid participation in the conciliation process, no record will be kept, and the parties and Investigator will be prohibited from later testifying, either at hearings under this Chapter or in court proceedings, with regard to what was said at the conciliation conference, and participants will sign an appropriate agreement to that effect before the conference begins. Under no circumstances will an investigator who participates in a conciliation conference have any later role in the same proceeding.
- (f) If the Investigator determines that a complaint is without merit, he shall dismiss the complaint. The Investigator shall, within five (5) days of such determination serve a copy of the Notice of Dismissal, and reasons therefor, personally or by certified mail on all parties and the Commission. The complainant may within fourteen (14) days of the receipt of Notice of Dismissal petition, in writing, the Commission and request a hearing on the complaint. The Commission, by majority vote(s), may withdraw the dismissal and refer the complaint to the Investigator for conciliation and/or hearing as necessary.
- (g) If, in the judgment of the Investigator after consultation with the Commission, immediate court action is necessary, he may at any time direct the City Attorney or outside counsel to file a complaint in any court of competent jurisdiction for a fine, injunction, or other appropriate relief. Such action may be taken even though administrative hearings of the complaint are pending before the Investigator or the Commission.

- (h) Hearings by the Commission shall be conducted by any three (3) or more members thereof; three (3) of whom shall thereafter attend all hearings on the complaint. At the conclusion of the hearings, a written report with findings of fact and a recommended decision shall be prepared for submission to the entire Commission. No report shall be delayed more than sixty (60) days after the date of the first hearing unless by agreement of the parties upon good cause shown. A majority of the hearing members must concur in the findings and recommendation. Only a Commission member in attendance at all hearings may vote on findings and recommendation. The findings of fact and recommended decision shall in all cases be advisory to the Commission. The Commission may review the complete record including but not limited to the transcripts, exhibits, briefs, the recommended findings and decision and then make a final decision on the complaint. However, to reach a decision, a majority of the Commission, then in office, must concur. The Commission shall reach its decision within sixty (60) days of receipt of the written report. Nothing shall preclude a complainant from withdrawing a complaint at any time after the filing.
- (i) All parties shall have the right to counsel at their own expense. All rules of procedure and regulations adopted by the Commission shall preserve the right of due process under the Missouri and United States Constitutions. A determination sustaining the complaint shall be by a preponderance of the evidence. The burden of proof shall be on the complainant.
- (j) The Commission shall be empowered at the conclusion of such proceedings, and as part of its final order, to direct that any person who shall have been found, as a result of such proceedings, to have violated this Chapter, to forthwith take any one or more of the following actions:
 - (1) Comply with this Ordinance in respect of each violation found.
 - (2) Perform any contract or agreement previously made with or offered by or to the complainant for sale, lease, exchange, transfer, conveyance or assignment of the particular real property with respect to which a violation shall have been found.
 - (3) Reimburse the complainant for his actual and reasonable out-of-pocket expenses and costs necessarily incurred and to be incurred as a direct result of each violation found, the amount of which shall be specified by the Commission in its report add may include, but need to be limited to, reimbursement for expenses and costs for temporary living, moving and storage of household furnishings, additional expenditures relating to the lease or rental of real property necessarily obtained to provide alternative housing accommodations, additional expenditures resulting from failure or refusal to sublease or assign leased real property, and reasonable attorneys fees and disbursements.
 - (4) Pay a penalty as set forth in section **9-27** of this article.
 - (5) Comply with such other and further relief as may be deemed appropriate by the Commission for the enforcement of this article and the elimination of violations thereof.
- (k) The Commission may, by written order, serve upon the respondent at any time pending final order, an order that the particular real property with respect to which a violation of this article has been filed shall not be sold, leased, exchanged, transferred, conveyed or assigned to any person other than the complainant.

- (l) Any complainant or respondent may apply for and obtain judicial review of a final order of the Commission entered under this Ordinance in accordance with the provisions of the law.
- (m) The Commission may direct the City Attorney to file with the Division of Professional Registration of the State or any other regulatory or advisory agency a complaint against any real estate broker found guilty of violation any provision of this article.
- (n) The Commission may direct the City Attorney to commence action in any court of competent jurisdiction to recover the penalty provided herein, to seek such equitable relief as the Commission may deem proper or to enforce any order of the Commission.
- (o) If a respondent has been found guilty of a violation of this Ordinance, in accordance with the procedures specified herein, the determination of the nature and extent of the penalty shall be vested in a majority of the entire Commission then holding office. Nothing shall preclude the parties from consenting, with approval of the Commission, to an extension of any time period hereinabove set out.

Sec. 9-26. Private remedies.

[Ord. No. 863, § 12, 12-20-1993]

Any person aggrieved in any manner by the violation of this article who has exhausted the remedies provided in section **9-25** of this article, may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

- (1) An order compelling compliance with this article.
- (2) An order to prohibit any person found by the court to have violated any provision of this article from the sale, lease, exchange, transfer, conveyance or assignment of any real property, by any person who in violation of this article refuses or fails to perform such contract.
- (3) Compensatory damages.
- (4) Such other and further relief as may seem appropriate to the court for the enforcement of this Ordinance and the elimination of violations thereof.
- (5) These remedies shall be available notwithstanding the imposition or lack of imposition of other penalties provided by this article.

Sec. 9-27. Penalty.

[Ord. No. 863, § 13, 12-20-1993]

Any person violating the provisions of this article shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Every day a violation continues may be deemed a separate offense by appropriate finding.

BILL NO. 879

ORDINANCE NO. 863

AN ORDINANCE REPEALING ORDINANCE 765 OF THE CITY OF CHESTERFIELD AND CREATING A NEW ORDINANCE RELATED TO FAIR HOUSING IN THE CITY OF CHESTERFIELD.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance Number 765 of the City of Chesterfield is hereby repealed in its entirety one hundred eight (180) days after the passage and approval of this substituted Ordinance for those offenses that may have occurred up to and including the date of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and may be cited as the "Fair Housing Ordinance of the City of Chesterfield".

Section 3. Purpose and Declaration of Policy. It is hereby declared to be the policy of the City and the purpose of this Ordinance, in the exercise of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry, and good government in the City, and to promote and protect fair housing opportunities throughout the City and to acknowledge the value of diversity within our community, to secure to all persons living and/or working, or desiring to live and/or work in the City of Chesterfield, an equal opportunity to view, purchase, lease, rent or occupy real estate without discrimination based on race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 5. Definitions. For the purpose of this Ordinance:

INVESTIGATOR	An employee of the City or the Commission, designated by the City Administrator, with the approval of the Commission.
AGE CLASSIFICATION	Includes any person eighteen (18) years of age or older.
CHILD	Any person under the age of eighteen (18) who is a member of a family.

COMMISSION	The Commission on Human Rights.
DISCRIMINATION or DISCRIMINATE	To make distinction in treatment of any person because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.
DWELLING UNIT	A room or group of rooms designed for occupancy by one family with eating, sleeping and living facilities or lodging rooms.
LEASE or LEASING	Includes and means rent, renting, assignment, sublease and subletting.
LENDING INSTITUTION	Any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging, or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.
MANAGER	A person who as owner or agent of the owner or owners has the principal responsibility for the management of five (5) or more dwelling units for rent within the City and performs or employs others to perform the services associated with the letting and maintenance of said rental units.
OWNER	Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any real property or any person who is acting as the agent, manager or employee of the owner.
PERSON	Includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

PURCHASE	Includes any contract to purchase.
REAL ESTATE BROKER	Any person licensed as a real estate broker in accordance with the provisions of Chapter 339 RSMo. or required thereby to be so licensed.
REAL ESTATE TRANSACTION	The purchase, sale, exchange or lease of any real property and an option to do any of the foregoing.
REAL PROPERTY	Any real estate improved or unimproved, within the City limits, including rooming units.
SALE	Includes any contract to sell, exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.
STEERING	To encourage or discourage the sale or rental of real property because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the area or purported to be moving into the area.

Section 6. Discrimination Prohibited. No person, including but not limited to, any owner, manager, lessee or sublessee of real property, real estate broker, lender, financial institution, advertiser, real estate appraiser, or agent of any of the foregoing, shall discriminate against any other person (or discriminate against such person because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status) in regard to the sale or rental of or dealings concerning real property. Any such discrimination shall be unlawful. Without limiting the foregoing, it shall also be unlawful discrimination for any person to:

(a) **Policies and Publicity.** Advertise, publish, display or circulate or cause to be published, displayed, advertised or circulated, either in writing or orally, any notice, statement, communication, sign or advertisement, or to announce a policy, or to use any form of application for the

purchase, lease, rental, or financing of real property, or to make any record or inquiry in connection with the prospective purchase, rental or lease of real property, which expresses directly or indirectly any discrimination, or any intent to discriminate.

(b) Discriminate in Lending. Discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repairs or maintenance of any real property in the City.

(c) Inducing Sales. Distribute or cause to be distributed written material or statements designed to induce any person to sell or lease real property because of the alleged or actual or because of any present or prospective change in the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the City or neighborhood.

(d) Misrepresentation. Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any real property for the purpose of inducing or attempting to induce the sale or listing for sale of any real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status, or national origin in the area will or may result in lowering of real property values in the block, neighborhood or area in which the property is located.

(e) Refusal to Sell. Refuse to sell or rent real property because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

(f) Refusal to Show Records of Available Housing. Refuse to show to any person who has specified his needs, the list or other records identifying all real properties reasonably meeting such specifications.

(g) Withholding Housing. Represent to any person that any real property is not available, or otherwise to withhold real property from any person because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

(h) Refusal to Show Real Estate. Refuse to show real estate because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of any prospective purchaser, lessee

or tenant, or because of the race, color, religion, religious affiliation, sex, handicap, marital status, familial status or national origin of the residents in the area in which the property is located.

(i) Steering. Encourage or discourage the sale or rental or real property because of the race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin of persons in the area or purported to be moving into the area.

(j) Evasion. Employ any person as a salesman or agent as a means of evading provisions of this Ordinance.

(k) Providing Information. Volunteer oral or written information about the racial composition of a neighborhood unless such information is a factual, accurate and actual response to an unsolicited direct question.

(l) Information Regarding Complaints. Fail, within a reasonable time, to provide information requested by the person charged with enforcement of this Ordinance as a result of a complaint alleging a violation of this Ordinance.

(m) Rental Application. Discriminate by denying, or unreasonably delaying the processing of a lease or rental application of a person, discriminate in the fixing of the fee or length of processing time, or other terms and conditions of such application process.

(n) Listing Agreement. Entering into a listing agreement which discriminates against any person.

EXEMPTIONS: This Ordinance shall not:

(a) Bar any religious or denominational institution or organization, or any charitable or educational organization operated, supervised or controlled by or in connection with a religious organization, from limiting living accommodations, or giving preference with respect thereto, to persons of the same religion or denomination.

(b) Apply to the leasing of rooms to roomers in a dwelling unit occupied by the owner or lessee of the entire premises as a family household having not more than two (2) roomers exclusive of salaried household employees living on premises.

(c) Prohibit the operation of housing units designed and offered predominantly for use and occupancy by persons over the age of sixty two (62).

(d) Bar any charitable or educational organization from limiting to persons of the same sex the rental of living accommodations in facilities primarily providing single room occupancy.

(e) Include an individual whose only connection with the discrimination is his association with a group or entity which owns, manages, brokers, loans, advertises, or appraises the real property, unless that individual was involved in the discrimination personally.

Section 7. Discrimination in Lending. It shall be unlawful and a violation of this Ordinance for any lending institution to discriminate in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real estate property, or to offer, seek or agree to terms, conditions or privileges that discriminate.

Section 8. Refusal to Deal in Lending. It shall be unlawful and a violation of this Ordinance for any lending institution to refuse to negotiate for, enter into, or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real property because of discrimination.

Section 9. Coverage. This Ordinance shall apply, respectively, to every person, including but not limited to, every owner, lending institution, real estate broker and manager who, within the City, performs any function relating to or in connection with a real estate transaction, whether or not such person maintains an office or place of doing business within the City; provided, however, that the provisions of this Ordinance shall not be so construed as to prohibit a person on behalf of the owner from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, religious affiliation, sex, age, handicap, marital status, familial status or national origin.

Section 10. Powers and Duties of Commission. The Commission on Human Rights which was created by Ordinance 131 is hereby declared to remain the Commission on Human Rights and the appointments and terms of office of those currently named to the Commission as of the date of this Ordinance shall remain for the balance of their term as if Ordinance 131 had not been repealed and the Commission remaining as if originally constituted by the new Ordinance.

It shall be the duty of the Commission, acting through its investigator, to receive and investigate complaints charging violations of this Ordinance, including, but not limited to, complaints charging discrimination, seek conciliation of such complaints, seek compliance by violators, hold hearings, and make finding of fact, determine awards, fines and penalties, and make recommendations in accordance with the provisions of this Ordinance.

The Commission shall have the power:

- (a) To administer and take sworn testimony.
- (b) To adopt, promulgate, amend and rescind rules and regulations of procedure consistent with the provisions of this Ordinance.
- (c) To subpoena witnesses and pertinent documents at both the investigation, conciliation and hearing stages, which power may be enforced by the Commission by proper petition to any court of competent jurisdiction.
- (d) To hold meetings through its Investigator which are closed to the public for the purpose of conciliating complaints.
- (e) To appoint attorneys with expertise in Fair Housing law, from a list approved by the City Attorney and with the approval of the City Administrator, empowered to prosecute violations under this Ordinance and to otherwise act as would the City Attorney.

Section 11. Proceedings Before Commission.

(a) Proceedings under this Ordinance shall be commenced by the filing with the Commission of a written complaint, under oath or affirmation within one hundred eighty (180) days of the alleged violation. The complaint shall be in such detail as to substantially apprise any party property concerned as to the time, place and facts surrounding the alleged violation. A complaint may be amended by right until an answer is filed, thereafter by leave of the Commission. The complaint may be filed by an aggrieved party.

(b) After the complaint is filed, the Commission shall, within ten (10) working days, serve a copy of the complaint personally or by certified mail on the respondent.

(c) If the Commission determines that the allegations as stated in the complaint, if true, would constitute a violation of this Ordinance, it shall cause an investigation of the complaint. The Commission shall conclude its investigation

within thirty (30) days of filing of the complaint. If the Investigator is unable to conclude his investigation of the complaint within the thirty (30) days he shall notify the Chairman and the parties of the need to continue the investigation. Such notice shall not reveal any facts related to that investigation. Upon such notice the period for completion of the investigation shall be extended to sixty (60) days from the date of filing the complaint.

(d) If the Investigator finds in his investigation that the allegations appear to be supported by the facts, he shall set a date for a conciliation conference and notify the parties of the time and place thereof. At such conference the Investigator shall interview the complainant and the person or persons against whom the complaint has been directed, and shall attempt to resolve the complaint by conciliation. The Commission shall establish rules and regulations governing the conciliation of complaints.

(e) When there is a failure to settle or adjust any complaint through conciliation, the Investigator shall notify in writing the Chairman of the Commission and parties. The Commission, not later than thirty five (35) days after such notification, shall set a date for a hearing on the complaint. The respondent shall file within thirty (30) days of such notification its' written response to the complaint. The hearing shall commence within sixty (60) days of the notification of a failure to settle or adjust the complaint. In order to encourage full and candid participation in the conciliation process, no record will be kept, and the parties and Investigator will be prohibited from later testifying, either at hearings under this Chapter or in court proceedings, with regard to what was said at the conciliation conference, and participants will sign an appropriate agreement to that effect before the conference begins. Under no circumstances will an investigator who participates in a conciliation conference have any later role in the same proceeding.

(f) If the Investigator determines that a complaint is without merit, he shall dismiss the complaint. The Investigator shall, within five (5) days of such determination serve a copy of the Notice of Dismissal, and reasons therefor, personally or by certified mail on all parties and the Commission. The complainant may within fourteen (14) days of the receipt of Notice of Dismissal petition, in writing, the Commission and request a hearing on the complaint. The Commission, by majority vote(s), may withdraw the dismissal and refer the complaint to the Investigator for conciliation and/or hearing as necessary.

(g) If, in the judgment of the Investigator after consultation with the Commission, immediate court action is

necessary, he may at any time direct the City Attorney or outside counsel to file a complaint in any court of competent jurisdiction for a fine, injunction, or other appropriate relief. Such action may be taken even though administrative hearings of the complaint are pending before the Investigator or the Commission.

(h) Hearings by the Commission shall be conducted by any three (3) or more members thereof; three (3) of whom shall thereafter attend all hearings on the complaint. At the conclusion of the hearings, a written report with findings of fact and a recommended decision shall be prepared for submission to the entire Commission. No report shall be delayed more than sixty (60) days after the date of the first hearing unless by agreement of the parties upon good cause shown. A majority of the hearing members must concur in the findings and recommendation. Only a Commission member in attendance at all hearings may vote on findings and recommendation. The findings of fact and recommended decision shall in all cases be advisory to the Commission. The Commission may review the complete record including but not limited to the transcripts, exhibits, briefs, the recommended findings and decision and then make a final decision on the complaint. However, to reach a decision, a majority of the Commission, then in office, must concur. The Commission shall reach its decision within sixty (60) days of receipt of the written report. Nothing shall preclude a complainant from withdrawing a complaint at any time after the filing.

(i) All parties shall have the right to counsel at their own expense. All rules of procedure and regulations adopted by the Commission shall preserve the right of due process under the Missouri and United States Constitutions. A determination sustaining the complaint shall be by a preponderance of the evidence. The burden of proof shall be on the complainant.

(j) The Commission shall be empowered at the conclusion of such proceedings, and as part of its final order, to direct that any person who shall have been found, as a result of such proceedings, to have violated this Chapter, to forthwith take any one or more of the following actions:

1. Comply with this Ordinance in respect of each violation found.
2. Perform any contract or agreement previously made with or offered by or to the complainant for sale, lease, exchange, transfer, conveyance or assignment of the particular real property with respect to which a violation shall have been found.

3. Reimburse the complainant for his actual and reasonable out-of-pocket expenses and costs necessarily incurred and to be incurred as a direct result of each violation found, the amount of which shall be specified by the Commission in its report and may include, but need to be limited to, reimbursement for expenses and costs for temporary living, moving and storage of household furnishings, additional expenditures relating to the lease or rental of real property necessarily obtained to provide alternative housing accommodations, additional expenditures resulting from failure or refusal to sublease or assign leased real property, and reasonable attorneys fees and disbursements.

4. Pay a penalty as set forth in Section 13 of this Ordinance.

5. Comply with such other and further relief as may be deemed appropriate by the Commission for the enforcement of this Ordinance and the elimination of violations thereof.

(k) The Commission may, by written order, serve upon the respondent at any time pending final order, an order that the particular real property with respect to which a violation of this Ordinance has been filed shall not be sold, leased, exchanged, transferred, conveyed or assigned to any person other than the complainant.

