



City of Smithville, Missouri
Board of Aldermen – Regular Session Agenda
7:00 p.m. Tuesday, September 19, 2023
City Hall Council Chambers and Via Videoconference

Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the City's FaceBook page.

Public Comment can be made in person or via Zoom, if by Zoom please email your request to the City Clerk at ldrummond@smithvillemo.org prior to the meeting to be sent the meeting Zoom link.

1. Call to Order
2. Pledge of Allegiance
3. Proclamation
 - Constitution Week
4. Public Hearing – Property Tax Levy
5. Consent Agenda

Join Zoom Meeting
<https://us02web.zoom.us/j/84967519511>
Meeting ID: 849 6751 9511
Passcode: **776655**

- **Minutes**
 - August 28, 2023 Board of Aldermen Special Session Minutes
 - August 28, 2023 Board of Aldermen Work Session Minutes
 - August 28, 2023 Board of Aldermen Special Session Minutes
 - September 5, 2023, Board of Aldermen Work Session Minutes
 - September 5, 2023, Board of Aldermen Regular Session Minutes
- **Financial Report**
 - Finance Report for August 2023
- **Resolution 1268, DWI Enforcement Grant Agreement**

A Resolution authorizing and directing the Mayor to sign an agreement with the Missouri Highway and Transportation Commission for a DWI Enforcement Grant.
- **Resolution 1269, Hazardous Moving Violation Grant Agreement**

A Resolution authorizing and directing the Mayor to sign an agreement with Missouri Highway and Transportation Commission for a Hazardous Moving Violation Grant.
- **Resolution 1270, Destination Safe Grant Agreement**

A Resolution authorizing and directing the Mayor to sign an agreement with Missouri Highway and Transportation Commission for a Destination Safe Grant.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

6. **Committee Reports**
 - Planning and Zoning Commission

7. City Administrator's Report

ORDINANCES & RESOLUTIONS

8. Bill No. 3004-23, Setting the 2023 Property Tax Rate – Emergency Ordinance – Sponsored by Mayor Boley - 1st and 2nd Reading

An Ordinance setting the property tax levy on all taxable property within the City of Smithville, Missouri for 2023. 1st and 2nd reading by title only.

9. Bill No. 3005-23, Stormwater Plan – Illicit Discharge – 1st Reading

An Ordinance amending Section 520.110 Dumping or Depositing Dirt, Rock or other Material and enacting in its place a new Section 520.110 Dumping or Depositing Dirt, Rock or other Material. 1st reading by title only.

10. Bill No. 3006-23, Amendment to the Subdivision Ordinance Stormwater Regulations – 1st Reading

An Ordinance repealing Section 425.180 Subdivision Maintenance Provisions of the subdivision regulations of the Smithville Municipal Code and re-enacting a new section 425.180. 1st reading by title only.

11. Bill No. 3007-23, City Administrator's Spending Authority – 1st Reading

An Ordinance repealing Sections 150.030 and 150.040 of the Code of Ordinance and enacting in its place a new Section 150.030 and 150.040 for approval and competitive bidding. 1st reading by title only.

12. Resolution 1271, Purchase of Drinking Fountains for Main Street Trail

A Resolution acknowledging and approving the expenditure of funds for the purchase of two Main Street Trail water fountains.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

Pursuant to the public comment policy, a request must be submitted to the City Clerk prior to the meeting. When recognized, please state your name, address and topic before speaking. Each speaker is limited to three (3) minutes.

14. New Business From The Floor

Pursuant to the order of business policy, members of the Board of Aldermen may request a new business item appear on a future meeting agenda.

15. Adjourn





PROCLAMATION

WHEREAS: September 17, 2023, marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Damien Boley, by virtue of the authority vested in me as Mayor of the City of Smithville, MO, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of September of the year of 2023.

