

Bill No. 5089

Ordinance No. \_\_\_\_\_

Requested by: Michelle McBride

Sponsored by: Nancy Schneider

AN ORDINANCE AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN EIGHTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF ST. CHARLES FOR COLLECTION OF TAXES

WHEREAS, the St. Charles County Council enacted Ordinance 94-118 authorizing an intergovernmental agreement with the City of St. Charles for the preparation and collection of City of St. Charles tax bills; and

WHEREAS, the St. Charles County Council enacted Ordinance 02-118 authorizing an amendment to the aforementioned intergovernmental agreement with the City of St. Charles, which amendment provided for the collection of the residential sewer lateral repair fee; and

WHEREAS, the St. Charles County Council enacted Ordinance 14-034 authorizing a second amendment to the aforementioned intergovernmental agreement with the City of St. Charles, which amendment provided for the collection of the water line repair fee; and

WHEREAS, the St. Charles County Council enacted Ordinance 14-

102 authorizing a third amendment to the aforementioned intergovernmental agreement with the City of St. Charles, which amendment provided for the collection of the annual Neighborhood Improvement District assessment fees of New Town; and

WHEREAS, the St. Charles County Council enacted Ordinance 16-066 authorizing a Fourth Amendment to Agreement for Collection of Taxes with the City of St. Charles for the collection of New Town at St. Charles Neighborhood Improvement District assessment fees as well as Special Business District assessments; and

WHEREAS, the St. Charles County Council enacted Ordinance Ordinance 17-093 authorizing a Fifth Amendment to Agreement for Collection of Taxes with the City of St. Charles for the collection of additional neighborhood improvement district assessments on real property pursuant to City Ordinance 16-264; and

WHEREAS, the St. Charles County Council enacted Ordinance Ordinance 19-082 authorizing a Sixth Amendment to Agreement for Collection of Taxes with the City of St. Charles for the collection of additional neighborhood improvement district assessments on real property pursuant to City Ordinance 18-265; and

WHEREAS, the St. Charles County Council enacted Ordinance

Ordinance 21-078 authorizing a Seventh Amendment to Agreement for Collection of Taxes with the City of St. Charles for the collection of additional neighborhood improvement district assessments on real property pursuant to City Ordinance 21-149; and

WHEREAS, it is now necessary to amend the Agreement for Collection of Taxes for an eighth time to provide for the collection of additional neighborhood improvement district assessments on real property in the Villages of Provence pursuant to City Ordinance 22-036, which contained a scrivener's error in the dollar amount on the City's Exhibit A, and an amendment thereto was created to correct said error in City Ordinance 22-046; and

WHEREAS, Section 70.220 RSMo., authorizes intergovernmental agreements between political subdivisions for the purposes herein set out.

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

Section 1. The County Executive is hereby authorized to execute the Eighth Amendment to Agreement for Collection of Taxes with the City of St. Charles for the collection of additional annual neighborhood improvement district assessments on real property.

Section 2. The Eighth Amendment to Agreement for Collection of Taxes shall be substantially the same in form and content as that attached hereto as **EXHIBIT A** and incorporated herein.

Section 3. Compliance with all terms of the amended agreement shall be the responsibility of the County Collector.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval and such agreement shall be valid upon the passage of an ordinance of the governing body of each governmental entity entering into such agreement as required by Chapter 70 of the Revised Statutes of the State of Missouri.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR

## **EIGHTH AMENDMENT TO AGREEMENT FOR COLLECTION OF TAXES**

This Eighth Amendment to that Agreement for Collection of Taxes dated June 22, 1994, is entered this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of St. Charles, Missouri, a Missouri municipal corporation (hereinafter referred to as "City"), and the County of St. Charles, Missouri, a first class charter county, (hereinafter referred to as "County").

