

INTRODUCED BY: Trustees Fortune, Graves, Whitmore, Eisenhauer, and Stoeckl

**AN ORDINANCE CALLING FOR AN ELECTION IN THE VILLAGE OF  
TWIN OAKS ON BECOMING A CITY OF THE FOURTH CLASS  
AND RELATED MATTERS**

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**WHEREAS**, The Village of Twin Oaks was incorporated as a village in 1938 and is organized and operating in accordance with the provisions of Chapter 80 of the Revised Statutes of Missouri with a population of 392 as determined by the last federal decennial census;

**WHEREAS**, Section 72.040 RSMo. provides that all villages incorporated as of August 13, 1982, regardless of population, may elect by majority of the vote of the voters therein to become a city of the fourth class;

**WHEREAS**, Section 72.050 RSMo. provides that a village with a population of more than 200 may elect, by majority vote of the voters therein, to become a city of the fourth class;

**WHEREAS**, the Board of Trustees has determined that the residents of the Village of Twin Oaks should have an opportunity to vote on the question of whether the community should be reorganized as a city of the fourth class and whether certain taxes available to a city of the fourth class be authorized and/or implemented to continue current practice;

**WHEREAS**, Section 79.050 RSMo. provides that the Chief of Police and Collector of a city of the fourth class shall be elected unless the board of aldermen provides by ordinance for the appointment of those positions after the approval of a majority of the voters therein;

**WHEREAS**, because the Village of Twin Oaks contracts for the services of Collector and Chief of Police, the Board of Trustees has determined that if the Village of Twin Oaks shall become a city of the fourth class, the residents should have an opportunity to vote on the question of whether the Collector and Chief of Police be appointed as provided by law in order to maintain consistency with current practice;

**WHEREAS**, Section 80.460 RSMo. authorizes villages to levy and impose a tax "for municipal purposes upon all subjects and objects of taxation," which may not exceed "fifty cents on the one hundred dollars assessed valuation," and Section 94.250.1 RSMo. authorizes cities of the fourth class to levy and impose a tax "for municipal purposes upon all subjects and objects of taxation," which may not exceed "one dollar on the one hundred dollars assessed valuation"; and

**WHEREAS**, Section 94.270 RSMo. authorizes cities of the fourth class "to regulate and to license and to levy and collect a license tax" on various businesses, avocations, pursuits and callings;

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN OAKS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** That an election is hereby called and ordered to be held within the Village of Twin Oaks on the same date as the General Election, Tuesday, November 8, 2016, to be conducted by the Board of Election Commissioners of St. Louis County, at which there shall be submitted to the qualified voters of said Village the following propositions:

*“Shall the Village of Twin Oaks become a city of the fourth class?”*

*“If the Village of Twin Oaks becomes a city of the fourth class, shall the board of aldermen provide by ordinance for the appointment of a Chief of Police as provided by law?”*

*“If the Village of Twin Oaks becomes a city of the fourth class, shall the board of aldermen provide by ordinance for the appointment of a Collector as provided by law?”*

*“If the Village of Twin Oaks becomes a city of the fourth class, shall the Village of Twin Oaks increase the general property tax rate to \$1.00 per \$100.00 of assessed valuation?”*

*“If the Village of Twin Oaks becomes a city of the fourth class, shall the Village of Twin Oaks have the authority to levy a license tax on all businesses, avocations, pursuits and callings provided for in Section 94.270 RSMo. at a rate up to 6% of the gross receipts of such businesses, avocations, pursuits and callings?”*

**Section 2.** The above propositions shall be submitted to the qualified electors by ballot, which shall be in substantially the following form:

**PROPOSITION 1**

Shall the Village of Twin Oaks become a city of the fourth class?

YES

NO

Notice to Voters: To vote in favor of the proposition, place an “X” mark in the box opposite the word YES; to vote against the proposition, place an “X” mark in the box opposite the word NO.