(l) Any complainant or respondent may apply for and obtain judicial review of a final order of the Commission entered under this Ordinance in accordance with the provisions of the law.

(m) The Commission may direct the City Attorney to file with the Division of Professional Registration of the State or any other regulatory or advisory agency a complaint against any real estate broker found guilty of violation any provision of this Ordinance.

(n) The Commission may direct the City Attorney to commence action in any court of competent jurisdiction to recover the penalty provided herein, to seek such equitable relief as the Commission may deem proper or to enforce any order of the Commission.

(o) If a respondent has been found guilty of a violation of this Ordinance, in accordance with the procedures specified herein, the determination of the nature and extent of the penalty shall be vested in a majority of the entire Commission

then holding office. Nothing shall preclude the parties from consenting, with approval of the Commission, to an extension of any time period hereinabove set out.

Section 12. Private Remedies. Any person aggrieved in any manner by the violation of this Ordinance who has exhausted the remedies provided in Section 11 of this Ordinance, may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

(a) An order compelling compliance with this Ordinance.

(b) An order to prohibit any person found by the court to have violated any provision of this Ordinance from the sale, lease, exchange, transfer, conveyance or assignment of any real property, by any person who in violation of this Ordinance refuses or fails to perform such contract.

(c) Compensatory damages.

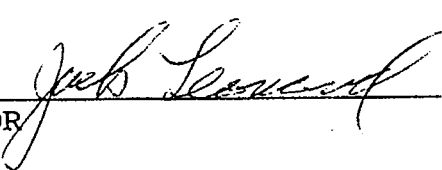
(d) Such other and further relief as may seem appropriate to the court for the enforcement of this Ordinance and the elimination of violations thereof.

(e) These remedies shall be available notwithstanding the imposition or lack of imposition of other penalties provided by this Ordinance.

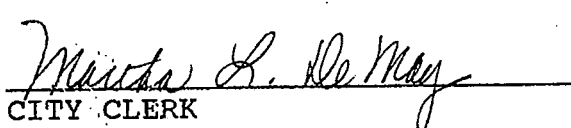
Section 13. Penalty. Any person violating the provisions of this Ordinance shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each such offense. Every day a violation continues may be deemed a separate offense by appropriate finding.

Section 14. This Ordinance shall be in full force and effect after its passage and approval and shall be codified as an act of the City of Chesterfield.

Passed and approved this 20TH day of DECEMBER, 1993.


MAYOR

ATTEST:


CITY CLERK

BILL NO. 770

ORDINANCE NO. 765

AN ORDINANCE REPEALING ORDINANCE 131 OF THE CITY OF CHESTERFIELD AND CREATING A NEW ORDINANCE RELATED TO FAIR HOUSING IN THE CITY OF CHESTERFIELD.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance Number 131 of the City of Chesterfield is hereby repealed in its entirety one hundred eight (180) days after the passage and approval of this substituted Ordinance for those offenses that may have occurred up to and including the date of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and may be cited as the "Fair Housing Ordinance of the City of Chesterfield".

Section 3. Purpose and Declaration of Policy. It is hereby declared to be the policy of the City and the purpose of this Ordinance, in the exercise of its police and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of the persons in and residing in the City, and for the maintenance and promotion of commerce, industry, and good government in the City, and to promote and protect fair housing opportunities throughout the City and to acknowledge the value of diversity within our community, to secure to all persons living and/or working, or desiring to live and/or work in the City of Chesterfield, an equal opportunity to view, purchase, lease, rent or occupy real estate without discrimination based on race, color, religion, sex, age, handicap, marital status or national origin.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 5. Definitions. For the purpose of this Ordinance:

INVESTIGATOR	An employee of the City or the Commission, designated by the City Administrator, with the approval of the Commission.
AGE CLASSIFICATION	Includes any person eighteen (18) years of age or older.
CHILD	Any person under the age of eighteen (18) who is a member of a family.

COMMISSION	The Commission on Human Rights.
DISCRIMINATION or DISCRIMINATE	To make distinction in treatment of any person because of race, color, religion, sex, age, handicap, marital status or national origin.
DWELLING UNIT	A room or group of rooms designed for occupancy by one family with eating, sleeping and living facilities or lodging rooms.
LEASE or LEASING	Includes and means rent, renting, assignment, sublease and subletting.
LENDING INSTITUTION	Any bank, insurance company, savings and loan association, other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging, or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.
MANAGER	A person who as owner or agent of the owner or owners has the principal responsibility for the management of five (5) or more dwelling units for rent within the City and performs or employs others to perform the services associated with the letting and maintenance of said rental units.
OWNER	Any person who holds legal or equitable title to, or owns any beneficial interest in, any real property or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any real property or any person who is acting as the agent, manager or employee of the owner.
PERSON	Includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts,

trustees, trustees in bankruptcy,
receivers and fiduciaries.

PURCHASE

Includes any contract to purchase.

REAL ESTATE BROKER

Any person licensed as a real estate broker in accordance with the provisions of Chapter 339, RSMo. or required thereby to be so licensed.

**REAL ESTATE
TRANSACTION**

The purchase, sale, exchange or lease of any real property and an option to do any of the foregoing.

REAL PROPERTY

Any real estate improved or unimproved, within the City limits, including rooming units.

SALE

Includes any contract to sell, exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

STEERING

To encourage or discourage the sale or rental of real property because of the race, color religion, sex, age, handicap, marital status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, sex, age, handicap, marital status or national origin of persons in the area or purported to be moving into the area.

Section 6. Discrimination Prohibited. No person, including but not limited to, any owner, manager, lessee or sublessee of real property, real estate broker, lender, financial institution, advertiser, real estate appraiser, or agent of any of the foregoing, shall discriminate against any other person (or discriminate against such person because of the race, color, religion, sex, age, handicap, marital status) in regard to the sale or rental of or dealings concerning real property. Any such discrimination shall be unlawful. Without limiting the foregoing, it shall also be unlawful discrimination for any person to:

(a) Policies and Publicity. Advertise, publish, display or circulate or cause to be published, displayed, advertised or circulated, either in writing or orally, any notice, statement, communication, sign or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental, or financing of real property, or to make any record or inquiry in connection with the prospective purchase, rental or lease of real property, which expresses directly or indirectly any discrimination, or any intent to discriminate.

(b) Discriminate in Lending. Discriminate or to participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repairs or maintenance of any real property in the City.

(c) Inducing Sales. Distribute or cause to be distributed written material or statements designed to include any person to sell or lease real property because of the alleged or actual or because of any present or prospective change in the race, color, religion, sex, age, handicap, marital status or national origin of persons in the City or neighborhood.

(d) Misrepresentation. Make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any real property for the purpose of inducing or attempting to induce the sale or listing for sale of any real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, age, handicap, marital status, or national origin in the area will or may result in lowering of real property values in the block, neighborhood or area in which the property is located.

(e) Refusal to Sell. Refuse to sell or rent real property because of race, color, religion, sex, age, handicap, marital status or national origin.

(f) Refusal to Show Records of Available Housing. Refuse to show to any person who has specified his needs, the list or other records identifying all real properties reasonably meeting such specifications.

(g) Withholding Housing. Represent to any person that any real property is not available, or otherwise to withhold real property from any person because of race, color, religion, sex, age, handicap, marital status or national origin.

(h) Refusal to Show Real Estate. Refuse to show real estate because of the race, color, religion, sex, age, handicap, marital status or national origin of any prospective purchaser, lessee or tenant, or because of the race, color, religion, sex, handicap, marital status or national origin of the residents in the area in which the property is located.

(i) Steering. Encourage or discourage the sale or rental or real property because of the race, color, religion, sex, age, handicap, marital status or national origin of persons in the neighborhood in which the property is located. This shall include but is not limited to directing persons into or away from areas because of race, color, religion, sex, age, handicap, marital status or national origin of persons in the area or purported to be moving into the area.

(j) Evasion. Employ any person as a salesman or agent as a means of evading provisions of this Ordinance.

(k) Providing Information. Volunteer oral or written information about the racial composition of a neighborhood unless such information is a factual, accurate and actual response to an unsolicited direct question.

(l) Information Regarding Complaints. Fail, within a reasonable time, to provide information requested by the person charged with enforcement of this Ordinance as a result of a complaint alleging a violation of this Ordinance.

(m) Rental Application. Discriminate by denying, or unreasonably delaying the processing of, a lease or rental application of a person, discriminate in the fixing of the fee or length of processing time, or other terms and conditions of such application process.

(n) Listing Agreement. Entering into a listing agreement which discriminates against any person.

EXEMPTIONS: This Ordinance shall not:

(a) Bar any religious or denominational institution or organization, or any charitable or educational organization operated, supervised or controlled by or in connection with a religious organization, from limiting living accommodations, or giving preference with respect thereto, to persons of the same religion or denomination.

(b) Apply to the leasing of rooms to roomers in a dwelling unit occupied by the owner or lessee of the entire premises as a family household having not more than two (2) roomers exclusive of salaried household employees living on premises.

(c) Prohibit the operation of housing units designed and offered predominantly for use and occupancy by persons over the age of sixty two (62).

(d) Bar any charitable or educational organization from limiting to persons of the same sex the rental of living accommodations in facilities primarily providing single room occupancy.

(e) Include an individual whose only connection with the discrimination is his association with a group or entity which owns, manages, brokers, loans, advertises, or appraises the real property, unless that individual was involved in the discrimination personally.

Section 7. Discrimination in Lending. It shall be unlawful and a violation of this Ordinance for any lending institution to discriminate in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase or sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real estate property, or to offer, seek or agree to terms, conditions or privileges that discriminate.

Section 8. Refusal to Deal in Lending. It shall be unlawful and a violation of this Ordinance for any lending institution to refuse to negotiate for, enter into, or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation, or repair of any real property because of discrimination.

Section 9. Coverage. This Ordinance shall apply, respectively, to every person, including but not limited to, every owner, lending institution, real estate broker and manager who, within the City, performs any function relating to or in connection with a real estate transaction, whether or not such person maintains an office or place of doing business within the City; provided, however, that the provisions of this Ordinance shall not be so construed as to prohibit a person on behalf of the owner from inquiring into and reporting upon the qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion, sex, age, handicap, marital status or national origin.

Section 10. Powers and Duties of Commission.

The Commission on Human Rights which was created by Ordinance 131 is hereby declared to remain the Commission on Human Rights and the appointments and terms of office of those currently named to the Commission as of the date of this Ordinance shall remain for the balance of their term as if Ordinance 131 had not been repealed

and the Commission remaining as if originally constituted by the new Ordinance.

It shall be the duty of the Commission, acting through its investigator, to receive and investigate complaints charging violations of this Ordinance, including, but not limited to, complaints charging discrimination, seek conciliation of such complaints, seek compliance by violators, hold hearings, and make finding of fact, determine awards, fines and penalties, and make recommendations in accordance with the provisions of this Ordinance.

The Commission shall have the power:

- (a) To administer and take sworn testimony.
- (b) To adopt, promulgate, amend and rescind rules and regulations of procedure consistent with the provisions of this Ordinance.
- (c) To subpoena witnesses and pertinent documents at both the investigation, conciliation and hearing stages, which power may be enforced by the Commission by proper petition to any court of competent jurisdiction.
- (d) To hold meetings through its Investigator which are closed to the public for the purpose of conciliating complaints.
- (e) To appoint attorneys with expertise in Fair Housing law, from a list approved by the City Attorney and with the approval of the City Administrator, empowered to prosecute violations under this Ordinance and to otherwise act as would the City Attorney.

Section 11. Proceedings Before Commission.

(a) Proceedings under this Ordinance shall be commenced by the filing with the Commission of a written complaint, under oath or affirmation within one hundred eighty (180) days of the alleged violation. The complaint shall be in such detail as to substantially apprise any party property concerned as to the time, place and facts surrounding the alleged violation. A complaint may be amended by right until an answer is filed, thereafter by leave of the Commission. The complaint may be filed by an aggrieved party.

(b) After the complaint is filed, the Commission shall, within ten (10) working days, serve a copy of the complaint personally or by certified mail on the respondent.

(c) If the Commission determines that the allegations as stated in the complaint, if true, would constitute a violation of this Ordinance, it shall cause an investigation of the complaint. The Commission shall conclude its investigation within thirty (30) days of filing of the complaint. If the investigator is unable to conclude his investigation of the complaint within the thirty (30) days he shall notify the chairman and the parties of the need to continue the investigation. Such notice shall not reveal any facts related to that investigation. Upon such notice the period for completion of the investigation shall be extended to sixty (60) days from the date of filing the complaint.

(d) If the investigator finds in his investigation that the allegations appear to be supported by the facts found by him, he shall set a date for a conciliation conference and notify the parties of the time and place thereof. At such conference the investigator shall interview the complainant and the person or persons against whom the complaint has been directed, and shall attempt to resolve the complaint by conciliation. The Commission shall establish rules and regulations governing the conciliation of complaints.

(e) When there is a failure to settle or adjust any complaint through conciliation, the investigator shall notify in writing the chairman of the Commission and parties. The Commission, not later than thirty five (35) days after such notification, shall set a date for a hearing on the complaint. The respondent shall file within thirty (30) days of such notification its written response to the complaint. The hearing shall commence within sixty (60) days of the notification of a failure to settle or adjust the complaint. In order to encourage full and candid participation in the conciliation process, no record will be kept, and the parties and Investigator will be prohibited from later testifying, either at hearings under this Chapter or in court proceedings, with regard to what was said at the conciliation conference, and participants will sign an appropriate agreement to that effect before the conference begins. Under no circumstances will an Investigator who participates in a conciliation conference have any later role in the same proceeding.

(f) If the Investigator determines that a complaint is without merit, he shall dismiss the complaint. The Investigator shall, within five (5) days of such determination serve a copy of the Notice of Dismissal, and reasons therefor, personally or by certified mail on all parties and the Commission. The complainant may within fourteen (14) days of the receipt of Notice of Dismissal petition in writing the Commission and request a hearing on the complaint. The Commission, by majority vote(s), may withdraw the dismissal

and refer the complaint to the Investigator for conciliation and/or hearing as necessary.

(g) If, in the judgment of the Investigator after consultation with the Commission, immediate court action is necessary, he may at any time direct the City Attorney or outside counsel to file a complaint in any court of competent jurisdiction for a fine, injunction, or other appropriate relief. Such action may be taken even though administrative hearings of the complaint are pending before the Investigator or the Commission.

(h) Hearings by the Commission shall be conducted by any three (3) or more members thereof, three (3) of whom shall thereafter attend all hearing on the complaint. At the conclusion of the hearings, a written report with findings of fact and a recommended decision shall be prepared for submission to the entire Commission. No report shall be delayed more than sixty (60) days after the date of the first hearing unless by agreement of the parties upon good cause shown. A majority of the hearing members must concur in the findings and recommendation. Only a Commission member in attendance at all hearings may vote on findings and recommendation. The findings of fact and recommended decision shall in all cases be advisory to the Commission. The Commission may review the complete record including but not limited to the transcripts, exhibits, briefs, the recommended findings and decision and then make a final decision on the complaint. However, to reach a decision, a majority of the Commission then in office must concur. The Commission shall reach its decision within sixty (60) days of receipt of the written report. Nothing shall preclude a complainant from withdrawing a complaint at any time after the filing.

(i) All parties shall have the right to counsel at their own expense. All rules of procedure and regulations adopted by the Commission shall preserve the right of due process under the Missouri and United States Constitutions. A determination sustaining the complaint shall be by a preponderance of the evidence. The burden of proof shall be on the complainant.

(j) The Commission shall be empowered at the conclusion of such proceedings, and as part of its final order, to direct that any person who shall have been found, as a result of such proceedings, to have violated this Chapter, to forthwith take any one or more of the following actions:

1. Comply with this Ordinance in respect of each violation found.

2. Perform any contract or agreement previously made with or offered by or to the complainant for sale, lease, exchange, transfer, conveyance or assignment of the particular real property with respect to which a violation shall have been found.

3. Reimburse the complainant for his actual and reasonable out-of-pocket expenses and costs necessarily incurred and to be incurred as a direct result of each violation found, the amount of which shall be specified by the commission in its report and may include, but need to be limited to, reimbursement for expenses and costs for temporary living, moving and storage of household furnishings, additional expenditures relating to the lease or rental of real property necessarily obtained to provide alternative housing accommodations, additional expenditures resulting from failure or refusal to sublease or assign leased real property, and reasonable attorney's fees and disbursements.

4. Pay a penalty as set forth in Section 13 of this Ordinance.

5. Comply with such other and further relief as may be deemed appropriate by the Commission for the enforcement of this Ordinance and the elimination of violations thereof.

(k) The Commission may, by written order serve upon the respondent at any time pending final order, an order that the particular real property with respect to which a violation of this Ordinance has been filed shall not be sold, leased, exchanged, transferred, conveyed or assigned to any person other than the complainant.

(l) Any complainant or respondent may apply for and obtain judicial review of a final order of the Commission entered under this Ordinance in accordance with the provisions of the law.

(m) The Commission may direct the City Attorney to file with the Division of Professional Registration of the State or any other regulatory or advisory agency a complaint against any real estate broker found guilty of violation any provision of this Ordinance.

(n) The Commission may direct the City Attorney to commence action in any court of competent jurisdiction to recover the penalty provided herein, to seek such equitable relief as the Commission may deem proper or to enforce any order of the Commission.

(o) If a respondent has been found guilty of a violation of this Ordinance, in accordance with the procedures specified herein, the determination of the nature and extent of the penalty shall be vested in a majority of the entire Commission then holding office. Nothing shall preclude the parties from consenting with approval of the commission to extension of any time period hereinabove set out.

Section 12. Private Remedies. Any person aggrieved in any manner by the violation of this Ordinance who has exhausted the remedies provided in Section 11 of this Ordinance, may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

(a) An order compelling compliance with this Ordinance.

(b) An order to prohibit any person found by the court to have violated any provision of this Ordinance from the sale, lease, exchange, transfer, conveyance or assignment of any real property, by any person who in violation of this Ordinance refuses or fails to perform such contract.

(c) Compensatory damages.

(d) Such other and further relief as may seem appropriate to the court for the enforcement of this Ordinance and the elimination of violations thereof.

(e) These remedies shall be available notwithstanding the imposition or lack of imposition of other penalties provided by this Ordinance.

Section 13. Penalty. Any person violating the provisions of this Ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense. Every day a violation continues may be deemed a separate offense by appropriate finding.

Section 14. This Ordinance shall be in full force and effect after its passage and approval and shall be codified as an act of the City of Chesterfield.

Passed and approved this 1ST day of MARCH, 1993.