Signed _____
Damien Boley, Mayor

SEAL Attest _____
Linda Drummond,
City Clerk



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Finance

AGENDA ITEM: Public Hearing Pertaining the 2023 Property Tax Levy

REQUESTED BOARD ACTION:

Hold a Public Hearing pertaining to the 2023 Property Tax Levy.

SUMMARY:

The City of Smithville is required to hold a public hearing before the property tax levy for 2023 can be set. The public hearing allows citizens to offer public comment on setting the property tax levy. Holding the public hearing is required by Section 67.110, RSMo.

Final assessed valuations were received by the City from the County Clerks for Platte County on July 28, 2023, and for Clay County on September 12, 2023.

The City's *adjusted assessed valuation* rose 11.9665% (which does not include growth due to new construction and personal property tax). Total figures are provided to the State Auditor's Office, which prepares the tax rate computations for the City's 2022 tax rate ceiling. The computations determined a general tax rate ceiling of 0.3869 and the City does not levy a property tax to pay general obligation debt. The Debt Service Fund is supported through the Capital Improvement Sales Tax, and therefore no property tax revenue is necessary. Staff recommends adopting the maximum general tax rate of **0.3869**.

Staff posted a notice of public hearing in 3 separate locations around the City of Smithville: US Post Office, Porter's Ace Hardware, and Casey's General Store. These postings occurred on the afternoon of September 12, 2023. Section 67.110, RSMo states, "the governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such a hearing. A notice stating the hour, date and place of hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, **or such notice shall be posted in at least three public places within the political subdivision**. Such notice shall be published or posted at least seven days prior to the date of the hearing.

PREVIOUS ACTION:

The property tax levy is set on an annual basis by the Board of Aldermen.

POLICY ISSUE:

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FINANCIAL CONSIDERATIONS:

Setting the property tax rate allows for collection of property tax which constitutes about 20% of General Fund total revenues.

ATTACHMENTS:

- ☐ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes



NOTICE OF PROPERTY TAX LEVY HEARING

A hearing will be held at 7:00 p.m., Tuesday, September 19, 2023, at Smithville City Hall, 107 West Main Street, at which citizens may be heard on the property tax rates proposed to be set by the City of Smithville, Missouri, a political subdivision.

NOTICE: *Due to concerns for safety, public meetings and public comment during public meetings require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's Facebook page.

Assessed Valuation	Current Tax Year 2023	Previous Tax Year 2022
Real Estate	\$228,142,007	\$191,601,005
Personal Property	\$45,515,032	\$45,884,172
Total	\$273,657,039	\$237,485,177

Fund	Property Tax Revenues Billed	Proposed 2023 Tax Levy*	2022 Tax Levy*
General Fund	\$1,058,779	0.3869	0.4126
Debt Service	None	None	None

* Per \$100 Assessed Valuation

The above tax rate calculations are subject to change based on final aggregate assessed valuation data submitted by the Board of Equalization from Clay and Platte Counties.

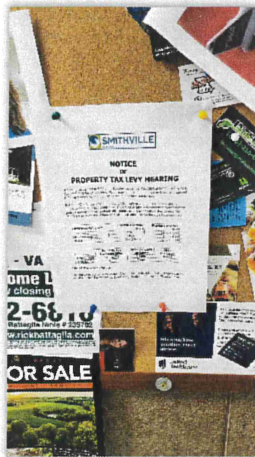
September 21, 2023

City of Smithville
107 West Main Street
Smithville, Missouri 64089

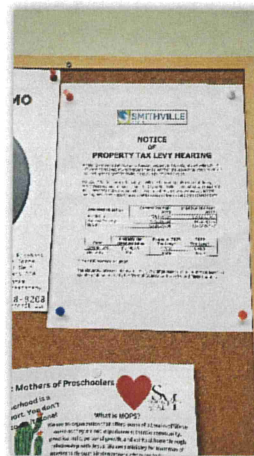
In accordance with RSMo 67.110, which outlines how a Notice of Public Hearing for Property Tax Levy may be published, the City posted a Notice of Property Tax Hearing in 3 separate locations around the City of Smithville on the early afternoon of September 12, 2023, to notify the public of a public hearing for the upcoming property tax levy (more than 7 days in advance) scheduled at the City of Smithville City Hall for Tuesday, September 19, 2023 at 7:00 PM. The locations which featured the postings included:

