

**DRAFT**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE [CITY/VILLAGE] OF [\_\_\_\_\_] , MISSOURI, AMENDING A PRIOR RESOLUTION CALLING FOR THE JOINT ESTABLISHMENT OF A MULTI-JURISDICTIONAL TRANSPORTATION DEVELOPMENT DISTRICT WITH OTHER PARTICIPATING MUNICIPALITIES WITHIN THE 24:1 MUNICIPAL PARTNERSHIP; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO**

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**WHEREAS**, the [City/Village] of \_\_\_\_\_, Missouri (the “[*City/Village*]”) is a local transportation authority within the meaning of Section 238.202.1(4) of the Missouri Transportation Development District Act, Sections 238.200 to 238.280 of the Revised Statutes of Missouri, as amended (the “*Act*”); and

**WHEREAS**, two or more local transportation authorities are authorized under Section 238.207.5 of the Act to adopt resolutions calling for the joint establishment of a transportation development district for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating one or more projects or assisting in such activity in accordance with the Act; and

**WHEREAS**, the [City/Village] previously adopted a resolution (the “*Prior Resolution*”) authorizing the [City/Village] to join with other municipalities within the 24:1 Municipal Partnership (the “*Participating Municipalities*”) to pursue the establishment of a multi-jurisdictional transportation development district to be called the “24:1 Transportation Development District” (the “*District*”) for the purpose of funding, promoting, planning, designing, constructing, improving, maintaining and operating one or more projects or assisting in such activity (the “*Transportation Project*”) through the imposition of a transportation development district sales tax (the “*Sales Tax*”) at a rate of up to one percent (1%) on the receipts of all retail sales made in the District which are subject to taxation pursuant to Section 238.236 of the Act; and

**WHEREAS**, since the adoption of the Prior Resolution, there have been changes in the composition of the Participating Municipalities and in the methodology for calculating local street miles within the Participating Municipalities, which will affect the scope of the Transportation Project, the boundaries of the proposed District and the terms of the cooperation agreement whereby the Participating Municipalities and, upon its formation, the District, will determine the scope of the Transportation Project and the equitable allocation of the proposed District’s Sales Tax revenues to fund such Transportation Project; and

**WHEREAS**, the [City/Village] and the Participating Municipalities desire to amend the Prior Resolution by modifying or replacing the exhibits that were attached to and incorporated in the Prior Resolution in order to account for the changes in the composition of the Participating Municipalities and in the methodology for calculating local street miles within the Participating Municipalities.

**NOW, THEREFORE, BE IT RESOLVED BY THE [BOARD OF TRUSTEES/BOARD OF ALDERMEN/CITY COUNCIL] OF THE [CITY/VILLAGE] OF [\_\_\_\_\_], AS FOLLOWS:**

**Section 1.** The [Board of Aldermen/City Council] of [City/Village] hereby amends the Prior Resolution by modifying **Exhibit A, Exhibit B** and **Exhibit C** to delete any and all references to the City of Cool Valley and the City of Northwoods and to insert in their place references to the City of Hillsdale as being among the Participating Municipalities.

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**Section 2.** The [Board of Aldermen/City Council] of [City/Village] hereby amends the Prior Resolution by deleting **Exhibit D** and inserting in its place the principal terms of the term sheet (the “*Term Sheet*”) for a cooperation agreement among the Participating Municipalities and, upon its formation, the proposed District, which Term Sheet is set forth as **Attachment 1**, attached hereto and incorporated herein by reference.

**Section 3.** Except as expressly modified by this Resolution, the provisions of the Prior Resolution shall remain unaltered and in full force and effect.

**Section 4.** For purposes of filing a Petition for the Creation of a Transportation Development District (the “*Petition*”) with the St. Louis County Circuit Court (the “*Court*”) pursuant to the Prior Resolution, the [City/Village] Clerk shall provide a certified copy of the Prior Resolution for filing with the Petition, which Prior Resolution shall have amended exhibits attached there to and incorporated therein as provided for in this Resolution.