JACK L. LEE
MAYOR

ATTEST:

MARTHA L. DE MAY
CITY CLERK

AN ORDINANCE FOR A FAIR HOUSING CODE, PROHIBITING THE DISCRIMINATION IN THE SALE OR RENTAL OF CERTAIN DWELLINGS AND PROVIDING FOR THE ESTABLISHMENT OF A COMMISSION ON HUMAN RIGHTS, CONTAINING PROVISIONS FOR ENFORCEMENT AND PROVIDING FOR PENALTIES IN CASE OF VIOLATIONS

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

Section 1. Discrimination in the Sale or Rental of Housing. It shall be unlawful for any owner, real estate broker, salesman, or lending institution, either by themselves or through their officers, employees, agents or salesmen, or for any other person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale of, or otherwise make unavailable or deny a dwelling to any person because of race, sex, color, religion, national origin, age, ancestry, handicap or marital status;
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, sex, color, religion, national origin, age, ancestry, handicap, or marital status;
- (3) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, national origin, age, ancestry, handicap, or marital status, or an intention to make any such preference, limitation or discrimination;
- (4) To present to any person because of race, sex, color, religion, national origin, age, ancestry, handicap or marital status or that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons

of a particular race, sex, color, religion, national origin, age, ancestry, handicap or marital status.

Section 2. Discrimination in the Sale or Rental of Housing, Exemptions. Nothing in this Code shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, sex, color, national origin, age, ancestry, handicap, or marital status. Nor shall anything in this Code prohibit a private club not in fact open to the public which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

Section 3. Discrimination in the Financing of Housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of race, sex, color, religion, national origin, age, ancestry, handicap, or marital status of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

Section 4. Discrimination in the Provision of Brokerage Services. It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, age, ancestry, handicap or marital status.

Section 5. Solicitation-Sale of Rental or Dwellings-Unlawful. 1. It shall be unlawful for any real estate corporation, partnership, firm or association, or for any person acting as a real estate agent, salesman, or broker, or for any agent, employee or person acting on their behalf to solicit or

induce or attempt to solicit or induce in any manner or by any means, including but not limited to the use of the mails, telegraph, letters, flyers, leaflets, circulars, telephone, door-to-door solicitation or any other type of written or oral personal contact, any person having any interest in a dwelling, including occupant, to sell, lease, rent, move from or otherwise dispose of or change his interest in said dwelling.

2. Section 5.1 shall not be applicable to:

- (a) Any solicitation or attempted solicitation to sell, lease, rent, move from, or otherwise dispose of or change interest in any vacant land;
- (b) Any solicitation or attempted solicitation to sell, lease, rent, move from or otherwise dispose of or change interest in any dwelling, said solicitation or attempted solicitation being publicly broadcast on television or radio or placed in a newspaper or magazine of general distribution;
- (c) Any solicitation or attempted solicitation to sell, lease, rent, move from or otherwise dispose of or change interest in any dwelling or other property for the purpose of acquiring tracts of real property for the purpose of residential, commercial, industrial or recreational development;
- (d) Any solicitation or attempted solicitation to sell, lease rent, move from or otherwise dispose of or change interest in any dwelling or other property whose owner or occupant has listed or advertised such property for sale or rent.

3. The complaint procedures set forth in Sections 5 and 7 shall not be applicable to enforcement of the provisions of Section 5.1. Any persons who claim to have been injured under Section 5.1. shall file a written complaint directly with the City Council and the City Attorney.

Section 6. Steering-Sale or Rental of Dwellings-Unlawful. 1. It shall be unlawful for any real estate corporation, partnership, firm or association or for any person acting as a real estate agent, salesman or broker, or for any agent, employee or person acting in their behalf to:

- (a) Influence or attempt to influence any person who represents himself to be a prospective purchaser, occupant, or tenant of a dwelling to refrain from purchasing or renting a dwelling by referring to race, sex, color, religion, national origin, age,

ancestry, handicap or marital status of occupants or prospective occupants of other dwellings in that neighborhood;

- (b) Discriminate against any person who represents himself to be a prospective seller, purchaser, occupant, landlord or tenant of a dwelling by any influence, suggestion, act or failure to act, or accord any differential treatment among such persons, in connection with the sale or rental of a dwelling or in the furnishing of information, services, or facilities relative thereto, because of race, sex, color, religion, national origin, age, ancestry, handicap or marital status of any person.

2. The complaint procedure set forth in Sections 2 and 7 shall not be applicable to enforcement of the provisions of Section 6.1. Any persons who claim to have been injured under Section 6.1 shall file a written complaint directly with the City Council and City Attorney.

Section 7. Commission on Human Rights. There is hereby created a Commission on Human Rights whose duty it will be to receive and investigation any and all written complaints charging discrimination, seek conciliation of such complaint, hold hearings, make findings of fact and issue recommendations to the City Council and the City Attorney. The City Council shall review and make recommendations including the decision to prosecute or to instruct the City Attorney to file a civil suit to enjoin the violation or to take other appropriate action. The Commission shall administer this Code in a manner affirmatively to further the policies of this Code and to prevent or eliminate discriminatory housing practices. The Commission shall cooperate with and render technical assistance to Federal, State, local and other public or private agencies organizations and institutions which are formulating or carrying out programs to prevent or eliminate discriminating housing practices.

Section 8. Appointments. The Commission on Human Rights shall consist of three (3) members who shall be appointed by the Mayor with the approval of the City Council. Each member shall serve for three (3) years, provided, however, that the first appointment shall be for one, two and three years for each member respectively. The members shall be residents of the City of Chesterfield, registered voters in the said City and at least twenty-one (21) years of age. The Chairman shall be elected by the members of the committee.

Section 9. Complaint Process. Any persons who claim to have been injured or who will be injured by a discriminatory housing practice may file a complaint with the Human Rights Commission. The complaint shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. For purposes of this Section, all days of

violation with respect to one dwelling shall be taken to mean one occurrence. Complaints shall be in writing and shall state the facts upon which the allegations of the discriminatory practice are based. Upon receipt of such complaint, a copy shall be furnished to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice.

Section 10. Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment not to exceed ninety (90) days or by both fine and imprisonment. Each day a violation exists it shall be considered a separate offense.

Section 11. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 18th day of JULY, 1988.

Judith M. Steinbach
MAYOR

ATTEST:

James M. Schaefer

The above is a true and certified copy of Ordinance No. 131 as passed and approved by the City of Chesterfield, Missouri.

City of Chesterfield, Missouri.

FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember Moore

Vice-Chair: Councilmember Keathley

The Finance and Administration Committee has the following action items for the June 3, 2019 City Council Meeting.

F&A Policies

Over the course of the last two years, City Council has reviewed all of the official City Council policies and have subsequently updated, moved, and/or deleted as appropriate. The Finance and Administration Committee recommended the following actions to complete the entire process.

The following policies are to be eliminated:

- FA #3 **Promotional Advertisement Space**
Policy not necessary – handled as a management function.
- FA #4 **Sale of Historic Calendars**
Policy not necessary – handled as a management function.
- FA #19 **Funeral Leave**
Policy not necessary - addressed in the Personnel Manual.
- FA #28 **CCDC Request Regarding Future Funding Contribution Tied to Business License Fees**
Policy not necessary - CCDC no longer in existence.
- FA #31 **City Council Committees**
Policy not necessary - addressed in City Code.
- FA #33 **Public Displays of Arts/Artifacts on City Property**
Policy not necessary – function of management and City Council.
- FA #34 **Marriage Between Employees/Hiring Related Employees**
Policy not necessary - addressed in the Personnel Manual.
- FA #37 **President Pro Tem Selection**
Policy not necessary – addressed in City Code.

The following policies are to be revised:

- FA #12 **Legal Requirements for Notices:** Instead of other notices/advertisements being placed in the Chesterfield Journal, they will now be placed in the St. Louis Countian.
- FA #14 **Investment Policy:** All references to the Director of Finance and Administration have been replaced by Finance Director.
- FA #18 **Flowers/Contributions:** The Central Services account number has been corrected from 001-036-5255 to 001-036-5225.

- FA #41 **Recruitment & Equal Employment Opportunity Plan:** The Statement of Policy section has been revised. Prohibition of discrimination/harassment has been expanded to encompass even more characteristics of persons that are protected by law. The Promotions section has been incorporated into the Hiring Process section. All references to the Director of Finance & Administration have been replaced with the Finance Director.
- FA #42 **Neighborhood Improvement District Policy (NID):** The *Armstrong Teasdale LLP* notation has been moved to the first page.
- FA #47 **Communications Policy:** All references to the Community Services & Economic Development Director have been eliminated and replaced with the City Administrator; the ultimate decision on all organizational communications rests with the City Administrator.
- FA #48 **Sponsorship Expenditures:** Instead of referencing Policy 20, "Sponsorship Expenditures" now references Policy 8 to accurately reflect the changed order of the Contributions Program Policy.

Destruction of Records

The Secretary of State's office dictates record retention requirements and the City of Chesterfield has adopted policies consistent with said requirements. Accordingly, as record retention periods expire, the association records will no longer be retained and will be destroyed. Per the recommendations of the Secretary of State, "the disposition of records should be recorded in a document such as the minutes of the City Council or other legally constituted authority that has permanent record status". As such, the Finance and Administration Committee has concurred with staff's recommendation to destroy the following records and to note council's concurrence in the meeting minutes.

The following records have met or exceeded State retention requirements and no longer hold any significance for the City:

- City council packets from 2013
- Public Records requests #634-711 (Dec. 2014-Dec. 2015)
- Solicitor Permit Applications for 2016

Tuition Reimbursement, Budget Adjustment

During the 2019 budget process, Account 001-036-5222 Education Reimb/Training, which is used to fund qualified and approved education expenses was reduced from its 2018 appropriation of \$20,000 to the 2019 budget amount of \$15,000, primarily to reflect its utilization. At that time, Council instructed staff to return for additional funding should participation in the program dictate additional funding.

The Finance and Administration Committee concurred with the recommendation of Finance Director Chris DesPlanques to approve a budget amendment increasing 001-036-5222 from \$15,000 to \$20,000 from the General Fund – Fund Reserves.

If you have any questions or require additional information please contact Finance Director Chris DesPlanques or me prior to Monday's meeting.



Finance and Administration Committee Record of Proceeding May 28, 2019

The Finance and Administration Committee met on Tuesday, May 28, 2019. Those in attendance included: Chairperson Michael Moore, Ward III; Council Committee Member Barb McGuinness, Ward I; Council Committee Member Ben Keathley, Ward II; Council Committee Member Michelle Ohley, Ward IV; and Assistant Finance Director John Hughes. Those also in attendance included: Mayor Bob Nation, City Clerk Vickie Hass, and Executive Assistant to the City Administrator/Deputy City Clerk Amanda Miller.

Chairperson Michael Moore called the meeting to order at 5:30 p.m.

Approval of Minutes

The minutes of the January 28, 2019 Finance and Administration Meeting were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Keathley to approve the January 28, 2019 Finance and Administration Meeting minutes. A vote was taken with an affirmative result (3, 0) with Councilmember Ohley abstaining and the motion was declared passed.

Selection of Vice Chair

Councilmember McGuinness made a motion, seconded by Councilmember Ohley to approve Councilmember Keathley as Vice Chair of the Finance and Administration Committee. A vote was taken with an affirmative result (3, 0) with Councilmember Keathley abstaining and the motion was declared passed.

Selection of Liaison – FACAC

Chairperson Michael Moore asked if anyone had any suggestions or recommendations for the liaison to the Finance and Administration Citizens Advisory Committee. Councilmember McGuinness suggested Chairperson Michael Moore be the liaison for the FACAC since he held that title last year.

Councilmember McGuinness made a motion, seconded by Councilmember Keathley to approve Councilmember Michael Moore as Council liaison to the FACAC. A vote was taken with an affirmative result (3, 0) with Councilmember Moore abstaining and the motion was declared passed.

F&A Policies

City Clerk Vickie Hass presented recommendations for eliminations and revisions to the Finance and Administration Policies. Over the course of the last two years, City Council has reviewed all of the official City Council policies and have subsequently updated, moved, and/or deleted as appropriate.

Councilmember McGuinness made a motion, seconded by Councilmember Keathley to approve the recommended eliminations of specific F&A policies and forward to City Council. A vote was taken with an affirmative result (4, 0) and the motion was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Keathley to approve the recommended revisions to specific F&A policies as recommended by staff and forward to City Council. A vote was taken with an affirmative result (4, 0) and the motion was declared passed.

Destruction of Records

City Clerk Vickie explained that the City follows the Secretary of State's guidelines for records retention and City Council has adopted a policy related to the document retention procedures. Ms. Hass presented a list of documents for destruction in accordance with the Secretary of States guidelines and the City's policies. She further explained that the policies and guidelines suggest that records to be destroyed should be identified on the formal record, which is why this process is forwarded to City Council.

Councilmember Keathley made a motion, seconded by Councilmember Moore to approve the recommendation of destruction of records and forward to City Council. A vote was taken with an affirmative result (4, 0) and the motion was declared passed.

Tuition Reimbursement

Assistant Finance Director John Hughes presented a proposed budget adjustment to the city's education reimbursement/training fund. During the 2019 budget process, it was the consensus of council to reduce Account 001-036-5222 Education Reimbursement/Training, which is used to fund qualified and approved education expenses. The budget in this account was reduced from its 2018 amount of \$20,000 to a 2019 budget amount of \$15,000, primarily to reflect its expected utilization. As of May 2019, Chesterfield employees have submitted approximately \$14,600 in expected reimbursement expenses and additional requests are pending waiting for Council's approval of the proposed budget adjustment..

Councilmember Keathley made a motion, seconded by Councilmember McGuinness to forward the tuition reimbursement increase of \$5,000 to City Council. A vote was taken with an affirmative result (4, 0) and the motion was declared passed.

Financial Report

Assistant Finance Director John Hughes presented a current financial update.

Adjournment

The meeting was adjourned at 6:06 p.m.

Respectfully submitted:

John Hughes
Assistant Finance Director

Amanda Miller
Deputy City Clerk

Approved: _____

DATE: May 10, 2019
TO: Michael O. Geisel, City Administrator
FROM: Vickie Hass, City Clerk *ryh*
SUBJECT: Finance and Administration Policies



Administrative Assistant Colin Kinkade was tasked with the project of updating Finance and Administration policies to accurately reflect the current operations, practices, procedures, and workplace environment of the City of Chesterfield. All proposed changes are in accordance with notes from former Community Services & Economic Development Director Libbey Tucker. Additional consultation was provided for certain policies by appropriate department heads.

Recommend Eliminations:

- FA #3 Promotional Advertisement Space**
Policy not necessary – handled as a management function.
- FA #4 Sale of Historic Calendars**
Policy not necessary – handled as a management function.
- FA #19 Funeral Leave**
Policy not necessary - addressed in the Personnel Manual.
- FA #28 CCDC Request Regarding Future Funding Contribution Tied to Business License Fees**
Policy not necessary - CCDC no longer in existence.
- FA #31 City Council Committees**
Policy not necessary - addressed in City Code.
- FA #33 Public Displays of Arts/Artifacts on City Property**
Policy not necessary – function of management and City Council.
- FA #34 Marriage Between Employees/Hiring Related Employees**
Policy not necessary - addressed in the Personnel Manual.
- FA #37 President Pro Tem Selection**
Policy not necessary – addressed in City Code.

Recommend Revisions:

- FA #12 Legal Requirements for Notices:** Instead of other notices/advertisements being placed in the Chesterfield Journal, they will now be placed in the St. Louis Countian.
- FA #14 Investment Policy:** All references to the Director of Finance and Administration have been replaced by Finance Director.
- FA #18 Flowers/Contributions:** The Central Services account number has been corrected from 001-036-5255 to 001-036-5225.

- FA #41 **Recruitment & Equal Employment Opportunity Plan:** The Statement of Policy section has been revised. Prohibition of discrimination/harassment has been expanded to encompass even more characteristics of persons that are protected by law. The Promotions section has been incorporated into the Hiring Process section. All references to the Director of Finance & Administration have been replaced with the Finance Director.
- FA #42 **Neighborhood Improvement District Policy (NID):** The *Armstrong Teasdale LLP* notation has been moved to the first page.
- FA #47 **Communications Policy:** All references to the Community Services & Economic Development Director have been eliminated and replaced with the City Administrator; the ultimate decision on all organizational communications rests with the City Administrator.
- FA #48 **Sponsorship Expenditures:** Instead of referencing Policy 20, "Sponsorship Expenditures" now references Policy 8 to accurately reflect the changed order of the Contributions Program Policy.

No Action Required – Informational Purposes Only

The following Finance and Administration policies have already been removed from the F&A section and incorporated into the City Council section of the Policy Manual by previous direction of Council.

- FA #1 Use of City Letterhead or Name or Logo by Citizen Board/Commission/Task Force (moved to CC #4)
- FA #2 Officers Terms for Citizen Boards/Commissions/Committees (moved to CC #3)
- FA #6 Non-Residents Serving on Citizens Committees (moved to CC #7)
- FA #8 Citizen Committees – Ward Representation (moved to CC #5)
- FA #9 Citizen Committees – Designated Projects (moved to CC #6)
- FA #11 Minutes of Individual Boards/Commissions/Committees/Task Forces (combined with FA #16, #21, #35 and moved to CC #1)
- FA #13 Mayor's Use of City Vehicles (moved to CC #17)
- FA #16 Membership – Statutory/Non-Statutory Committees (combined with FA #11, #21, #35 and moved to CC #1)
- FA #17 Letters to Representatives (moved to CC #22)
- FA #21 Funding for Boards/Commissions (combined with FA #11, #16, #35 and moved to CC #1)
- FA #22 Line of Succession (moved to CC #23)
- FA #23 Starting Time for Council Meetings (moved to CC #11)
- FA #27 Council Liaisons to Citizen Committees (moved to CC #8)
- FA #32 Handling of Questions from Audience During City Council Meetings (moved to CC #10)
- FA #35 Historical Commission Membership (combined with FA #11, #16, #21 and moved to CC #1)
- FA #38 Executive Session (moved to CC #14)

Action Recommended

These policies should be presented to the Finance and Administration Committee for consideration. Should F&A concur with Staff's recommendation, it should vote to authorize Staff to submit these policies to City Council for approval.

CITY OF CHESTERFIELD
POLICY STATEMENT

*Existing Policy
Recommend Elimination*

*FINANCE AND ADMINISTRATION

NO. 003

SUBJECT Promotional Advertisement Space

INDEX FA

DATE

ISSUED 8/20/90

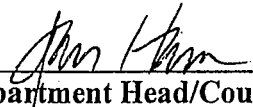
DATE

REVISED

POLICY

The City of Chesterfield will only consider the purchase of advertisement space in publications prepared or sponsored by organizations located within the City limits of Chesterfield. The Finance and Administration Committee is authorized to decide this issue, on behalf of the City Council. Approval of such ads shall require at least three (3) votes from members of this Committee and be subject to the availability of budgeted funds.

RECOMMENDED BY:



Department Head/Council Committee (if applicable)

3/5/99

Date

APPROVED BY:



City Administrator

3/8/1999

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

*FINANCE AND ADMINISTRATION

NO. 004

SUBJECT Sale of Historical Calendars

INDEX FA

DATE 9/4/90
ISSUED

DATE
REVISED

POLICY

Historical calendars can be sold by the City, on behalf of the Historical Committee. The City Council will review and approve similar requests by other Committees on an individual basis.