- Porter's Ace Hardware – 15700D North, US 169 Highway, Smithville Missouri, 64089
- Casey's General Store – 119 US 169 Highway, Smithville Missouri, 64089
- U.S. Post Office – 206 Richardson Street, Smithville Missouri, 64089

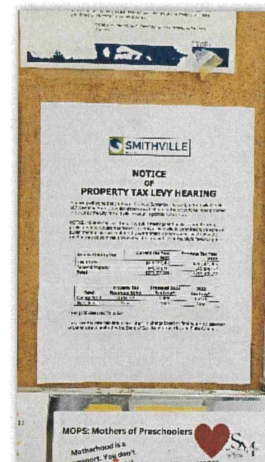
Below are photos of the postings:



Casey's General Store



Porter's Ace Hardware



U.S. Post Office

Thank you,

Linda Drummond
City Clerk, City of Smithville, Missouri



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT:

Administration/Finance/Police

AGENDA ITEM: Consent Agenda

REQUESTED BOARD ACTION:

The Board of Aldermen can review and approve by a single motion. Any item can be removed from the consent agenda by a motion. The following items are included for approval:

- **Minutes**
 - August 28, 2023 Board of Aldermen Special Session Minutes
 - August 28, 2023 Board of Aldermen Work Session Minutes
 - August 28, 2023 Board of Aldermen Special Session Minutes
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SUMMARY:

Voting to approve would approve the Board of Aldermen minutes, finance report and Resolutions.

PREVIOUS ACTION:

N/A

POLICY ISSUE:

N/A

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input checked="" type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Finance Report | |

**SMITHVILLE BOARD OF ALDERMEN
SPECIAL SESSION**

August 28, 2023 5:00 p.m.
City Hall Council Chambers

1. Call to Order

Mayor Boley called the meeting to order at 5:00 p.m. A quorum of the Board was present: Marvin Atkins, Melissa Wilson, Leeah Shipley, Dan Ulledahl, Dan Hartman and Ronald Russell.

Staff present: Cynthia Wagner, Gina Pate and Linda Drummond.

2. Adjournment to Executive Session Pursuant to Section 610.021(1 & 2) RSMo.

Alderman Ulledahl moved to adjourn to Executive Session Pursuant to Section 610.021(1 & 2) RSMo. Alderman Atkins seconded the motion.

Upon roll call vote:

Alderman Russell – Aye, Alderman Hartman – Aye, Alderman Ulledahl – Aye,
Alderman Atkins – Aye, Alderman Shipley – Aye, Alderman Wilson – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the special session adjourned to the Executive Session at 5:00 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

SMITHVILLE BOARD OF ALDERMEN

WORK SESSION

August 28, 2023, 5:30 p.m.
City Hall Council Chambers and Via Videoconference

1. **Call to Order**

Mayor Boley, present, called the meeting to order at 5:50 p.m. following the executive session. A quorum of the Board was present: Melissa Wilson, Ronald Russell, Marv Atkins, Dan Ulledahl, Leeah Shipley and Dan Hartman.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Chuck Soules, Matt Denton, Stephen Larson, Jack Hendrix and Linda Drummond.

2. **Discussion City Administrator's Spending Authority**

Cynthia noted that Alderman Wilson requested information on the expenditure authority of other communities in light of raising costs. Staff researched the information to present tonight. Staff is looking for direction from the Board. Staff has no recommendation at this point.