WITNESSETH:

WHEREAS, by Agreement dated June 22, 1994, County agreed to collect and remit to City real and personal property taxes imposed on such property within City; and

WHEREAS, by Amendment in 2002 County agreed to collect and remit to City its sewer lateral repair fee through the general tax levy billing and collecting process; and

WHEREAS, by Amendments in 2014, 2016, 2017, 2019 and 2021 County agreed to collect and remit to City its water line repair fee and various annual neighborhood improvement and special business district assessments on real property through the general tax levy billing and collection process; and

WHEREAS, by Ordinance 22-046, City imposed additional annual neighborhood improvement district assessments on real property, as authorized by Sections 67.453 to 67.475, RSMo; and

WHEREAS, Section 67.463, RSMo, authorizes County to collect said neighborhood improvement district assessments on behalf of City through the general tax levy billing and collecting process; and

WHEREAS, City and County desire to amend further their Agreement for Collection of Taxes to incorporate therein the collection by County of the City additional neighborhood improvement district assessments;

NOW, THEREFORE, for and in consideration of the premises and of the covenants hereinafter made, it is hereby agreed as follows:

The Agreement for Collection of Taxes dated June 22, 1994, as amended, by and between the City of St. Charles and St. Charles County (the "Agreement") is hereby amended by the substitution of a new Section 8 which shall read as follows:

8. (a) County shall collect the annual neighborhood improvement district assessment fees imposed by City Ordinances 04-142, 05-175, 05-183, 06-185, 14-105, 15-153, 16-173, 16-264, 18-265, 20-115 and 22-046 on real property, as defined therein, through County's normal general property tax levy billing and collection process, commencing with the billings for tax year 2022. Additionally, County shall collect the special business district assessment fees imposed by City Ordinance 88-201 on real property, as defined therein, through County's normal general property tax levy billing and collection process,

commencing with the billings for tax year 2016. County shall include these fees on the tax bills issued pursuant to Sections 1(b) and (c) of the Agreement, collect the same pursuant to Section 1(d), and remit the same to City in accordance with Section 1(e). Notwithstanding the provisions of Section 1(g), County shall neither take any steps to collect neighborhood improvement district assessment or special business district assessment fees nor resolve protests or complaints relating to said fees, but rather shall refer all such matters to City. Furthermore, County shall not impose or collect interest or penalties on delinquent neighborhood improvement district assessment or delinquent special business district assessment fees.

(b) City shall permit County to retain from NID and SBD fees a commission of one and one-half (1.5%) of the amount of NID and SBD fees collected by the County on behalf of the City as compensation for the services herein provided by the County. In addition, County may retain six-tenths of one percent (.6%) of the amount of NID and SBD fees collected, which shall represent the City's required payment to the Assessor's Fund pursuant to Sections 137.082 and 137.720, RSMo. This results in a total retainage of two and one-tenth percent (2.1%).

(c) City has defined the list of real property in City of St. Charles Ordinances 04-142, 05-175, 05-183, 06-185, 14-105, 15-153, 16-173, 16-264, 18-265, 20-115 and 22-046 and 88-201, and has provided a copy of those enacted ordinances to St. Charles County. City and County agree that County will not bill any of the "exempt" properties. For properties exempt from ad valorem taxation, County will assist City in obtaining a list of those properties and City shall bill those properties directly. City, through its Finance Director, shall annually by September 1 provide the list of real properties from which County shall collect the neighborhood improvement district assessment fees.

(d) City agrees that it will provide explanatory materials to its residents through City newsletters or press releases or through other means, as determined by the City.

IN WITNESS WHEREOF, the parties hereto have executed this Eighth Amendment on this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF ST. CHARLES, MISSOURI

ST. CHARLES COUNTY, MISSOURI

By: \_\_\_\_\_  
Dan Borgmeyer  
Mayor

By: \_\_\_\_\_  
Steve Ehlmann  
County Executive

Attest:

Attest:

\_\_\_\_\_  
Laura L. Whitehead  
City Clerk

\_\_\_\_\_  
Brenda Hinton  
County Registrar