RECOMMENDED BY:

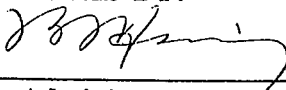


Department Head/Council Committee (if applicable)

3/5/99

Date

APPROVED BY:



City Administrator

3/5/99

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

*FINANCE AND ADMINISTRATION

NO. 019

SUBJECT Funeral Leave

INDEX FA

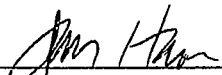
DATE 4/16/97
ISSUED

DATE
REVISED

POLICY

The City Administrator is authorized to grant funeral leave as circumstances warrant or to extend the list covered individuals as he deems appropriate. He is required to report to the Finance and Administration Committee any exceptions granted on an annual basis.

RECOMMENDED BY:

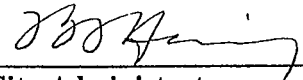


Department Head/Council Committee (if applicable)

3/5/99

Date

APPROVED BY:



City Administrator

3/5/99

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

FINANCE AND ADMINISTRATION

NO. 028

SUBJECT CCDC Request Regarding Future
Funding Contribution Tied To Business
License Fees

INDEX FA

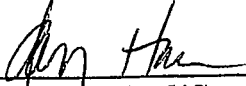
DATE
ISSUED 8/16/1999

DATE
REVISED

POLICY

The CCDC annual appropriation comes from General Fund revenues and funding for the CCDC is included in the five-year budget.

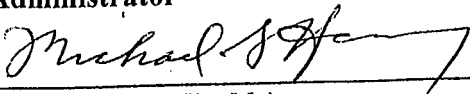
RECOMMENDED BY:


Department Head/Council Committee (if applicable)

9/7/99
Date

APPROVED BY:

City Administrator


City Council (if applicable)

Date

8/16/99
Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

FINANCE AND ADMINISTRATION

NO. 031

SUBJECT City Council Committees

INDEX FA

DATE

DATE

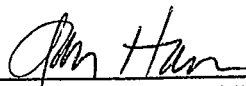
ISSUED 8/16/1999

REVISED

POLICY

Each Ward will be represented by a Chairperson on one of the four Council Committees.

RECOMMENDED BY:

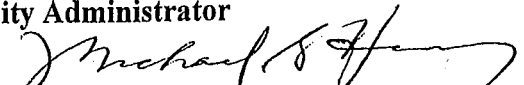


Department Head/Council Committee (if applicable)

9/7/99

Date

APPROVED BY:

City Administrator


City Council (if applicable)

Date
8/16/99

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

FINANCE AND ADMINISTRATION

NO. 033

SUBJECT Public Displays of Arts/Artifacts on
City Property

INDEX FA

DATE

DATE

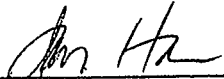
ISSUED 10/18/1999

REVISED

POLICY

Public displays of arts/artifacts are embraced/encouraged on City property and within City-owned buildings.

RECOMMENDED BY:



Department Head/Council Committee (if applicable)

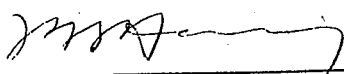
10/20/99

Date

APPROVED BY:

City Administrator

Date



City Council (if applicable)

10/18/99

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

FINANCE AND ADMINISTRATION

NO. 034

SUBJECT Marriage between Employees/Hiring
Related Employees

INDEX FA

DATE
ISSUED February 7, 2000

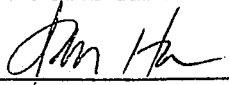
DATE
REVISED

POLICY

The marriage of two employees or hiring of related employees will no longer require one of the employees to leave employment with the City. However, should employees within the same department/division decide to marry and/or should a supervisor and a subordinate, in the same department, decide to marry, one of the employees will be required to either secure a reassignment to another department, assuming another job would be available, or he/she must leave employment with the City.

Even though the marriage of employees or hiring of related employees is no longer prohibited, employees could be subject to disciplinary action, if their marriage/divorce/relationship becomes disruptive to the work environment.

RECOMMENDED BY:



Department Head/Council Committee (if applicable)

5/11/00

Date

APPROVED BY:



City Administrator

5/11/00

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
Recommend Elimination

FINANCE AND ADMINISTRATION

NO. 37

SUBJECT President Pro Tem Selection

INDEX FA

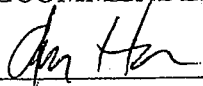
DATE
ISSUED 3/18/02

DATE
REVISED

POLICY

The selection of the President Pro Tem will be by written ballot and the ballots will be counted and read up front in the public session.

RECOMMENDED BY:



Department Head/Council Committee (if applicable)

3/19/02

Date

APPROVED BY:

City Administrator


City Council (if applicable)

Date
3/18/02

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
To be Replaced

*FINANCE AND ADMINISTRATION

NO. 012

SUBJECT Legal Requirements for Notices

INDEX FA

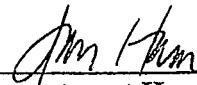
DATE 10/5/92
ISSUED

DATE
REVISED

POLICY

Legal requirements for notices are to be placed in the St. Louis Countian. Notices for bids are to be placed in the Business Journal. Other notices/advertisements are to be placed in the Chesterfield Journal.

RECOMMENDED BY:

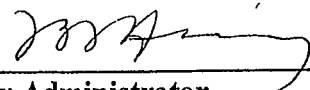


Department Head/Council Committee (if applicable)

3/5/99

Date

APPROVED BY:



City Administrator

3/5/99

Date

City Council (if applicable)

Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT **Legal Requirements
for Notices**

INDEX

FA

DATE

DATE

ISSUED

10/5/92

REVISED

POLICY:

Legal requirements for notices are to be placed in the St. Louis Countian. Notices for bids are to be placed in the Business Journal. Other notices/advertisements are to be placed in the St. Louis Countian.

RECOMMENDED BY:

Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

*Existing Policy
To be Replaced*

*FINANCE AND ADMINISTRATION

NO. 014

SUBJECT Investment Policy

INDEX FA

DATE 12/21/92
ISSUED

DATE 10/7/02
REVISED

POLICY

I. Scope

This investment policy applies to all short-term operating funds of the City of Chesterfield.

A. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

1. General Fund
2. Special Revenue Funds
3. Debt Service Funds
4. Capital Projects Funds
5. Trust and Agency Funds

B. Longer-term funds, including the City's retirement fund, are excluded.

C. Pooling of Funds – Except for cash in certain restricted and special funds, the City of Chesterfield will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield:

1. Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

- a. Credit Risk – The City of Chesterfield will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - o Limiting investments to the safest types of securities

- Pre-qualifying the financial institutions, broker/dealers, intermediaries and advisers with which the City will do business
 - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- b. Interest Rate Risk – The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:
- Structuring the portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
 - Investing operating funds primarily in shorter-term securities, money market funds, or similar pools.
2. Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accommodated by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.
3. Yield – The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
- A security with declining credit may be sold early to minimize loss of principal.
 - A security swap would improve the quality, yield, or target duration in the portfolio.
 - Liquidity needs of the portfolio require that the security be sold.

III. Standards of Care

1. Prudence - The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sales of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligences exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

2. Ethics and Conflicts of Interest – Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. Delegation of Authority - Authority to manage the City's investment program is derived from the Missouri Constitution Article IV, Section 15. Responsibility for the investment program is hereby delegated to the Director of Finance and Administration, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, delivery versus payment, investment accounting, repurchase agreements, wire transfer agreements and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Director of Finance and Administration. The Director of Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

IV. Safekeeping and Custody

1. Authorized Financial Dealers and Institutions - A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,00 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Security and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following, as appropriate:

- Audited financial statements
- Proof of National Association of Securities Dealers (NASD) certification
- Proof of State registration
- Completed broker/dealer questionnaire
- Certification of having read and understood and agreeing to comply with the City's investment policy

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the Director of Finance and Administration.

2. Internal Controls – The Director of Finance and Administration is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Director of Finance and Administration shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development of a wire transfer agreement with the lead bank and third-party custodian

3. Delivery vs. Payment – All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

V. Authorized & Suitable Investments

1. Investment Types – The following investments will be permitted by this policy and are those defined by state and local laws, where applicable:

- U.S. government obligations, U.S. government agency obligations and U.S. government instrumentality obligations, which have a liquid market with a readily determinable market value;
- Certificates of deposit and other evidences of deposit at financial institutions;
- Repurchase agreements whose underlying purchased securities consist of the foregoing;
- Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
- Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation.

Investment in derivatives of the above instruments shall require authorization by the City Council.

2. Collateralization – Full collateralization will be required for on non-negotiable certificates of deposit.

3. Repurchase Agreements – The Director of Finance and Administration shall exercise special caution in selecting and evaluating the creditworthiness of parties with whom repurchase transactions are conducted and shall be able to identify the parties acting as principals to the transaction. Safekeeping shall be performed by a third-party custodian. Duties of the custodian (either direct or tri-party) shall be outlined in a written agreement. The purchased securities associated with the repurchase agreement should have a market value in excess of the value of the repurchase agreement (called margin, "haircut," or over securitization). Market valuing the purchased securities regularly during the term of the repurchase agreement shall be a mandatory practice in order to ensure the purchased securities maintain sufficient market value. A master repurchase agreements shall be employed, subject to appropriate legal and technical review.

VI. Investment Parameters

1. Diversification – The investments shall be diversified by:
 - Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
 - Limiting investments in securities that have higher credit risks;
 - Investing in securities with varying maturities, and
 - Continuously investing a portion of the portfolio in readily available funds, such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.
2. Maximum Maturities – To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in security maturing more than five (5) years from the date of purchase, unless circumstances warrant other consideration, as approved by the City Administrator. The City shall adopt a weighted average maturity limitation consistent with the investment objective.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the City Council.

Because of the inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds, such as LGIPs, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing operations.

VII. Reporting

1. Methods – The Director of Finance and Administration shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report shall be provided to the City Council. The report shall include the following:

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses resulting from appreciation or duration that are not intended to be held until maturity.
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- Listing of investment by maturity date.
- Percentage of the total portfolio which each type of investment represents

2. Performance Standards -

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.

3. Marking to Market – The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly.

VIII. Policy Considerations

1. Exemption – Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

2. Amendments – This policy shall be reviewed by the Director of Finance and Administration on an annual basis. Any changes must be approved by the City Council.

Appendix 1: Glossary of Cash Management Terms

Accrued Interest - The accumulated interest due on a bond as of the last interest payment made by the issuer.

Agency - A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

Amortization - The systematic reduction of the amount owed on a debt issue through periodic payments of principal.

Average Life - The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Basis Point - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value - The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

Callable Bond - A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Call Price - The price at which an issuer may redeem a bond prior to maturity. The price is usually at a slight premium to the bond's original issue price to compensate the holder for loss of income and ownership.

Call Risk - The risk to a bondholder that a bond may be redeemed prior to maturity.

Cash Sale/Purchase - A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

Convexity - A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Coupon Rate - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

Credit Quality - The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of

default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Current Yield (Current Return) - A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount - The amount by which the par value of a security exceeds the price paid for the security.

Diversification - A process of investing assets among a range of security types by sector, maturity and quality **rating**.

Duration - A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Fair Value - The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Federal Funds (Fed Funds) - Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.

Federal Funds Rate - Interest rate charged by one institution lending federal funds to the other.

Government Securities - An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes and Bonds."

Interest Rate - See "Coupon Rate."

Interest Rate Risk - The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

Control of collusion - Collusion is a situation where two or more employees are working in conjunction to defraud their employer.

Separation of transaction authority from accounting and record keeping - By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.

Custodial safekeeping - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

Avoidance of physical delivery securities - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

Clear delegation of authority to subordinate staff members - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

Written confirmation of transactions for investments and wire transfers - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

Development of a wire transfer agreement with the lead bank and third-party custodian - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions and responsibilities of each party making and receiving wire transfers.

Inverted Yield Curve - A chart formation that illustrates long-term securities having lower yields than short-term securities. This configuration usually occurs during periods of high inflation coupled with low levels of confidence in the economy and a restrictive monetary policy.

Investment Company Act of 1940 - Federal legislation which sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements and securities valuations.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Investment-grade Obligations - An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.

Liquidity - An asset that can be converted easily and quickly into cash.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds.

Mark-to-market - The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Risk - The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value - Current market price of a security.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mutual Fund - An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

1. Report standardized performance calculations.
2. Disseminate timely and accurate information regarding the fund's holdings, performance, management and general investment policy.
3. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund.
4. Maintain the daily liquidity of the fund's shares.
5. Value their portfolios on a daily basis.
6. Have all individuals who sell SEC-registered products licensed with a self-regulating organization (SRO) such as the National Association of Securities Dealers (NASD).
7. Have an investment policy governed by a prospectus which is updated and filed by the SEC annually.

Mutual Fund Statistical Services - Companies that track and rate mutual funds, e.g., IBC/Donoghue, Lipper Analytical Services and Morningstar.

National Association of Securities Dealers (NASD) - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value - The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)
$$[(\text{Total assets}) - (\text{Liabilities})] / (\text{Number of shares outstanding})$$

No Load Fund - A mutual fund which does not levy a sales charge on the purchase of its shares.

Nominal Yield - The stated rate of interest that a bond pays its current owner, based on par value of the security. It is also known as the "coupon," "coupon rate," or "interest rate."

Offer - An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "Ask price."

Par - Face value or principal value of a bond, typically \$1,000 per bond.

Positive Yield Curve - A chart formation that illustrates short-term securities having lower yields than long-term securities.

Premium - The amount by which the price paid for a security exceeds the security's par value.

Prime Rate - A preferred interest rate charged by commercial banks to their most creditworthy customers. Many interest rates are keyed to this rate.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prospectus - A legal document that must be provided to any prospective purchaser of a new securities offering registered with the SEC. This can include information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management and certain certified financial statements.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Regular Way Delivery - Securities settlement that calls for delivery and payment on the third business day following the trade date (T+3); payment on a T+1 basis is currently under consideration. Mutual funds are settled on a same day basis; government securities are settled on the next business day.

Reinvestment Risk - The risk that a fixed-income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

Repurchase Agreement (repo or RP) - An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Rule 2a-7 of the Investment Company Act - Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13- month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of one dollar (\$1.00).

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Serial Bond - A bond issue, usually of a municipality, with various maturity dates scheduled at regular intervals until the entire issue is retired.

Sinking Fund - Money accumulated on a regular basis in a separate custodial account that is used to redeem debt securities or preferred stock issues.

Swap - Trading one asset for another.

Term Bond - Bonds comprising a large part or all of a particular issue which come due in a single maturity. The issuer usually agrees to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. $(\text{Price Appreciation}) + (\text{Dividends paid}) + (\text{Capital gains}) = \text{Total Return}$

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

Treasury Bonds - Long-term U.S. government debt securities with maturities of ten years or longer and issued in minimum denominations of \$1,000. Currently, the longest outstanding maturity for such securities is 30 years.

Uniform Net Capital Rule - SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

Volatility - A degree of fluctuation in the price and valuation of securities.

"Volatility Risk" Rating - A rating system to clearly indicate the level of volatility and other non-credit risks associated with securities and certain bond funds. The ratings for bond funds range from those that have extremely low sensitivity to changing market conditions and offer the greatest stability of the returns ("aaa" by S&P; "V-1" by Fitch) to those that are highly sensitive with currently identifiable market volatility risk ("ccc-" by S&P, "V-10" by Fitch).

Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio. According to SEC rule 2a-7, the WAM for SEC registered money market mutual funds may not exceed 90 days and no one security may have a maturity that exceeds 397 days.

When Issued (WI) - A conditional transaction in which an authorized new security has not been issued. All "when issued" transactions are settled when the actual security is issued.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

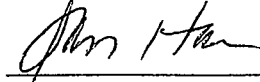
Yield-to-call (YTC) - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date. **Yield Curve** - A graphic representation that depicts the relationship at a given point in time between yields and

maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities - Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

RECOMMENDED BY:



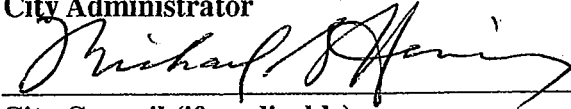
Department Head/Council Committee (if applicable)

10/8/02

Date

APPROVED BY:

City Administrator



City Council (if applicable)

Date

10/8/02

Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT **Investment Policy**

INDEX

FA

**DATE
ISSUED** **12/21/92**

DATE **10/7/02**
REVISED

POLICY:

I. Scope

This investment policy applies to all short-term operating funds of the City of Chesterfield.

A. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

1. General Fund
2. Special Revenue Fund
3. Debt Service Funds
4. Capital Projects Funds
5. Trust and Agency Funds

B. Longer-term funds, including the City's retirement fund, are excluded.

C. Pooling of Funds — Except for cash in certain restricted and special funds, the City of Chesterfield will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity and yield:

1. Safety — Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

- a. Credit Risk — The City of Chesterfield will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - Limiting investments to the safest types of securities
 - Pre-qualifying the financial institutions, broker/dealers, intermediaries and advisors with which the City will do business
 - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- b. Interest Rate Risk — The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:
 - Structuring the portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
 - Investing operating funds primarily in shorter-term securities, money market funds, or similar pools.
2. Liquidity — The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accommodated by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.
3. Yield — The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
 - A security with declining credit may be sold early to minimize loss of principal.
 - A security swap would improve the quality, yield, or target duration in the portfolio.
 - Liquidity needs of the portfolio require that the security be sold.

III. Standards of Care

1. Prudence — The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sales of securities are carried out in accordance with the terms of this policy.

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2. Ethics and Conflicts of Interest — Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.
3. Delegation of Authority — Authority to manage the City's investment program is derived from the Missouri Constitution Article IV, Section 15. Responsibility for the investment program is hereby delegated to the Finance Director, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, delivery versus payment, investment accounting, repurchase agreements, wire transfer agreements and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

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1. Investment Types — The following investments will be permitted by this policy and are those defined by state and local laws, where applicable:
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 - Certificates of deposit and other evidences of deposit at financial institutions;
 - Repurchase agreements whose underlying purchased securities consist of the foregoing;
 - Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
 - Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation.

Investment in derivatives of the above instruments shall require authorization by the City Council.

2. Collateralization — Full collateralization will be required for non-negotiable certificates of deposit.
3. Repurchase Agreements—The Finance Director shall exercise special caution in selecting and evaluating the creditworthiness of parties with whom repurchase transactions are conducted and shall be able to identify the parties acting as principals to the transaction. Safekeeping shall be performed by a third-party custodian. Duties of the custodian (either direct or triparty) shall be outlined in a written agreement. The purchased securities associated with the repurchase agreement should have a market value in excess of the value of the repurchase agreement (called margin, "haircut," or over securitization). Market valuing the purchased securities regularly during the term of the repurchase agreement shall be a mandatory practice in order to ensure the

purchased securities maintain sufficient market value. A master repurchase agreements shall be employed, subject to appropriate legal and technical review.