Stephen Larson, Finance Director, noted that during the July 18 2023 Board of Aldermen work session we had a directive from the Board to research city administrators spending authority and whether changes are warranted. Staff researched the number of Resolutions that the Board has approved over a two-year period that have been below \$25,000. In conjunction with that research staff looked at comparable communities in our region and what those spending authorities look like. In the staff report there are a number of charts and graphs that indicate where other communities are with spending authority. Statewide staff gathered responses from a Missouri GFOA listserv along with the City Manager listserv. The midpoint in those charts is around \$10,000, \$15,000 and \$20,000. The City of Smithville is at \$7,500 and is one of the lowest in the responses that we gather for the state as well in our local comparison. Over the course of this two-year period, 46 Resolutions were approved which had costs totaling between \$7,500 and \$25,000. Of those 46, 7 of the Resolutions were categorized as emergency purchases.

Stephen noted that raising the spending authority is going to allow quicker action on those emergency purchases. It also counteracts issues we have had with inflation and allows us to make routine purchases for departments on a daily basis.

Alderman Wilson noted she would like to see us really considering increasing it to \$10,000. She explained that in looking at the report we had four emergency purchases that was between \$7,500 and \$10,000.

Alderman Atkins said he felt it should be doubled with the way costs were going up.

Mayor Boley noted that most of the items are budgeted items the Board has already acted on.

Alderman Russell agreed we need to raise it but wondered if it would still be done by emergency and Cynthia would still let the Board know what it was and that it was being fixed.

Cynthia explained that was correct she lets the Board know at the time that she has authorized an emergency repair or emergency purchase in order to be able to make that repair or make that purchase and then staff brings it forward for approval at either the next Board meeting or the board meeting at which time we have all the final cost and final information.

Mayor Boley noted that many of these municipalities that have sewer treatment plants have a higher spending authority.

Alderman Ulledahl, Alderman Hartman and Alderman Shipley all agreed with raising it to \$15,000.

Stephen noted that the City Administrator's spending authority is outlined in the Code of Ordinances so staff will bring this forward for Board approval.

3. Discussion RFP for City Tow Services

Alderman Hartman noted for those who are in the audience or watching online in work session the Board has the ability to have a casual conversation among peers and appreciates the opportunity to discuss this.

Cynthia pointed out that this was on the prior agenda and there was a request to postpone allowing for review. What staff is looking for from the Board is a layered decision. A decision to exercise the contract extension which is what the action was on the prior agenda or to issue a new RFP. If the decision is to issue a new RFP, staff would like to have some discussion and feedback from the Board with regard to the parameters outlined in the RFP. The information in the packet included a brief history of this service. Prior to 2015, the police used a tow rotation that they tracked internally in the squad room. There were issues with trying to manage it in that way. They reviewed and issued an RFP for the services in 2015. Two bids were received and reviewed at that time. In December the Board approved a three-year contract with GT Tow with the option to renew for two additional years. That contract was in effect until 2020, at which time it was put out to bid again and we only received one bid. Staff reviewed that proposal and brought forward the recommendation to the Board that the contract be approved for a three-year period with two additional extensions. This is the recommendation that came to the Board earlier this summer and was the first extension outlined in that contract. The 2015 contract had a cost of \$200 per tow, and that was reduced to \$100 with the 2020 contract.

Kristine Bunch, 18600 Primrose Street, read from the Smithville website *applying for occupational license the city of Smithville requires occupational licenses for all businesses located in the city limits or businesses performing work in city limits all new businesses must submit a completed application prior to commencing operations*. She noted that there are a lot of businesses in Smithville that are operating without business licenses, not just tow services. She sent an email to Beth Stevens, Finance Specialist asking if there were any other tow businesses, specifically asking if Brad's

Towing had a business license and was told they did not have a business license with the City of Smithville.

Kenny Perdue, 7215 Little Platte Road, and Brad's Tow Service, located at 19201 Switchgrass Drive. He noted that they submitted the business license application on Friday, August 25. He said the Kansas City Missouri tow rotation of almost a decade ago has completely changed and gone are the days of multiple tow companies jumping wrecks, gone are the days of tow companies monitoring police scanners in order to make an extra buck and gone are the days of inconsistent tow prices. Auto Return now manages the tow services for the area and all tow companies on the rotation must charge the exact same hook fee, tow fee, administrative fee and impound fee. He noted that Brad's Tow is local to Smithville, and they all reside in the Smithville area. They asked that the City move from a sole provider and to use Auto Return to allow the City and Auto Return to vet and audit local tow providers.