**Section 5.** All actions heretofore taken by the Mayor and any authorized representatives, agents and employees of [City/Village] in connection with the transaction contemplated by this Resolution are hereby ratified and confirmed, and [City/Village] shall, and the representatives, agents and employees of [City/Village] are hereby authorized and directed to, take such further action, and execute and deliver such other documents and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 6.** The portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution are valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the [Board of Aldermen/City Council] of [City/Village] would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 7.** This Resolution shall be in effect immediately following its passage by the [Board of Aldermen/City Council] of [City/Village] and its execution as provided by law.

Passed by the [Board of Aldermen/City Council] of the City of \_\_\_\_\_, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

## ATTACHMENT 1

### Term Sheet

#### Re: 24:1 Transportation Development District

This Term Sheet is intended to summarize the principal terms of a proposal being considered by 17 municipalities (City of Normandy, City of Greendale, City of Bellerive Acres, Village of Uplands Park, City of Pasadena Hills, City of Vinita Park, City of Beverly Hills, Village of Norwood Court, City of Bel-Nor, Village of Pasadena Park, Village of Hanley Hills, City of Velda Village Hills, City of Pagedale, City of Pine Lawn, City of Wellston, City of Velda City, and Village of Hillsdale, all located in the State of Missouri) regarding the creation of a multi-jurisdictional transportation development district, to be known as the “24:1 Transportation Development District” (“**District**”).

#### **I. The Project**

- District boundaries will include all property within the participating municipalities.
- The District will be governed by a 19-member Board of Directors comprised of the presiding officer of each participating municipality, plus the presiding officer of all other affected local transportation authorities (St. Louis County and Bi-State Development). A District Administrator shall be chosen by the Board of Directors through an agreed upon process for the purpose of managing operational duties.
- The District will aim to fund, promote, plan, design, construct, improve, maintain, and operate one or more projects or to assist in such activity, including, but not limited to, (i) maintenance and capital improvement of all streets and roadways within the boundaries of the participating municipalities (“**Municipal Projects**”); and (ii) special projects involving one or more participating transportation authorities (“**Special Projects**” and, together with Municipal Projects, the “**Projects**”).
- The Projects will be funded through the imposition of a transportation development district sales tax (the “**Sales Tax**”) within the boundaries of the District pursuant to Section 238.236 of the Missouri Transportation Development District Act (the “**Act**”).
- Pursuant to the Act, the District will impose the Sales Tax upon approval of the qualified voters within the District on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the District, if such property and services are subject to taxation by the State of Missouri pursuant to the provisions of Sections 144.010 to 144.525 of the Revised Statutes of Missouri, as amended.
- The District will seek the approval of the qualified voters of the imposition of the Sales Tax at a rate not to exceed one percent (1%) for a period up to 40 years to (a) pay the costs of the Projects; (b) reimburse the participating municipalities for the costs of filing a petition to create the District (“**Formation Costs**”); and (c) pay the District’s reasonable and actual cost of administering, collecting, enforcing and operating the District, including without limitation costs incurred pursuant to Sections 238.222 (cost of any employees), 238.252 (cost of employees or contractors), 238.255 (cost of insurance) and 238.272 (cost of annual audit) of the Act (collectively “**Administrative Costs**”).

#### **II. Municipal Projects**

- To fund Municipal Projects, the Board of Directors will adopt an annual budget, identify costs, and distribute/reimburse funds to each municipality annually based upon the

following local street miles within the municipality, excluding any rights of way of the Missouri Department of Transportation or St. Louis County Department of Transportation:

<b>Municipality</b>	<b>Local Street Miles within Municipality</b>	<b>Percentage of Local Street Miles within the Proposed District</b>
<b>Bellerive Acres</b>	19,270	4%
<b>Bel-Nor</b>	42,770	8%
<b>Beverly Hills</b>	9,515	2%
<b>Greendale</b>	10,574	2%
<b>Hanley Hills</b>	34,160	6%
<b>Hillsdale</b>	24,222	4%
<b>Normandy</b>	86,104	16%
<b>Norwood Court</b>	11,911	2%
<b>Pagedale</b>	55,013	10%
<b>Pasadena Hills</b>	27,953	5%
<b>Pasadena Park</b>	10,369	2%
<b>Pine Lawn</b>	62,488	11%
<b>Uplands Park</b>	6,546	1%
<b>Velda City</b>	20,071	4%
<b>Velda Village Hills</b>	16,057	3%
<b>Vinita Park</b>	37,991	7%
<b>Wellston</b>	71,044	13%