VI. Investment Parameters

1. Diversification—The investments shall be diversified by:
 - Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
 - Limiting investments in securities that have higher credit risks;
 - Investing in securities with varying maturities, and
 - Continuously investing a portion of the portfolio in readily available funds, such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.
2. Maximum Maturities — To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in security maturing more than five (5) years from the date of purchase, unless circumstances warrant other consideration, as approved by the City Administrator. The City shall adopt a weighted average maturity limitation consistent with the investment objective.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the City Council.

Because of the inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds, such as LGIPs, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing operations.

VII. Reporting

1. Methods — The Finance Director shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment

policy. The report shall be provided to the City Council. The report shall include the following:

- Listing of individual securities held at the end of the reporting period
 - Realized and unrealized gains or losses resulting from appreciation or duration that are not intended to be held until maturity
 - Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks
 - Listing of investment by maturity date
 - Percentage of the total portfolio which case type of investment represents
2. Performance Standards — The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.
3. Marking to Market — The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly.

VIII. Policy Considerations

1. Exemption — Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
2. Amendments — This policy shall be reviewed by the Finance Director on an annual basis. Any changes must be approved by the City Council.

Appendix 1: Glossary of Cash Management Terms

Accrued Interest - The accumulated interest due on a bond as of the last interest payment made by the issuer.

Agency - A debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

Amortization - The systematic reduction of the amount, owed on a debt issue through periodic payments of principal.

Average Life - The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

Basis Point - A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value - The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

Callable Bond - A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

Call Price - The price at which an issuer may redeem a bond prior to maturity. The price is usually at a slight premium to the bond's original issue price to compensate the holder for loss of income and ownership.

Call Risk - The risk to a bondholder that a bond may be redeemed prior to maturity.

Cash Sale/Purchase - A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

Convexity - A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

Coupon Rate - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

Credit Quality - The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Current Yield (Current Return) - A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount - The amount by which the par value of a security exceeds the price paid for the security.

Diversification - A process of investing assets among a range of security types by sector, maturity and quality **rating**.

Duration - A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Fair Value - The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

Federal Funds (Fed Funds) - Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.

Federal Funds Rate - Interest rate charged by one institution lending federal funds to the other.

Government Securities - An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See "Treasury Bills, Notes and Bonds."

Interest Rate - See "Coupon Rate."

Interest Rate Risk - The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

Control of collusion - Collusion is a situation where two or more employees are working in conjunction to defraud their employer

Separation of transaction authority from accounting and record keeping - By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.

Custodial safekeeping - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

Avoidance of physical delivery securities - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

Clear delegation of authority to subordinate staff members - Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

Written confirmation of transactions for investments and wire transfers - Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

Development of a wire transfer agreement with the lead bank and third-party custodian - The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions and responsibilities of each party making and receiving wire transfers.

Inverted Yield Curve - A chart formation that illustrates long-term securities having lower yields than short-term securities. This configuration usually occurs during periods of high inflation coupled with low levels of confidence in the economy and a restrictive monetary policy.

Investment Company Act of 1940 - Federal legislation which sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements and securities valuations.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

Investment-grade Obligations - An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.

Liquidity - An asset that can be converted easily and quickly into cash.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds.

Mark-to-market - The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

Market Risk – The risk that the value of a security will rise or decline as a result of changes in market conditions

Market Value - Current market price of a security.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mutual Fund - An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

1. Report standardized performance calculations.
2. Disseminate timely and accurate information regarding the fund's holdings, performance, management and general investment policy.
3. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund.
4. Maintain the daily liquidity of the fund's shares.
5. Value their portfolios on a daily basis.
6. Have all individuals who sell SEC-registered products licensed with a self-regulating organization (**SRO**) such as the National Association of Securities Dealers (**NASD**).
7. Have an investment policy governed by a prospectus which is updated and filed by the SEC annually.

Mutual Fund Statistical Services - Companies that track and rate mutual funds, e.g., IBC/Donoghue, Lipper Analytical Services and Morningstar.

National Association of Securities Dealers (NASD) - A self-regulatory organization (**SRO**) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value - The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding.

This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.) $[(\text{Total assets}) - (\text{Liabilities})] / (\text{Number of shares outstanding})$

No Load Fund - A mutual fund which does not levy a sales charge on the purchase of its shares.

Nominal Yield - The stated rate of interest that a bond pays its current owner, based on par value of the security. It is also known as the "coupon," "coupon rate," or "interest rate."

Offer - An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "Ask price."

Par - Face value or principal value of a bond, typically \$1,000 per bond.

Positive Yield Curve - A chart formation that illustrates short-term securities having lower yields than long-term securities.

Premium - The amount by which the price paid for a security exceeds the security's par value.

Prime Rate - A preferred interest rate charged by commercial banks to their most creditworthy customers. Many interest rates are keyed to this rate.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prospectus - A legal document that must be provided to any prospective purchaser of a new securities offering registered with the SEC. This can include information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management and certain certified financial statements.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Regular Way Delivery - Securities settlement that calls for delivery and payment on the third business day following the trade date (T+3); payment on a T+1 basis is currently under consideration. Mutual funds are settled on a same day basis; government securities are settled on the next business day.

Reinvestment Risk - The risk that a fixed-income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

Repurchase Agreement (repo or RP) - An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Rule 2a-7 of the Investment Company Act - Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13- month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of one dollar (\$1.00).

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Serial Bond - A bond issue, usually of a municipality, with various maturity dates scheduled at regular intervals until the entire issue is retired.

Sinking Fund - Money accumulated on a regular basis in a separate custodial account that is used to redeem debt securities or preferred stock issues.

Swap - Trading one asset for another.

Term Bond - Bonds comprising a large part or all of a particular issue which come due in a single maturity. The issuer usually agrees to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period.
$$(\text{Price Appreciation}) + (\text{Dividends paid}) + (\text{Capital gains}) = \text{Total Return}$$

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

Treasury Bonds - Long-term U.S. government debt securities with maturities of ten years or longer and issued in minimum denominations of \$1,000. Currently, the longest outstanding maturity for such securities is 30 years.

Uniform Net Capital Rule - SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

Volatility - A degree of fluctuation in the price and valuation of securities.

"Volatility Risk" Rating - A rating system to clearly indicate the level of volatility and other non-credit risks associated with securities and certain bond funds. The ratings for bond funds range from those that have extremely low sensitivity to changing market conditions and offer the greatest stability of the returns ("aaa" by S&P; "V-1" by Fitch) to those that are highly sensitive with currently identifiable market volatility risk ("ccc-" by S&P, "V-10" by Fitch).

Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio. According to SEC rule 2a-7, the WAM for SEC registered money market mutual funds may not exceed 90 days and no one security may have a maturity that exceeds 397 days.

When Issued (WI) - A conditional transaction in which an authorized new security has not been issued. All "when issued" transactions are settled when the actual security is issued.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

Yield-to-call (YTC) - The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date. **Yield Curve** - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

Zero-coupon Securities - Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

RECOMMENDED BY:

Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

Existing Policy
To be Replaced

FINANCE AND ADMINISTRATION

NO. 18

SUBJECT Flowers/Contributions

INDEX FA

DATE 6/19/95
ISSUED

DATE 11/26/12
REVISED

POLICY

The City of Chesterfield will purchase flowers in the amount of \$50 PLUS delivery or send \$50 memorial contribution on behalf of the City and all its officials, employees, and reserve officers when an immediate family member of the official, employee, reserve officer or spouse of same passes away. Immediate family is defined as parents, spouse, children, siblings, or grandparents, including any great, step or in-law relationships and any relative permanently residing in the same home as the official, employee, or reserve officers. Flowers will also be sent to hospitalized officials, employees, or reserve officers or their immediate family at the discretion of the management in such instances.

All flowers or contributions will be coordinated by the Employee Services Administrator and charged to the Central Services account 001-036-5255.

RECOMMENDED BY:

Libby Tucker 11/26/12
Department Head, Director or Council Committee (if applicable) Date

APPROVED BY:

Michael J. [Signature] 11/26/12
City Administrator Date

City Council (if applicable)

Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT **Flowers/Contributions**

INDEX

FA

**DATE
ISSUED** **6/19/95**

DATE **11/26/12**
REVISED

POLICY:

The City of Chesterfield will purchase flowers in the amount of \$50 PLUS delivery or send \$50 memorial contribution on behalf of the City and all its officials, employees, and reserve officers when an immediate family member of the official, employee, reserve officer or spouse of same passes away. Immediate family is defined as parents, spouse, children, siblings, or grandparents, including any great, step or in-law relationships and any relative permanently residing in the same home as the official, employee, or reserve officers. Flowers will also be sent to hospitalized officials, employees, or reserve officers or their immediate family at the discretion of the management in such instances.

All flowers or contributions will be coordinated by the Employee Services Administrator and charged to the Central Services account 001-036-5225.

RECOMMENDED BY:

Liliana Tucker
Department Head/Director/Council Committee (if applicable)

11/26/12
Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Existing Policy
To be Replaced*

FINANCE AND ADMINISTRATION

NO. 41

**SUBJECT RECRUITMENT & EQUAL
EMPLOYMENT OPPORTUNITY
PLAN**

INDEX FA

**DATE
ISSUED 10/7/02**

**DATE
REVISED**

STATEMENT OF POLICY

It is the policy of the City of Chesterfield ("the City") to provide equal opportunity in employment to all qualified employees and applicants. To this end, the City will recruit, hire and promote for all positions in the City without regard to race, color, religion, national origin, disability, age or sex.

The City is also aware of the special employment problems of qualified individuals with disabilities and all veterans and its personnel policies shall support the needs of these persons.

Pursuant to these policies, the City will base its employment decisions solely upon an individual's qualifications for the position being filled and will make promotion decisions only on an individual's qualifications as related to the requirements of the position being considered.

These policies will also ensure that all employment related matters, such as compensation, benefits, transfers, dismissals, City sponsored training, education, social and recreational programs will be administered and provided without regard to race, color, religion, national origin, disability, age or sex.

STATEMENT OF RESPONSIBILITY

The Director of Finance & Administration (the "Director") shall be responsible for overseeing the implementation of the Equal Employment Opportunity Policy (the "Policy"). The Director may issue instructions to clarify or facilitate implementation and enforcement of this Policy. If there is a violation of the Policy by an employee, the Director shall notify the appropriate Department Head who shall take disciplinary action as appropriate. The Director is accountable to the City Administrator for all aspects of this Policy. In addition to overseeing the Policy, the Director shall have the following responsibilities:

- A. Coordinate overall compliance with the City's Equal Employment Opportunity Policy.
- B. Evaluate the job requirements and hiring criteria for all positions in the City to ensure that no discriminatory practices exist.
- C. Review the requirements for promotions for all positions and the qualification of employees in each position to ensure that members of the protected classes are given equal opportunity for advancement and promotion.
- D. Prepare and file the required Equal Employment Opportunity (EEO) reports.
- E. Serve as liaison between the City and other equal opportunity enforcement agencies, such as minority and women's organizations.
- F. Ensure that EEO posters are properly displayed, that facilities are desegregated and in fact accessible to all employees, and ensure that minority, female and persons with disabilities and veterans are encouraged to participate in all City education, training, recreational and social activities.
- G. Receive, investigate, and attempt conciliation of complaints of discrimination filed by employees or applicants as outlined in the COMPLAINT PROCEDURE section of this Policy.

COMMUNICATION OF POLICY

In order to adequately disseminate the City's Policy of equal opportunity in employment, the City will:

- 1) have the policy publicized in available media,
- 2) conduct meetings with all Department Heads to explain the intent of the Policy and individual responsibility for effective implementation: where advisable schedule meetings with other employees to discuss the Policy and explain individual employee responsibilities,
- 3) ensure that the Policy is thoroughly discussed in both employee orientation and training programs,
- 4) provide Department Heads and supervisors and all employees engaged in recruiting, hiring, discharging or in any other means or manner controlling or affecting terms or conditions of employment with a copy of the City's

Policy. The City will continue to post EEO posters in conspicuous places in the City.

RECRUITMENT

The City will select employees on the basis of their qualifications, abilities and potential without regard to race, color, religion, sex, disability, age or national origin.

Qualifications as evidenced by education, training, experience, skill and potential shall continue to be the determining criteria.

The City will review its employment practices to assure it is providing for the employment and advancement of qualified individuals with disabilities. Based upon the findings of such reviews, the City will undertake appropriate outreach and positive recruitment activities.

The City agrees to identify itself as an Equal Employment Employer in all employment advertising. Job examinations shall be used only to measure knowledge, skills and abilities necessary to perform specifically defined job-related functions.

HIRING PROCESS

Any individual contacting the City in person for employment will be authorized to file an application *if vacancies exist at that time*. Employment applications submitted by such persons will be reviewed by the City and will be either acted upon or held in the file for consideration for other appropriate positions as may become available or for further evidence of qualifications.

Qualifications for Employment

The City will continue to review its current job qualifications, including all mental and physical qualifications, to ensure that they are validly related to the requirements of the job. In addition, all employees involved in interviewing applicants shall be trained to evaluate the applicant's ability and potential to perform the job for which the applicant has applied. Also, employees shall know the job requirements as defined in the City's job descriptions so that selection will be based primarily on relevant, objective standards.

PROMOTIONS

All job openings shall be posted at City Hall and on all designated City bulletin boards for a minimum of five (5) days. No employee shall be discouraged or prevented from applying for any vacancy for which he/she is qualified.

Education, past work experience and experience gained in employment with the City shall be considered when evaluating an employee's qualifications for promotion.

Department Heads and supervisors shall encourage all employees (who have increased their skills and job potential) to apply and compete for promotions.

TRAINING AND EVALUATION

The City will identify through internal announcement any new or proposed training programs and will encourage all employees to participate in training programs in which the City is engaged.

All such training and educational programs will be conducted in a manner to assure that qualified candidates are given an equal opportunity to participate.

Employees will be advanced and promoted at all levels solely on the basis of the individual's performance, achievements, ability and potential.

The City will appraise all employees, including minority group, female, disabled and veteran employees, who appear to have potential for advancement into supervisory and management positions.

COMPENSATION AND EMPLOYEE BENEFITS

All employee benefits and compensation programs are administered without regard to race, religion, color, sex, age, national origin or disability. Any compensation paid to qualified disabled workers, disabled veterans or veterans of the Vietnam era shall not be reduced because of any disability income, pension or other benefit the employee or applicant receives from another source.

COMPLAINT PROCEDURE

Any employee who wants to submit a complaint alleging discrimination relative to salary, benefits, hiring, promotion, termination, discipline or any other term or condition of employment should use the complaint procedure as set forth in this Section:

- A. Any complaint alleging discrimination relative to any term or condition of employment should be submitted to the Director of Finance & Administration, 690 Chesterfield Parkway West, Chesterfield, MO 63017.

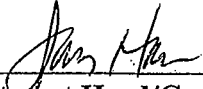
- B. Any such complaint should be filed in writing and include the name, address and telephone number of the person filing it, and including specific facts upon which the claimed discrimination is based.
- C. Any complaints should be filed within ten (10) calendar days after the occurrence of the facts giving rise to any alleged discrimination.
- D. A prompt investigation shall follow the filing of any complaint. The investigation shall be informal, provided however; any interested person shall be provided the opportunity to submit evidence relevant to the complaint.
- E. The Director of Finance & Administration shall issue a written determination following the investigation, as to the merits of the complaint and the proposed resolution, if any. The written determination shall be issued within thirty (30) calendar days after filing of the complaint unless both parties agree to an extension.
- F. If the complainant is dissatisfied with the written determination or recommended resolution of the complaint, a request for reconsideration may be filed with the City Administrator within ten (10) calendar days following receipt of the determination issued by the Director of Finance & Administration.
- G. Upon filing of any request for reconsideration, the City Administrator shall issue a written determination as to the merits of the complaint and the proposed resolution, if any, within twenty (20) calendar days of the filing of the request for reconsideration. The City Administrator's determination shall be final.

No employee shall be subject to disciplinary action, reduction of employment status or benefits, discrimination in employment, promotion, wages or transfer as a result of filing a complaint under this Policy.

FACILITIES AND ACTIVITIES

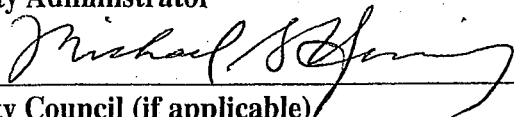
All City facilities are maintained and will continue to be maintained on a non-segregated basis without regard to race, color, religion, age, national origin or disability and shall be accessible as soon as practicable to all City workers with disabilities on a nondiscriminatory basis, as are City sponsored employee recreational or social activities, The City will continue its interest in community, and industry programs designed to promote equal opportunity for all employees.

RECOMMENDED BY:


Department Head/Council Committee (if applicable)

10/15/02
Date

APPROVED BY:

City Administrator

City Council (if applicable)

Date
10/7/02
Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

**SUBJECT Recruitment & Equal
 Employment Opportunity
 Plan**

INDEX

FA

**DATE
ISSUED 10/7/02**

**DATE
REVISED**

STATEMENT OF POLICY:

The City of Chesterfield ("the City") provides equal employment opportunity to all employees and applicants and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristics protected by federal, state, or local laws. The City complies with applicable federal, state, and local nondiscrimination requirements at every location in which the City operates and/or has facilities. The Equal Employment Opportunity Policy applies to all terms and conditions of employment including but not limited to the following: recruiting; hiring; placement; promotion; termination; layoff; recall; transfer; leaves of absence; compensation; and City sponsored training, education, social, and recreational programs.

Pursuant to these policies, the City will base its employment decisions solely upon an individual's qualifications for the position being filled. Likewise, the City will make promotion decisions only on an individual's previous performance and qualifications as related to the requirements of the position being considered.

The City's personnel policies shall support the needs of persons with qualified disabilities and protected veteran status; the City will reasonably accommodate qualified individuals so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City.

The Equal Employment Opportunity Policy ensures that all terms and conditions related to employment matters (such as recruiting, hiring, placement, training, promotion, termination, etc.) will be administered solely based on an individual's qualifications and provided without regard to any characteristics protected by law including but not limited to race, color, religion, age, sex, national origin,

disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, etc.