**PROPOSITION 2**

If the Village of Twin Oaks becomes a city of the fourth class, shall the board of aldermen provide by ordinance for the appointment of a Chief of Police as provided by law?

YES

NO

The Village of Twin Oaks currently contracts for the services of Chief of Police with St. Louis County. State law, section 79.050 RSMo., provides that the Chief of Police of a city of the fourth class shall be elected unless the board of aldermen provides by ordinance for the appointment of a Chief of Police after the approval of a majority of the voters therein. If passed, this proposition would allow the board of aldermen, in the event the Village of Twin Oaks becomes a city of the fourth class, to provide for the appointment, rather than election, of the Chief of Police. This proposition would allow the Village of Twin Oaks to continue its current practice of contracting for the services of the Chief of Police.

Notice to Voters: To vote in favor of the proposition, place an "X" mark in the box opposite the word YES; to vote against the proposition, place an "X" mark in the box opposite the word NO.

### PROPOSITION 3

If the Village of Twin Oaks becomes a city of the fourth class, shall the board of aldermen provide by ordinance for the appointment of a Collector as provided by law?

YES

NO

The Village of Twin Oaks currently contracts for the services of Collector with St. Louis County. State law, section 79.050 RSMo., provides that the Collector of a city of the fourth class shall be elected unless the board of aldermen provides by ordinance for the appointment of a Collector after the approval of a majority of the voters therein. If passed, this proposition would allow the board of aldermen, in the event the Village of Twin Oaks becomes a city of the fourth class, to provide for the appointment, rather than election, of the Collector. This proposition would allow the Village of Twin Oaks to continue its current practice of contracting for the services of the Collector.

Notice to Voters: To vote in favor of the proposition, place an "X" mark in the box opposite the word YES; to vote against the proposition, place an "X" mark in the box opposite the word NO.

### PROPOSITION 4

If the Village of Twin Oaks becomes a city of the fourth class, shall the Village of Twin Oaks increase the general property tax rate to \$1.00 per \$100.00 of assessed valuation?

YES

NO

State law, section 80.460 RSMo. authorizes villages to levy and impose a tax "for municipal purposes upon all subjects and objects of taxation," which may not exceed "fifty cents on the one hundred dollars assessed valuation." Section 94.250.1 RSMo. authorizes

cities of the fourth class to levy and impose a tax “for municipal purposes upon all subjects and objects of taxation,” which may not exceed “one dollar on the one hundred dollars assessed valuation.” If passed, this proposition would allow the Village of Twin Oaks, in the event it becomes a city of the fourth class, to increase the general property tax rate to the amount permissible for cities of the fourth class.

Notice to Voters: To vote in favor of the proposition, place an “X” mark in the box opposite the word YES; to vote against the proposition, place an “X” mark in the box opposite the word NO.

PROPOSITION 5

If the Village of Twin Oaks becomes a city of the fourth class, shall the Village of Twin Oaks have the authority to levy a license tax on all businesses, avocations, pursuits and callings provided for in Section 94.270 RSMo. at a rate up to 6% of the gross receipts of such businesses, avocations, pursuits and callings?

YES   
NO

Notice to Voters: To vote in favor of the proposition, place an “X” mark in the box opposite the word YES; to vote against the proposition, place an “X” mark in the box opposite the word NO.

**Section 3.** The Village Administrator shall prepare and cause to be forwarded to the Board of Election Commissioners of St. Louis County, Missouri, a notice of election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted.

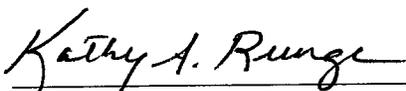
**Section 4.** This ordinance having been read by title or in full two times prior to passage, shall be in full force and effect from and after its passage and after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

PASSED and APPROVED this 17th day of August, 2016.



Russ Fortune, Chairman  
Board of Trustees

ATTEST:



Kathy A. Runge  
Village Administrator/Clerk

First Reading: 8-17-16  
Second Reading: 8-17-16