- The Board of Directors will be responsible for the ongoing allocation of funds and shall require that each participating municipality provide sufficient evidence of eligible costs of its Municipal Projects to receive its allocation. Such allocation may be a direct payment to an applicable contractor undertaking all or any portion of the Municipal Projects for a participating municipality, or such allocation may be a reimbursement to the participating municipality upon evidence that such cost has been incurred and paid within the current fiscal year of the District.
- The Board of Directors will budget at least 80% and up to 100% of its annual expenses (after payment of Formation Costs and Administrative Costs) on an annual basis to the costs of Municipal Projects.
- The Board of Directors will use best efforts to ensure 80 to 85% of total expenses (after payment of Formation Costs and Administrative Costs) are allocated to the Municipal Projects over each 10-year period commencing upon the initial fiscal year of the District in which the Sales Tax becomes effective.

### III.

#### Special Projects

- **Funding of Special Projects.** The Board of Directors of the District will maintain a separate account for Special Project funds. The Board of Directors will budget up to 20% of its annual expenses (after payment of Formation Costs and Administrative Costs) on an annual basis to the costs of Special Projects. The Board of Directors will use best efforts to ensure 10 to 15% of total expenses (after payment of Formation Costs and Administrative Costs) are allocated to Special Projects over each 10-year period commencing upon the initial fiscal year of the District in which the Sales Tax becomes effective.
- **Debt Instruments.** The issuance of revenue bonds shall be capped at 20% of District revenue (after the payment of Formation Costs and Administrative Costs).
- **Equality of Distribution.** For Special Projects involving one or more transportation authorities, the District will aim to ensure equality in distribution of the Sales Tax funds in the following ways:
  - Use best efforts to approve Special Project funding to all participating municipalities over each 10-year period.
  - Prioritize the distribution of Special Project funding based on the following: (i) scope of municipal benefit (e.g. number of participating municipalities applying for or total population benefited by the proposed Special Projects, etc.); (ii) use of funds to leverage matching funds (e.g. funds from Bi-State, St. Louis County, State of Missouri, federal government, private foundation, etc.); and (iii) whether the municipality has received prior funding for a Special Project in current 10-year period.
  - Use best efforts to determine which municipalities have not received funding in each 10-year period and prioritize these applicants through the end of 10-year period until funds received.
- **Application of funds.** One or more participating municipalities will apply for Special Project fund disbursement/reimbursement through an application to the Board of Directors. The Board of Directors and any administrator that it may engage will be responsible for review, analysis and approval of funding for each application, as well as ongoing allocation of Special Project funds.
- **Supermajority Requirement.** From time to time, as deemed reasonably necessary (but no less than quarterly), the Board of Directors shall call a meeting to review, analyze and vote on Special Project funding applications. The Board of Directors shall consider equality of distribution in its analysis and discussion during such meetings. A quorum of 67% (no less than 13 presiding officers) will be required to hold a vote on any funding applications. Final approval of Special Project funding will be determined by a supermajority of the votes (67%) cast by the Board of Directors members present at the meeting and entitled to vote thereon.

**IV. Formation Costs and Administrative Costs**

- As indicated above, the District will apply the Sales Tax revenues to (a) pay the costs of the Projects; (b) reimburse the participating municipalities for its Formation Costs; and (c) pay the District's Administrative Costs.
- The District's Formation Costs will be reimbursed during the first fiscal year of the District in which the Sales Tax becomes effective and such Formation Costs will not exceed \$100,000.00 as determined by the Board of Directors.
- The District's Administrative Costs will be paid on an annual basis and will not exceed 15% of the total amount of Sales Tax revenues received in such fiscal year.