STATEMENT OF RESPONSIBILITY

The Finance Director (the "Director") shall be responsible for overseeing the implementation of the Equal Employment Opportunity Policy (the "Policy"). The Director may issue instructions to clarify or facilitate implementation and enforcement of this Policy. If there is a violation of the Policy by an employee, the Director shall notify the appropriate Department Head who shall take disciplinary action as appropriate. The Director is accountable to the City Administrator for all aspects of this Policy. In addition to overseeing the Policy, the Director shall have the following responsibilities:

- A. Coordinate overall compliance with the City's Equal Employment Opportunity Policy
- B. Evaluate the job requirements and hiring criteria for all positions in the City to ensure no discriminatory practices exist.
- C. Review the requirements for promotions for all positions and the qualification of employees in each position to ensure that members of the protected classes are given equal opportunity for advancement and promotion.
- D. Prepare and file the required Equal Employment Opportunity (EEO) reports.
- E. Serve as liaison between the City and other equal opportunity enforcement agencies, such as minority and women's organizations.
- F. Ensure that EEO posters are properly displayed, that facilities are desegregated and in fact accessible to all employees, and ensure that minority, female and persons with disabilities and veterans are encouraged to participate in all City education, training, recreational and social activities.
- G. Receive, investigate, and attempt conciliation of complaints of discrimination filed by employees or applicants as outlined in the COMPLAINT PROCEDURE section of this Policy.

COMMUNICATION OF POLICY

In order to adequately determine the City's Policy of equal opportunity in employment, the City will:

- 1) Have the policy publicized in available media.
- 2) Conduct meetings with all Department Heads to explain the intent of the Policy and individual responsibility for effective implementation: where advisable schedule meetings with other employees to discuss the Policy and explain individual employee responsibilities,
- 3) Ensure that the Policy is thoroughly discussed in both employee orientation and training programs,
- 4) Provide Department Heads and supervisors and all employees engaged in recruiting, hiring, discharging or in any other means or manner controlling or affecting terms or conditions of employment with a copy of the City's Policy. The City will post EEO posters in conspicuous places in the City.

RECRUITMENT

The City will select employees on the basis of their qualifications, abilities and potential without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws.

Qualifications as evidenced by education, training, experience, skill, and potential shall continue to be the determining criteria.

The City will review its employment practices to assure it is providing for the employment and advancement of qualified individuals with disabilities. Based upon the findings of such reviews, the City will undertake appropriate outreach and positive recruitment activities.

The City agrees to identify itself as an Equal Employment Employer in all employment advertising. Job examinations shall be used only to measure knowledge, skills and abilities necessary to perform specifically defined job-related functions.

HIRING PROCESS

All job openings shall be posted at City Hall and on all designated City bulletin boards for a minimum of five (5) days.

Any individual contacting the City in person for employment will be authorized to file an application *if vacancies exist at that time*. Employment applications submitted by such persons will be reviewed by the City and will be either acted upon or held in the file for consideration for other appropriate positions as may become available or for further evidence of qualifications.

No employee shall be discouraged or prevented from applying for any vacancy for which he/she is qualified. Education, past work experience and experience gained in employment with the City shall be considered when evaluating an employee's qualifications for promotion. Department Heads and supervisors shall encourage all employees (who have increased their skills and job potential) to apply and compete for promotions.

QUALIFICATIONS FOR EMPLOYMENT

The City will continue to review its current job qualifications, including all mental and physical qualifications, to ensure that they are validly related to the requirements of the job. In addition, all employees involved in interviewing applicants shall be trained to evaluate the applicant's ability and potential to perform the job for which the applicant has applied. Also, employees shall know the job requirements as defined in the City's job descriptions so that selection will be based primarily on relevant, objective standards.

TRAINING AND EVALUATION

The City will identify through internal announcement any new or proposed training programs and will encourage all employees to participate in training programs in which the City is engaged.

All such training and educational programs will be conducted in a manner to assure that qualified candidates are given an equal opportunity to participate.

Employees will be advanced and promoted at all levels solely on the basis of the individual's performance, achievements, ability and potential.

The City will appraise all employees, including minority group, female, disabled and veteran employees, who appear to have potential for advancement into supervisory and management positions.

COMPENSATION AND EMPLOYEE BENEFITS

All employee benefits and compensation programs are administered without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristics protected by federal, state, or local laws. Any compensation paid to qualified disabled workers, disabled veterans or veterans of the Vietnam era shall not be reduced because of any disability income, pension or other benefit the employee or applicant receives from another source.

COMPLAINT PROCEDURE

Any employee who wants to submit a complaint alleging discrimination relative to salary, benefits, hiring, promotion, termination, discipline or any other term or condition of employment should use the complaint procedure as set forth in this Section:

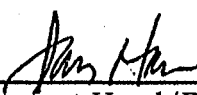
- A. Any complaint alleging discrimination relative to any term or condition of employment should be submitted to the Finance Director, 690 Chesterfield Parkway West, Chesterfield, MO 63017.
- B. Any such complaint should be filed in writing and include the name, address and telephone number of the person filing it, and including specific facts upon which the claimed discrimination is based.
- C. Any complaints should be filed within ten (10) calendar days after the occurrence of the facts giving rise to any alleged discrimination.
- D. A prompt investigation shall follow the filing of any complaint. The investigation shall be informal, provided however; any interested person shall be provided the opportunity to submit evidence relevant to the complaint.
- E. The Finance Director shall issue a written determination following the investigation, as to the merits of the complaint and the proposed resolution, if any. The written determination shall be issued within thirty (30) calendar days after filing of the complaint unless both parties agree to an extension.
- F. If the complainant is dissatisfied with the written determination or recommended resolution of the complaint, a request for reconsideration may be filed with the City Administrator within ten (10) calendar days following receipt of the determination issued by the Finance Director.
- G. Upon filing of any request for reconsideration, the City Administrator shall issue a written determination as to the merits of the complaint and the proposed resolution, if any, within twenty (20) calendar days of the filing of the request for reconsideration. The City Administrator's determination shall be final.

No employee shall be subject to disciplinary action, reduction of employment status or benefits, discrimination in employment, promotion, wages or transfer as a result of filing a complaint under this Policy.

FACILITIES AND ACTIVITIES

All City facilities are maintained and will continue to be maintained on a non-segregated basis without regard to race, color, religion, age, national origin or disability and shall be accessible as soon as practicable to all City workers with disabilities on a nondiscriminatory basis, as are City sponsored employee recreational or social activities, The City will continue its interest in community and industry programs designed to promote equal opportunity for all employees.

RECOMMENDED BY:



Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator


City Council (if applicable)

Date

Date

CITY OF CHESTERFIELD
POLICY STATEMENT

*Existing Policy
To be Replaced*

FINANCE AND ADMINISTRATION

NO. 42

SUBJECT NEIGHBORHOOD IMPROVEMENT
DISTRICT POLICY (NID)

INDEX FA

DATE 8/1/2005
ISSUED

DATE 1/3/2008
REVISED

POLICY

Policy is attached.

RECOMMENDED BY:

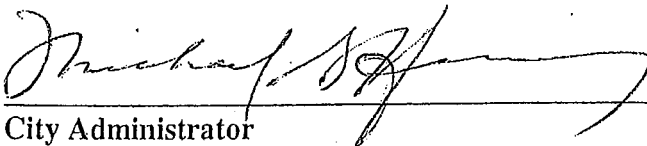


Department Head/Council Committee (if applicable)

1/7/08

Date

APPROVED BY:



City Administrator

1/9/08

Date

City Council (if applicable)

Date

**CITY OF CHESTERFIELD, MISSOURI
NEIGHBORHOOD IMPROVEMENT DISTRICT
POLICY**

INTRODUCTION

One of the more serious issues facing the City of Chesterfield today is how to finance local infrastructure improvements primarily in subdivisions that existed prior to incorporation and improvements owned by the subdivision. Improvements to streets, storm water systems and subdivision amenities are critical to the quality of life of the residents of the City. Unfortunately, these infrastructure projects tend to be expensive and are overly burdensome for some residents. The issue becomes even more challenging when the infrastructure improvements benefit a specific geographic area or subdivision.

In most states, units of local governments (both cities and counties) can issue general obligation bonds backed by the "full faith and credit" of the governmental unit. These bonds are issued and the debt retired through assessments, special fees or taxes, levied against the real property that benefits from the improvements. Prior to 1991, Missouri had no provisions in place for this type of funding. Therefore, when faced with a specific improvement project, Missouri cities and counties had few options. One option was to consider the issuance of a general obligation bond issue, subject to a vote of the entire city or county. Another was use the authority granted under the subdivision indenture to impose special assessments, the revenues from which would be used to finance the improvements. The primary drawback to the assessment process was that the cumbersome, inflexible nature of the subdivision indentures made assessments difficult to enact and enforce. Subdivisions could also establish a special benefit district or a special tax district, but those had added costs, as well. The result was often that the subdivision and the municipality would simply ignore the situation. None of these options offered a practical alternative to resolve the problem.

The City Council is aware of the need to develop a structure that would enable improvements to be made to streets, stormwater systems and other subdivision amenities. At the same time, the City Council is concerned about maintaining its current strong financial rating. The City Council believes that the formation of Neighborhood Improvement Districts can provide an excellent opportunity for citizens to examine the particular needs of their communities or subdivisions and to structure a plan to address their needs. The City Council believes that it is important that local residents have the ability to avail themselves of those lawful opportunities which enable them to improve their quality of life. Further, the City Council is willing and able to partner with residents to make the necessary improvements in a way that is suitable to the residents and the city alike.

THE MISSOURI NEIGHBORHOOD IMPROVEMENT DISTRICT ACT

The Missouri Neighborhood Improvement District Act, Sections 67.453 to 67.475 of the Revised Statutes of Missouri, also known as the NID Act, was designed to provide a practical, flexible, and responsive tool to finance public infrastructure in response to citizen needs. Simply

Armstrong Teasdale LLP

NID Policy

Dated April 29, 2005

Revised to reference F&A Committee 1-3-08

defined, a Neighborhood Improvement District, or NID, is a geographically defined area within which certain public improvements are financed by the local governmental entity (either city or county) through the issuance of general obligation bonds. These general obligation bonds are in turn retired through special assessments imposed on the owners of real property within the NID area.

Therefore the basic premise of NID financing is that only those who benefit from the financed improvements pay for those improvements.

FORMATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT

In Missouri, Neighborhood Improvement Districts can be formed in one of two ways: through the initiative petition process in which a petition is signed by at least two-thirds of the owners of record of real property within the proposed district area; or through an election submitted to all qualified voters residing within the proposed district area. Passage of the NID issue requires a four-seventh majority if the election is conducted at a general municipal election day, primary or general elections and two-thirds at all other elections. On all other election days, a two-thirds majority is required for passage.

The NID Act outlines the structure of and formation process for NIDs. These can be very complex, even to those experienced in governmental affairs. The NID Act places very specific requirements on City officials planning to implement NID. While some may believe that the passage of the ballot issuance or the submission of the petition is the major hurdle in the formation of a NID, it represents the first step in what can be a complicated and potentially costly process.

PROJECTS ELIGIBLE FOR NID FINANCING

The NID Act has defined the range of projects which are eligible for Neighborhood Improvement District financing. Under the Act, to "improve" a project is to "construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility." Further, an "improvement" includes "any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement" including but not limited to projects:

- (a) to acquire property or interests in property when necessary or desirable for any purpose authorized by sections 67.453 to 67.475;
- (b) to open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

- (c) to improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;
- (d) to improve street lights and street lighting systems;
- (e) to improve waterworks systems;
- (f) to improve parks, playgrounds and recreational facilities;
- (g) to improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;
- (h) to improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;
- (i) to improve vehicle and pedestrian bridges, overpasses and tunnels;
- (j) to improve retaining walls and area walls on public ways or land abutting thereon;
- (k) to improve property for off-street parking facilities including construction and equipment of buildings thereon;
- (l) to acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and
- (m) to improve public safety.

COSTS THAT CAN BE PAID WITH NID FINANCING

The NID Act identifies the costs that can be paid for through a Neighborhood Improvement District. Eligible costs include:

“... all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed

by the city or county in the administration and supervision of the improvement..."

FINANCING NEIGHBORHOOD IMPROVEMENT DISTRICTS

Neighborhood Improvement Districts can be financed in several ways, however the most common means is through the issuance of "debt" by the City, which is usually in the form of a general obligation bond. Because these bonds are designated as "Neighborhood Improvement District Bonds," they generally carry relatively low interest rates when compared to conventional bank financing.

Once a NID is established, the City may issue temporary notes or may authorize a local bank or other financial institution to issue temporary notes which may then be refunded by issuing the NID bonds or general obligation bonds. This allows for projects to be linked together (also called "pooling") creating a larger single bond which further reduces issuance costs and allows projects to begin construction while the final financing structure is developed.

These bonds are repaid through an annual assessment on all real property within the NID. The special assessment is included in the annual property tax bill for residents so only one payment is required per year. Failure to pay the special NID assessment is handled in the same manner as failure to pay property taxes. Failure to pay property taxes may result in the sale of the real property by the City at a tax sale. Further, the IRS has determined that special assessments cannot be deducted from a property owner's income taxes, as can real and personal property taxes.

COMPLEXITIES ASSOCIATED WITH BOND ISSUES

Bond issues, including those issued for Neighborhood Improvement Districts, create an obligation for the issuing agency, the City, which pledges its "full faith and credit" to secure the bonds. This means that should a default occur and repayment of the principal and interest on the bonds not occur as scheduled, the City of Chesterfield has pledged to make the delinquent payments. Therefore, the legal and financial structure of these bond issues is of critical importance both to ensure that the project is financially viable and, should a default occur, that sufficient protection is in place to minimize the potential for losses.

Correctly structuring and marketing general obligation bonds requires professional advice and expertise. First, bond counsel must be retained. Bond counsel serves several purposes including structuring the issue, drafting the documents, certifying its tax-exempt status and other related actions. A trustee must be retained. A trustee is the paying agent for the issuance. It is the trustee who certifies that sufficient funds are available to meet debt service obligations. In some instances, an underwriter is retained to "market" the bonds. To "market" bonds is to determine the bond interest rates and supply potential customers to purchase the bonds. The bonds and various disclosure documents must be printed in large quantities by a qualified printer. In certain instances, a financial advisor is retained to provide independent financial analysis of the project to ascertain risk. The costs incurred in completing these and other related tasks are called the costs of issuance. These costs are added to the obligation and are part of the overall issuance. Therefore, bond issues can become expensive to develop.

However, one must consider the fact that interest rates for government backed securities, including those issued for NIDs, will carry an interest rate substantially lower than the interest rates normally available to individuals because the City's pledge of its full faith and credit makes the obligations virtually risk free.

Therefore, in considering whether to pursue a Neighborhood Improvement Project, one must weigh the costs of complying with the "red tape" normally associated with government financing with the substantially lower interest rate offered by using government backed securities.

IMPACT OF SIZE OF PROJECT

Given that the most appropriate means of financing neighborhood improvement projects is through the issuance of bonds, it is important that projects be large enough to justify the costs associated with the issuance. It makes very little sense to use bond financing for a small project if the costs of issuance add appreciably to the project. The bond market generally favors larger issues over smaller issues and there are distinct cost savings for larger issues when compared to smaller issues. Therefore, the City recommends that subdivisions consider the following when deciding whether to pursue a NID project:

Projects with total costs below \$300,000 will face some difficulty seeking Neighborhood Improvement District financing. The administrative costs and the costs of issuance are such that including projects of this size in the NID program will cause issuance and sale problems for the entire program. There are some additional considerations to make for projects between \$300,000 and \$500,000. It is possible that projects of this size can be "pooled", or joined, to one another to form a larger bond issue, but this will require significant coordination between construction and completion schedules. Projects greater than \$500,000 are more feasible than other smaller projects, although the aspect of "pooling" of these issues is still a very important consideration. Projects of \$1.0 million or greater are typically sustainable as "stand alone" bond issuances.

Although the City has recommended the following considerations, it is willing to consider any project that leads to the improvement of local subdivisions. To encourage the NID process for existing streets, stormwater systems and other subdivision improvements, the City desires to provide assistance to its residents by evaluating potential NID projects and determining such project's feasibility.

SPECIAL REQUIREMENTS TO ESTABLISH A NID

In addition to the requirements for financing, the NID Act requires that the area seeking to be designated as a NID to operate in a readily-defined area. Generally, this requires that a metes and bounds survey of the NID area be completed and that a specific legal description be developed for the district. To assist in this process, the City will help identify and retain an

acceptable land surveyor who will complete the survey in a reasonable period of time and at a reasonable cost.

The NID Act also requires that the total costs for the proposed project be certified. However, properly determining these costs can be a cumbersome and expensive activity for property owners who are not familiar with the process. An incorrect cost estimate could cost the subdivision flexibility later, so the City is willing to prepare the cost estimates for the NID project and verify that they comply with the requirements of the NID Act.

Because these projects involve public improvements, all projects must include the payment of prevailing wage rates and must comply with the normal bidding and procurement policies of the City. The City is experienced in these matters and will incur the costs associated with the preparing and soliciting bids.

The City views itself as a partner in these proceedings, and is therefore willing to facilitate the formation and administration of NIDs. As a result, in addition to the items listed above, the City will also incur the initial legal expenses necessary to work with the subdivision trustees to prepare a proper petition and to ensure that the NID process has been properly initiated. The City begins by providing its residents with a form of the pre-application petition necessary to begin the formation process (see **Appendix A**).

LENGTH OF FORMATION PROCESS

Because each Neighborhood Improvement District must be judged on its own strengths and merits, it is not possible to establish a "normal" time frame for establishment. It is important to understand that a NID is a "quasi-public" structure that requires that the City Council complete several administrative and legislative steps. However, the City Council is committed to considering and approving all feasible NID projects.

HOW TO INITIATE THE FORMATION PROCESS

Given the fact that there are several "up-front" costs required to comply with the NID Act to form a Neighborhood Improvement District, and that these up-front costs may be substantial, the City Council would like to provide some assistance during the initiation process to verify that the proposed projects are being properly defined and that they have been structured in a way that is economically feasible. City Council has developed a "pre-application" which will be used to enable the City to perform an initial evaluation of all NID proposals. The Pre-Application is designed to help residents conceptualize the project and identify the means of making it most-productive. After an initial review and evaluation, it will then go through the formal review process.

Pre-Application

The Pre-Application contains the following elements, all of which are essential to its evaluation:

1. The name of the proposed Neighborhood Improvement District and the principals involved in the project. "Principals" include the local contact

person, the subdivision attorney, the subdivision engineer, the subdivision trustees and any other individual that will be involved in the project.

2. A Narrative Description of the proposed project. This narrative should include a statement of the problem and the prior steps that the subdivision has taken in attempting to solve the problem. If any sanctions have been imposed by other governmental agencies, such as the Health Department, those should be listed as well. The narrative should also include a general description of the area, including the major roads which service the subdivision, the character of the subdivision, in particular, an assessment of whether the area growing, declining, or unchanged; the number of single family homes, businesses, or other dwelling units in the subdivision and the utility companies which serve the area, particularly water company and the sanitary sewer company. Finally, the narrative should describe any steps that the subdivision has taken to secure financing for this project and the status of such requests.
3. If available, a metes and bounds survey of the proposed district. If this is not available, a copy of the recorded plat from the Recorder of Deeds office will suffice, which the City will help obtain. If this is not available, an aerial of the proposed area should be provided, which the City is also able to assist in securing through either commercial firms or the St. Louis County Assessor's Office.
4. A list, by street address and mailing address, of all persons residing within the boundaries of the proposed district. Such list can be obtained from the City.
5. A list, by street address, of all current owners of real property located within the boundaries of the proposed district. Such list can be obtained from the City.
6. A Preliminary Construction Estimate prepared and sealed by an engineer registered by the State of Missouri for the proposed construction project. The City has experience in obtaining bids for such estimates and is willing to assist as necessary. Because NID projects are public works projects, they are subject to the prevailing wage statutes of the state, and the City is able to advise as to whether the bids comply with the law.
7. A petition, which at a minimum, includes the signatures of at least 70% of the qualified voters residing within the proposed district;

-OR-

A petition, which at a minimum, includes the signatures of at least 70% of the owners of real property located within the proposed district. The City can help obtain names and addresses of those eligible to sign the petition.

8. A record of the current annual subdivision assessments, if any, the uses established for these assessments, a record of payments for each lot or property owner for the past three (3) years, and what proposed maintenance schedule will be established to ensure that one the improvement has been made that it is adequately maintained. To the extent that it is necessary, the City is able to assist in making these determinations.

Six copies of this Pre-Application should be submitted to the City Council as follows:

City Council of the City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
ATTN: Finance & Administration Committee

After receipt, the City Administrator will cause a formal review of the application by all appropriate City Staff and/or City consultants and will, following said review, forward those applications considered to be complete to the City's Finance and Administration Committee. During this process, the Committee will also verify the accuracy of the property tax payment records on all properties within the proposed NID.

Throughout the evaluation process, the Finance and Administration Committee will be committed to reviewing and revising the proposal as necessary to help meet the needs of the subdivision and the City. To the extent that portions of the proposal are not sufficient to satisfy the requirements of the NID Act, the City will discuss potential revisions with the subdivision and attempt to reach agreement on any issues of concern.

After the review of the Pre-Application is completed, the Finance & Administration Committee will complete a written evaluation of the proposed project. This evaluation will include a recommendation on whether to include the project in the Neighborhood Improvement District Program for the City. The evaluation will be submitted to the applicant and after comments have been received, will be presented to the City Council for their action.

Formal Application

Once the Pre-Application review process is complete and the proposal is forwarded to the City Council for approval, it will be included in the NID program and the formal development of a NID Proposal will be started. Costs incurred during the formal application process are also reimbursable under the NID Act. The formal proposal should include all statutory requirements including, but not limited to:

1. The completion of a metes and bounds survey and the development of a project legal description;
2. The development and certification of costs associated with the project. This is to include construction costs (developed through a formal bidding process); the costs of issuance of the bonds to finance the project; the

- administrative costs for the project; and any other allowable costs deemed necessary and appropriate for the successful operation of the NID; and
3. The completion and submission of a petition which complies with the statutory requirements of section 67.457 RSMO.

-OR-

The conduct of an election which complies with the statutory requirements of section 67.457 RSMO.

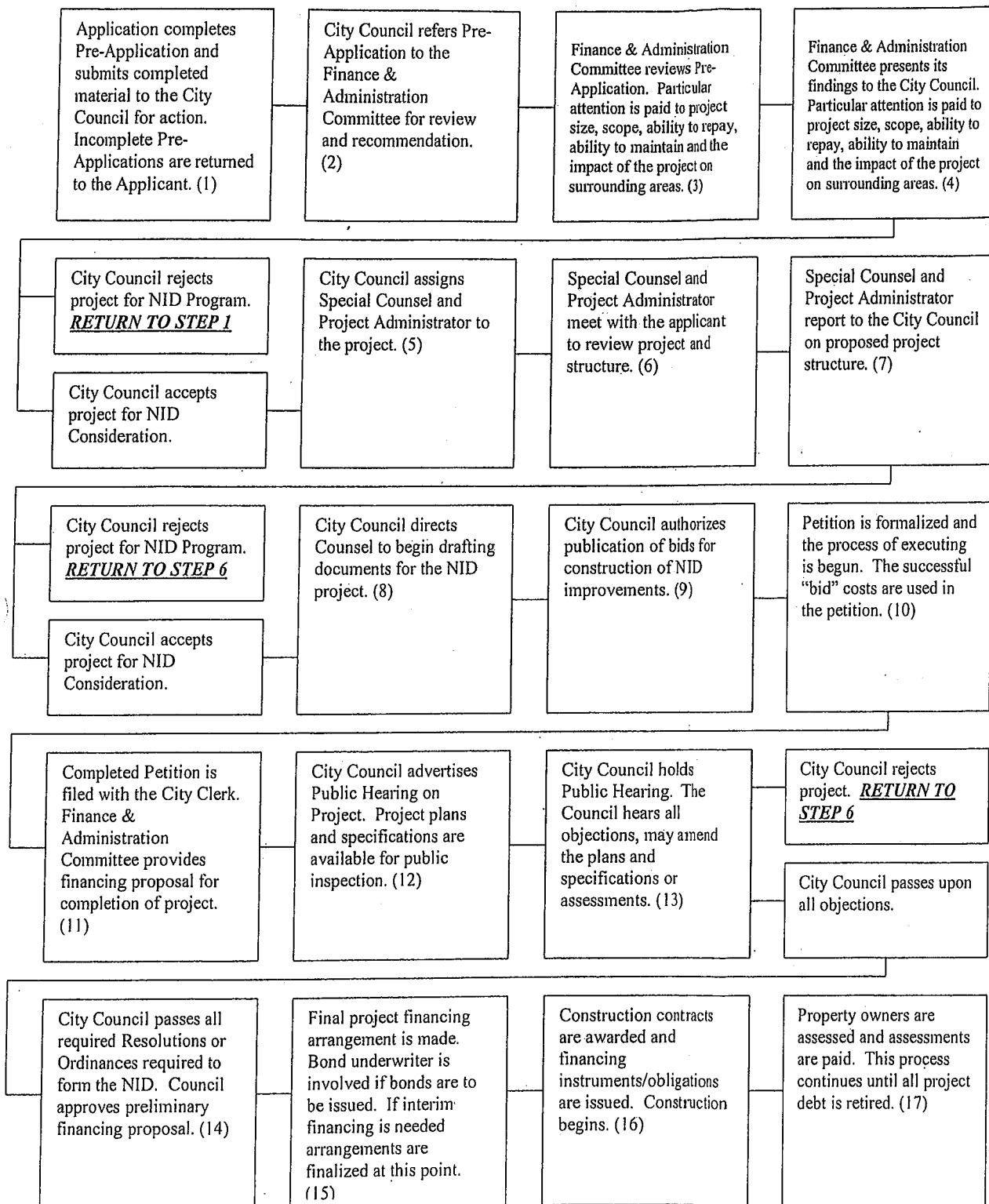
As with the Pre-Application, to the extent that the subdivision requires assistance with any of the elements of the formal application process, City staff is available to help.

FOR ADDITIONAL INFORMATION

For additional information, contact:

Assistant City Administrator for
Community Services & Economic Development
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
636-537-6721

FORMATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT



APPENDIX A
FORM OF PRE-APPLICATION

(Attached hereto.)

**PRE-APPLICATION FOR
NEIGHBORHOOD IMPROVEMENT DISTRICT**

1. Name of Proposed District: _____

(a) Principals for the proposed project include:

Contact person: _____

Subdivision attorney: _____

Subdivision engineer: _____

Subdivision trustees: _____

2. Narrative Description of the Proposed Project:

(a) [Description of project.]

(b) [Project location.]

(c) [Description of project, need for NID, and private financing.]

(d) [Identification of utility companies serving area.]

3. [Legal description, plat map or aerial map] for the proposed District are attached as **Exhibit A.**

4. [List of residents.]

5. [List of property owners.]

6. The estimated cost of the proposed Improvements is \$ _____. The final cost of such Improvements assessed against the property within the District shall not exceed such estimated cost by more than 25%. The Preliminary Construction Estimate is attached hereto as **Exhibit B.**

7. A petition signed by at least 70% of the [qualified voters residing within the proposed district/owners of real property located within the proposed district] is attached as **Exhibit C.**

8. [Describe current assessment method.]

9. [Describe who will maintain improvements for proposed NID project.]

EXHIBIT A
Legal Description

(Attached hereto.)

EXHIBIT B
Preliminary Construction Estimate

(Attached hereto.)

EXHIBIT C
Petition of Property Owners/Qualified Voters

<u>Parcel Number</u>	<u>Owner/Qualified Voter</u>
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**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT **Neighborhood Improvement
District Policy (NID)**

INDEX

FA

**DATE
ISSUED** **8/1/05**

DATE **1/3/08**
REVISED

POLICY:

Policy is attached.

Armstrong Teasdale LLP
NID Policy
Dated April 29, 2005
Revised to reference F&A Committee 1-3-08

RECOMMENDED BY:

Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

1/9/08

City Council (if applicable)

Date

**CITY OF CHESTERFIELD, MISSOURI
NEIGHBORHOOD IMPROVEMENT DISTRICT
POLICY**

INTRODUCTION

One of the more serious issues facing the City of Chesterfield today is how to finance local infrastructure improvements primarily in subdivisions that existed prior to incorporation and improvements owned by the subdivision. Improvements to streets, storm water systems and subdivision amenities are critical to the quality of life of the residents of the City. Unfortunately, these infrastructure projects tend to be expensive and are overly burdensome for some residents. The issue becomes even more challenging when the infrastructure improvements benefit a specific geographic area or subdivision.

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The Missouri Neighborhood Improvement District Act, Sections 67.453 to 67.475 of the Revised Statutes of Missouri, also known as the NID Act, was designed to provide a practical, flexible, and responsive tool to finance public infrastructure in response to citizen needs. Simply defined, a Neighborhood Improvement District, or NID, is a geographically defined area within which certain public improvements are financed by the local governmental entity (either city or county) through the issuance of general obligation bonds. These general obligation bonds are in turn retired through special assessments imposed on the owners of real property within the NID area.

Therefore, the basic premise of NID financing is that only those who benefit from the financed improvements pay for those improvements.

FORMATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT

In Missouri, Neighborhood Improvement Districts can be formed in one of two ways: through the initiative petition process in which a petition is signed by at least two-thirds of the owners of record of real property within the proposed district area; or through an election submitted to all qualified voters residing within the proposed district area. Passage of the NID issue requires a four-seventh majority if the election is conducted at a general municipal election day, primary or general elections and two-thirds at all other elections. On all other election days, a two-thirds majority is required for passage.

The NID Act outlines the structure of and formation process for NIDs. These can be very complex, even to those experienced in governmental affairs. The NID Act places very specific requirements on City officials planning to implement NID. While some may believe that the passage of the ballot issuance or the submission of the petition is the major hurdle in the formation of a NID, it represents the first step in what can be a complicated and potentially costly process.

PROJECTS ELIGIBLE FOR NID FINANCING

The NID Act has defined the range of projects which are eligible for Neighborhood Improvement District financing. Under the Act, to "improve" a project is to "construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility." Further, an "improvement" includes "any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement" including but not limited to projects:

- A. to acquire property or interests in property when necessary or desirable for any purpose authorized by sections 67.453 to 67.475;
- B. to open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;
- C. to open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;
- D. to improve street lights and street lighting systems;
- E. to improve waterworks systems;
- F. to improve parks, playgrounds and recreational facilities;
- G. to improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;
- H. to improve dikes, levees, and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

- I. to improve vehicle and pedestrian bridges, overpasses and tunnels;
- J. to improve retaining walls and area walls on public ways or land abutting thereon;
- K. to improve property for off-street parking facilities including construction and equipment of buildings thereon;
- L. to acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and
- M. to improve public safety.

COSTS THAT CAN BE PAID WITH NID FINANCING

The NID Act identifies the costs that can be paid through a Neighborhood improvement District. Eligible costs include:

“... all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications. the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings. fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies. and work done or services performed by the city or county in the administration and supervision of the improvement...”

FINANCING NEIGHBORHOOD IMPROVEMENT DISTRICTS

Neighborhood Improvement Districts can be financed in several ways, however the most common means is through the issuance of "debt" by the City, which is usually in the form of a general obligation bond. Because these bonds are designated as "Neighborhood Improvement District Bonds," they generally carry relatively low interest rates when compared to conventional bank financing.

Once a NID is established, the City may issue temporary notes or may authorize a local bank or other financial institution to issue temporary notes which may then be refunded by issuing the NID bonds or general obligation bonds. This allows for projects to be linked together (also called "pooling") creating a larger single bond which further reduces issuance costs and allows projects to begin construction while the final financing structure is developed.

These bonds are repaid through an annual assessment on all real property within the NID. The special assessment is included in the annual property tax bill for residents so only one payment is required per year. Failure to pay the special NID assessment is handled in the same manner as failure to pay property taxes. Failure to pay property taxes may result in the sale of the real property by the City at a tax sale. Further, the IRS has determined that special assessments cannot be deducted from a property owner's income taxes, as can real and personal property taxes.

COMPLEXITIES ASSOCIATED WITH BOND ISSUES

Bond issues, including those issued for Neighborhood Improvement Districts, create an obligation for the issuing agency, the City, which pledges its "full faith and credit" to secure the bonds. This means that should a default occur and repayment of the principal and interest on the bonds not occur as scheduled, the City of Chesterfield has pledged to make the delinquent payments. Therefore, the legal and financial structure of these bond issues is of critical importance both to ensure that the project is financially viable and, should a default occur, that sufficient protection is in place to minimize the potential for losses.

Correctly structuring and marketing general obligation bonds requires professional advice and expertise. First, bond counsel must be retained. Bond counsel serves several purposes including structuring the issue, drafting the documents, certifying its tax-exempt status and other related actions. A trustee must be retained. A trustee is the paying agent for the issuance. It is the trustee

who certifies that sufficient funds are available to meet debt service obligations. In some instances, an underwriter is retained to "market" the bonds. To "market" bonds is to determine the bond interest rates and supply potential customers to purchase the bonds. The bonds and various disclosure documents must be printed in large quantities by a qualified printer. In certain instances, a financial advisor is retained to provide independent financial analysis of the project to ascertain risk. The costs incurred in completing these and other related tasks are called the costs of issuance. These costs are added to the obligation and are part of the overall issuance. Therefore, bond issues can become expensive to develop.

However, one must consider the fact that interest rates for government backed securities, including those issued for NIDs, will carry an interest rate substantially lower than the interest rates normally available to individuals because the City's pledge of its full faith and credit makes the obligations virtually risk free.

Therefore, in considering whether to pursue a Neighborhood Improvement Project, one must weigh the costs of complying with the "red tape" normally associated with government financing with the substantially lower interest rate offered by using government backed securities.

IMPACT OF SIZE OF PROJECT

Given that the most appropriate means of financing neighborhood improvement projects is through the issuance of bonds, it is important that projects be large enough to justify the costs associated with the issuance. It makes very little sense to use bond financing for a small project if the costs of issuance add appreciably to the project. The bond market generally favors larger issues over smaller issues and there are distinct cost savings for larger issues when compared to smaller issues. Therefore, the City recommends that subdivisions consider the following when deciding whether to pursue a NID project:

Projects with total costs below \$300,000 will face some difficulty seeking Neighborhood Improvement District financing. The administrative costs and the costs of issuance are such that including projects of this size in the NID program will cause issuance and sale problems for the entire program. There are some additional considerations to make for projects between \$300,000 and \$500,000. It is possible that projects of this size

can be "pooled", or joined, to one another to form a larger bond issue, but this will require significant coordination between construction and completion schedules. Projects greater than \$500,000 are more feasible than other smaller projects, although the aspect of "pooling" of these issues is still a very important consideration. Projects of \$1.0 million or greater are typically sustainable as "stand alone" bond issuances.

Although the City has recommended the following considerations, it is willing to consider any project that leads to the improvement of local subdivisions. To encourage the NID process for existing streets, stormwater systems and other subdivision improvements, the City desires to provide assistance to its residents by evaluating potential NID projects and determining such project's feasibility.

SPECIAL REQUIREMENTS TO ESTABLISH A NID

In addition to the requirements for financing, the NID Act requires that the area seeking to be designated as a NID to operate in a readily-defined area. Generally, this requires that a metes and bounds survey of the NID area be completed and that a specific legal description be developed for the district. To assist in this process, the City will help identify and retain an acceptable land surveyor who will complete the survey in a reasonable period of time and at a reasonable cost.

The NID Act also requires that the total costs for the proposed project be certified. However, properly determining these costs can be a cumbersome and expensive activity for property owners who are not familiar with the process. An incorrect cost estimate could cost the subdivision flexibility later, so the City is willing to prepare the cost estimates for the NID project and verify that they comply with the requirements of the NID Act.

Because these projects involve public improvements, all projects must include the payment of prevailing wage rates and must comply with the normal bidding and procurement policies of the City. The City is experienced in these matters and will incur the costs associated with the preparing and soliciting bids.

The City views itself as a partner in these proceedings, and is therefore willing to facilitate the formation and administration of NIDs. As a result, in addition to the items listed above, the City will also incur the initial legal expenses necessary to work with the subdivision trustees to prepare a proper petition and

to ensure that the NID process has been properly initiated. The City begins by providing its residents with a form of the pre-application petition necessary to begin the formation process (see **Appendix A**).

LENGTH OF FORMATION PROCESS

Because each Neighborhood Improvement District must be judged on its own strengths and merits, it is not possible to establish a "normal" time frame for establishment. It is important to understand that a NID is a "quasi-public" structure that requires that the City Council complete several administrative and legislative steps. However, the City Council is committed to considering and approving all feasible NID projects.

HOW TO INITIATE THE FORMATION PROCESS

Given the fact that there are several "up-front" costs required to comply with the NID Act to form a Neighborhood Improvement District, and that these up-front costs may be substantial, the City Council would like to provide some assistance during the initiation process to verify that the proposed projects are being properly defined and that they have been structured in a way that is economically feasible. City Council has developed a "pre-application" which will be used to enable the City to perform an initial evaluation of all NID proposals. The Pre-Application is designed to help residents conceptualize the project and identify the means of making it most-productive. After an initial review and evaluation, it will then go through the formal review process.

Pre Application

The Pre-Application contains the following elements, all of which are essential to its evaluation:

1. The name of the proposed Neighborhood Improvement District and the principals involved in the project. "Principals" include the local contact person, the subdivision attorney, the subdivision engineer, the subdivision trustees and any other individual that will be involved in the project.
2. A Narrative Description of the proposed project. This narrative should include a statement of the problem and the prior steps that the subdivision has taken in attempting to solve the problem. If any sanctions have been imposed by other governmental agencies, such as the Health Department, those

should be listed as well. The narrative should also include a general description of the area, including the major roads which service the subdivision, the character of the subdivision, in particular, an assessment of whether the area growing, declining, or unchanged; the number of single family homes, businesses, or other dwelling units in the subdivision and the utility companies which serve the area, particularly water company and the sanitary sewer company. Finally, the narrative should describe any steps that the subdivision has taken to secure financing for this project and the status of such requests.

3. If available, a metes and bounds survey of the proposed district. If this is not available, a copy of the recorded plat from the Recorder of Deeds office will suffice, which the City will help obtain. If this is not available, an aerial of the proposed area should be provided, which the City is also able to assist in securing through either commercial firms or the St. Louis County Assessor's Office.
4. A list, by street address and mailing address, of all persons residing within the boundaries of the proposed district. Such list can be obtained from the City.
5. A list, by street address, of all current owners of real property located within the boundaries of the proposed district. Such list can be obtained from the City.
6. A Preliminary Construction Estimate prepared and sealed by an engineer registered by the State of Missouri for the proposed construction project. The City has experience in obtaining bids for such estimates and is willing to assist as necessary. Because NID projects are public works projects, they are subject to the prevailing wage statutes of the state, and the City is able to advise as to whether the bids comply with the law.
7. A petition, which at a minimum, includes the signatures of at least 70% of the qualified voters residing within the proposed district;

-OR-

A petition, which at a minimum, includes the signatures of at least 70% of the owners of real property located within the proposed district. The City can help obtain names and addresses of those eligible to sign the petition.

8. A record of the current annual subdivision assessments, if any, the uses established for these assessments, a record of payments for each lot or property owner for the past three (3) years, and what proposed maintenance schedule will be established to ensure that one the improvement has been made that it is adequately maintained. To the extent that it is necessary, the City is able to assist in making these determinations.

Six copies of this Pre-Application should be submitted to the City Council as follows:

City Council of the City of
Chesterfield 690 Chesterfield
Parkway West
Chesterfield, Missouri 63017-0760
ATTN: Finance & Administration Committee

After receipt, the City Administrator will cause a formal review of the application by all appropriate City Staff and/or City consultants and will, following said review, forward those applications considered to be complete to the City's Finance and Administration Committee. During this process, the Committee will also verify the accuracy of the property tax payment records on all properties within the proposed NID.

Throughout the evaluation process, the Finance and Administration Committee will be committed to reviewing and revising the proposal as necessary to help meet the needs of the subdivision and the City. To the extent that portions of the proposal are not sufficient to satisfy the requirements of the NID Act, the City will discuss potential revisions with the subdivision and attempt to reach agreement on any issues of concern.

After the review of the Pre-Application is completed, the Finance & Administration Committee will complete a written evaluation of the proposed project. This evaluation will include a recommendation on whether to include the project in the Neighborhood Improvement District Program for the City. The evaluation will be submitted to the applicant and after comments have been received, will be presented to the City Council for their action.

Formal Application

Once the Pre-Application review process is complete and the proposal is forwarded to the City Council for approval, it will be included in the NID program and the formal development of a NID Proposal will be started. Costs incurred during the formal application process are also reimbursable under the NID Act. The formal proposal should include all statutory requirements including, but not limited to:

1. The completion of a metes and bounds survey and the development of a project legal description;
2. The development and certification of costs associated with the project. This is to include construction costs (developed through a formal bidding process); the costs of issuance of the bonds to finance the project; the administrative costs for the project; and any other allowable costs deemed necessary and appropriate for the successful operation of the NID; and
3. The completion and submission of a petition which complies with the statutory requirements of section 67.457 RSMO.

-OR-

The conduct of an election which complies with the statutory requirements of section 67.457 RSMO.

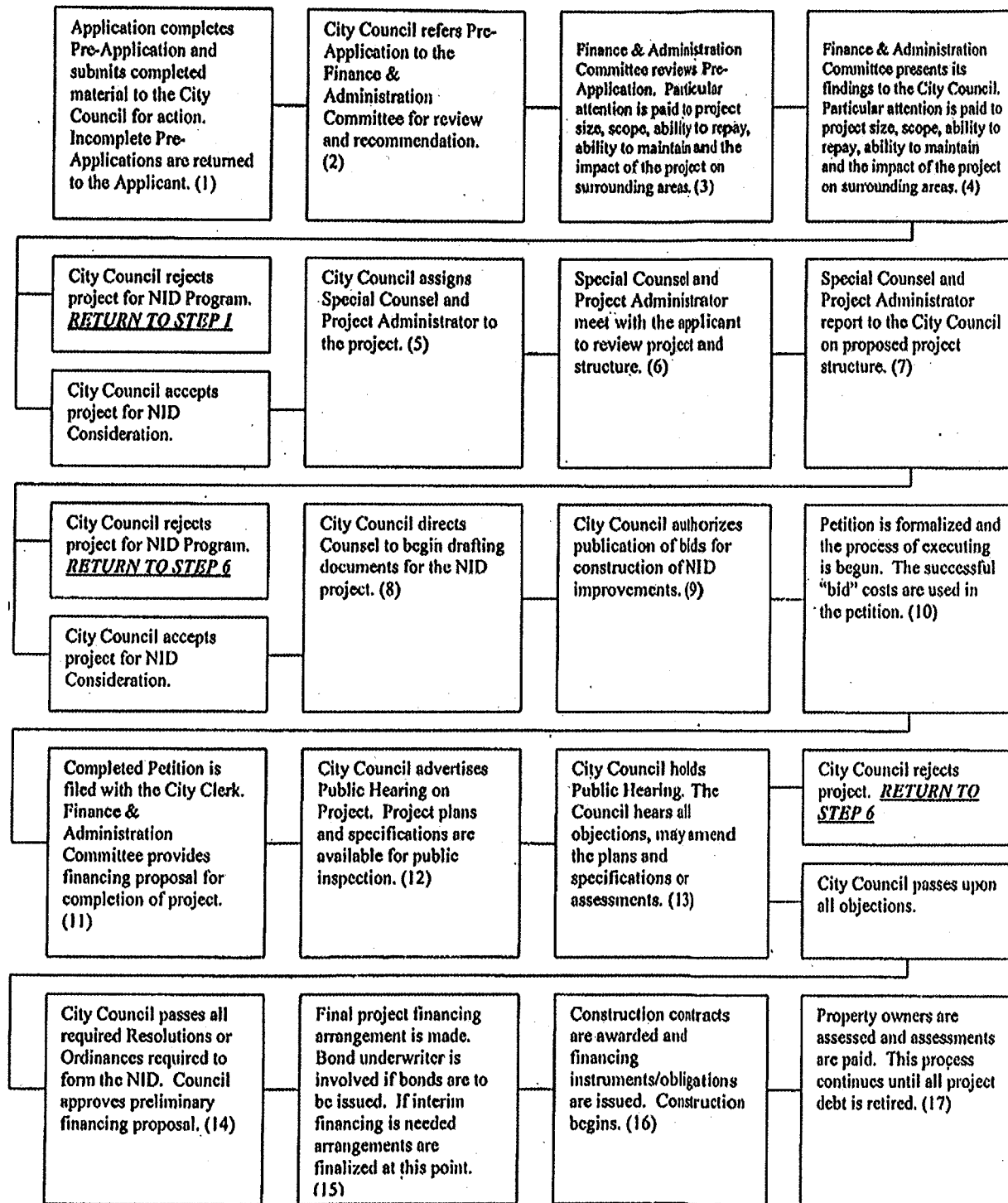
As with the Pre-Application, to the extent that the subdivision requires assistance with any of the elements of the formal application process, City staff is available to help.

FOR ADDITIONAL INFORMATION

For additional information, contact:

Finance Director
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
636-537-4726

FORMATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT



Armstrong Teasdale LLP
 D Policy
 Dated April 29, 2005
 Revised to reference F&A Committee 1-3-07

**APPENDIX A
FORM OF PRE-APPLICATION**

(Attached hereto.)

**PRE-APPLICATION FOR
NEIGHBORHOOD IMPROVEMENT DISTRICT**

1. Name of Proposed District: _____
 - (a) Principals for the proposed project include:
Contact person: _____
Subdivision attorney: _____
Subdivision engineer: _____
Subdivision trustees: _____
2. Narrative Description of the Proposed Project:
 - (a) [Description of project.]
 - (b) [Project location.]
 - (c) [Description of project, need for NID, and private financing.]
 - (d) [Identification of utility companies serving area.]
3. [Legal description, plat map or aerial map] for the proposed District are attached as **Exhibit A**.
4. [List of residents.]
5. [List of property owners.]
6. The estimated cost of the proposed Improvements is \$_____.
The final cost of such Improvements assessed against the property within the District shall not exceed such estimated cost by more than 25%. The Preliminary Construction Estimate is attached hereto as **Exhibit B**.
7. A petition signed by at least 70% of the [qualified voters residing within the proposed district/owners of real property located within the proposed district] is attached as **Exhibit C**.
8. [Describe current assessment method.]
9. [Describe who will maintain improvements for proposed NID project.]

EXHIBIT A
Legal Description

(Attached hereto.)

A-3

EXHIBIT B
Preliminary Construction Estimate

(Attached hereto.)

EXHIBIT C
Petition of Property Owners/Qualified Voters

Parcel Number Owner/Qualified Voter

A-5

POLICY STATEMENT

*Existing Policy
To be Replaced*

FINANCE AND ADMINISTRATION

NO.

47

SUBJECT: Communications Policy

INDEX:

FA

DATE ISSUED: 4-10-15

DATE

REVISED:

POLICY

This policy is to outline organizational communication procedures within the City of Chesterfield to include communication with the City's elected officials, the public, the media and internally.

The ultimate decision on all organizational communications rest with the City Administrator. The Community Services & Economic Development Director has responsibility for managing the day-to-day communications and public relations efforts of the City and may delegate certain responsibilities to the Communications Specialist. All matters relating to Police business should be directed to the Police Media Relations Officer or the Chief of Police.

Media Relations

It is the responsibility of the Community Services & Economic Development Director (CSED) to see that a current media relations contact group is maintained for regional media and for West County media outlets. The person in this position shall act as the liaison to the media, handling incoming requests for inquiries and interviews. The CSED provides or directs the media to appropriate information sources for stories and assists in preparing messaging as requested. Persons on the City's Management Team who have been contacted directly by the media for an article should ensure the City Administrator is aware of this contact and the information that was provided.

As directed by the City Administrator, the CSED will serve as the spokesperson for the City on most city-wide issues unless another Management Team member has more knowledge on the subject matter and can address the inquiry or provide the interview.

Elected Officials, if/when contacted by the media, can choose to respond directly as they deem necessary/appropriate. Elected Officials are urged to share the nature/substance of each contact with the City Administrator to ensure internal coordination and common responses. Should Elected Officials have any questions or want/need additional information before responding, they are urged to contact the City Administrator or the appropriate member of the Management Team who has the most knowledge/expertise regarding the topic area.

The CSED or his/her designee will have final responsibility for media releases being sent to the relevant media outlets and posting them on the City's web site, e-mail the release to the web-mail group requesting to receive this information and send to or post on other mediums of communications as necessary.

The CSED will assist with crisis situation communications as necessary which fall outside the area of Police responsibility.

Communications with Elected Officials and City Committees/Commissions

Members of the Management Team may communicate directly with Elected Officials regarding City business and, for anything other than general inquiries, should make the City Administrator aware of this communication.

Members of the Management Team and/or the staff liaisons to the City Council Committees and City Volunteer Committees may communicate directly with these respective groups regarding City business and as it relates to their respective Committee/Commissions/Task Forces.

It is important to keep City Councilmembers informed of any major projects or initiatives underway within City operations. A weekly e-mail newsletter is sent each Monday to all Councilmembers and City Staff with updates on meetings and events for the coming week.

Communicating with the Public

At the directive of the City Administrator, all inquiries by the public and/or residents should be addressed within 24 hours or the next business day. If an inquiry will take a longer amount of time to gather the information or requires a Sunshine Law request, this should be acknowledged to the requestor as soon as possible, providing the amount of anticipated time to respond to the inquiry.

As required by Missouri State Statute, all meetings held by City Council, Council Committees, and statutory Committees are public and shall be posted with at least 24 hours advance notice of the agenda. Meeting dates and times are available on the City's web site and also in weekly e-mail communications.

The Customer Service staff is the City's front-line of communications for resident and customer inquiries, whether in person or via phone. They should be as knowledgeable as possible on a variety of subjects and events regarding City operations. Should the inquiry require a more in-depth response, CSRs are to send the inquiry to the appropriate staff person within the department to handle the inquiry. The City's Planner of the Day (POD) staff shall answer inquiries related to planning and development.

All inquiries from the media coming in through the City's main number of 636-537-4000 should be sent to the CSED or Communications Specialist for further handling.

The City shall publish *The Chesterfield Citizen* newsletter in print and electronic form four times annually and mail to all residents and businesses within the City of Chesterfield. Residents may sign up to receive a variety of e-mail communications through the City's web mail service or follow the City, the Parks Division, the Chesterfield Amphitheater or the Police Department on a variety of social media platforms, including but not limited to Facebook and Twitter.

The City's web site is meant to provide as much information as possible to the residents and businesses of Chesterfield. Each division shall have a staff member responsible for updating their respective content, with editing rights for the entire site resting with the IT Manager and the CSED. Staff should check the site frequently to ensure the content is current.

In the event that a road closure or other construction will impact a neighborhood long-term, the residents will be notified by mail through the Public Service Department. Prior to construction season in the spring, residents impacted by planned construction work are sent a packet of information explaining the construction project, a plan showing where the work will take place, and a hold harmless agreement if they have an in ground irrigation system. Additionally, approximately a week before construction begins, a letter is placed on a step stake at each house affected, notifying them of a meeting on the street to explain the work schedule and what to expect during construction. Residents can also refer to the City's web site, which has weekly updates and the progress of the work.

Missouri River Flood-Watch and other emergency communications regarding potential flood or high-water events shall be administered through the Director of Public Services with assistance from the CSED as requested. Residents and business persons may sign up to receive this information via e-mail through the City's web site, or as otherwise requested.

Service Requests/Work Orders

The City shall maintain a Work Order Database in which all requests for services are entered, including the date, time, name, address, phone number and/or e-mail, the nature of the problem and the status of the response. Customer Service Staff and Public Services Staff shall have access to this database for which to enter and respond to the request. Each Department should regularly monitor all Request for Actions (RFAs) to ensure a timely and appropriate response.

Internal Communications

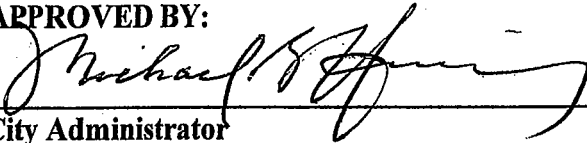
City staff will be provided information on meetings and events weekly via an e-newsletter; a monthly employee newsletter, *City Scope*; provided hard-copies of the quarterly *Citizen* newsletter and receive updates via e-mail on topics of timely interest including, but not limited to emergency situations, adverse weather, and road closures. Supervisors are responsible for disseminating e-mail communications to those employees who do not have regular e-mail access to the City's e-mail system. City Hall staff may also be alerted by the paging feature on the desk phones in an emergency event involving the City Hall facility.

RECOMMENDED BY:

Department Head/Council Committee (if applicable)

Date

APPROVED BY:



City Administrator

4/14/15

Date

City Council (if applicable)

Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT Communications Policy

INDEX

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RECOMMENDED BY:

Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

Existing Policy
To be Replaced

No. 48

INDEX: F&A

DATE REVISED:

Any request for an event sponsorship expenditure not individually itemized and authorized by the City's Budget shall be reviewed and approved by the full City Council. These are requests made outside of the Community Contributions Program (Policy 20). Examples include sponsorship of Chamber of Commerce events or events of other local not-for-profit organizations.

Libby Tucker
Department Head/Director/Council Committee (if applicable)

9/19/14
Date

City Administrator

City Council (if applicable)

Date _____

9/19/2016
Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

*Recommended
Replacement*

FINANCE AND ADMINISTRATION

NO.

SUBJECT **Sponsorship Expenditures**

INDEX

FA

DATE

ISSUED

9/19/16

DATE

REVISED

POLICY:

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RECOMMENDED BY:

Department Head/Director/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

9/19/2016



Please forward for inclusion on the next
F&A Committee agenda.

Mike Geisel 2019-5-10

DATE: February 21, 2019

TO: Mike Geisel, City Administrator
Chris DesPlanques, Finance Director

FROM: Vickie J. Hass, City Clerk *VJH*

SUBJECT: Destruction of Records

It is the recommended guideline of the Secretary of State that "the disposition of records should be recorded in a document such as the minutes of the City Council or other legally constituted authority that has permanent record status".

The following records have met or exceeded State retention requirements and no longer hold any significance for the City:

See attached Records Destruction List

Please add "Destruction of Records in Accordance with F&A Policy No. 7 and the Records Retention Schedule for the State of Missouri" to the next Finance & Administration Committee meeting agenda.

Records Destruction List
City Clerk Department
April, 2019

Quantity	Date	Record Series Title
1 box	2013	City Council Meeting Packets for 2013
1 box	2014-2015	Public Records Requests #634-711 (Dec. 2014-Dec. 2015)
	2016	Solicitor Permit Applications for 2016

Records to be destroyed April, 2019.

Signature: Vickie J. Hass
Vickie J. Hass, City Clerk

Date: 2/21/19



Finance Director
636-537-4726

MEMO

DATE: May 8, 2019
TO: Mike Geisel, City Administrator
FROM: Chris DesPlanques, Finance Director 
RE: Tuition Reimbursement Recommendation

During the 2019 budget process, it was the consensus of council to reduce Account 001-036-5222 Education Reimb/Training, which is used to fund qualified and approved education expenses. The budget in this account was reduced from its 2018 amount of \$20,000 to a 2019 budget amount of \$15,000, primarily to reflect its expected utilization.

As of May 2019, Chesterfield employees have submitted approximately 14,600 in expected reimbursement expenses. An addition request has been submitted that would, if approved, exceed the 15,000 balance; thus, it cannot be approved at this time.

I recommend the council approve a budget amendment increasing 001-036-5222 to 20,000 from its initial budget of 15,000, with the difference coming out of fund reserves.

Please see the attached budget amendment request.

PARKS, RECREATION AND ARTS COMMITTEE

Chair: Councilmember DeCampi

Vice Chair: Councilmember Hurt

The next meeting of the Parks, Recreation and Arts Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Director of Parks, Recreation and Arts, Tom McCarthy or me prior to Monday's meeting.

PUBLIC HEALTH AND SAFETY COMMITTEE

Chair:

Vice Chair:

The next meeting of the Public Health and Safety Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior Monday's meeting.

**REPORT FROM THE CITY ADMINISTRATOR & OTHER ITEMS
REQUIRING ACTION BY CITY COUNCIL**

I have no report for this meeting.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

OTHER LEGISLATION

I have no other legislation scheduled for action at this meeting.

UNFINISHED BUSINESS

There are no unfinished action items on the agenda for this meeting.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

NEW BUSINESS

There are no new business action items on the agenda for this meeting.

If you have any questions or require additional information, please contact me prior to Monday's meeting.