Alderman Russell asked if the 2015 contract renewal for the two additional extensions was brought before the Board for approved in 2018 and 2019 if not how were they approved. He noted that with the current tow company, there has been nothing but praise for their service. He sees no problem with moving forward with the extension. He asked that staff look into all City contracts going to a two-year term to be fair.

Alderman Hartman noted that the Board has three opportunities vote, postpone or deny. He did say that he would like it to go out for bid, but only the Board has that authority. He just wanted to look at the option for this to go out for bid but if the Board feels that we need to extend the contract then that it what should happen.

Alderman Wilson noted that the term of agreement reads, *the initial term of this agreement shall be for a period of 3 years, which ends October 31, 2023, with the city having an option to renew this contract for two additional one-year terms upon notice to the contractor within 90 days of the end of this current contract.* She noted that we are beyond the 90 days.

Cynthia explained that was why staff brought this to the Board earlier this summer and it was staff's recommendation to continue that contract because of the good experience we had with GT Tow.

Mayor Boley noted that it would be too late to put this out for bid this year, but could be bid next year following a work session on this topic if needed.

Alderman Atkins asked that the RFP be included next time to keep it fair. He also asked that staff reach out to other Police Departments to see what they are doing and see what the newest technology is and keep the tow companies fair and accurate.

Mayor Boley said we would need to do an RFQ like we do for the engineering services.

Alderman Wilson said that since it has gone beyond the 90 days it needs to go back on the agenda and the contract be approved for at least another year.

Alderman Atkins agreed for the one-year extension.

Mayor Boley noted that it will be on the agenda next Tuesday.

Cynthia asked if the Board wished this to be on a future work session to discuss the recommendations for an RFQ.

Alderman Wilson agreed that it should be on a future work session. She noted that she understood Alderman Hartman questioning this since we only received the one bid in 2020 whether it would have been the best and lowest bid.

Cynthia noted that sometimes with services we receive less bids. As Alderman Russell asked about limiting the contracts to two years, sometimes we need to be able to negotiate a longer-term contract and that flexibility it important.

4. Discussion 9-Month FY2023 Budget Update

Stephen Larson, Finance Director, presented the FY2023 budget update.

FY2023 Budget – 9-Month Comments

- The FY2023 budget figures include the following budget amendments approved by the Board of Aldermen:
 - ✓ **Budget Amendment #1** – Additional Budget Authority for Utilities Department Skid Steer Outright Purchase
 - ✓ **Budget Amendment #2** – Additional Budget Authority for 4th Street & 4th Terrace Improvements Bid Award.
 - ✓ **Budget Amendment #3** – Additional Budget Authority for 2023 Street Maintenance Program Bid Award.
 - ✓ **Budget Amendment #4** – Additional Budget Authority for Waterline, Road, and Stormwater Improvements on Quincy Boulevard Bid Award.
 - ✓ **Budget Amendment #5** – Additional Budget Authority for Marketplace TIF Debt Service Payments & Heritage Park & Smith's Fork Park Playground Resurfacing.

General Fund Review

General Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Revenues	\$5,466,340	\$6,210,118	\$4,978,029	91%

- 3rd Quarter FY2023 General Fund revenue projections are bolstered by the performance of property tax, sales tax, and interest earnings from available cash on hand.

General Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Expended
Expenditures	\$6,460,310	\$6,372,849	\$4,395,532	68%

Capital Projects With GF Funding	Phase	Resolution	Contractor/Engineer	Status
2023 Street Maintenance Program	Construction	1212	Pavement Management	In Progress
Quincy Boulevard – Sidewalk Replacement	Construction	1221	Amino Brothers Co.	In Progress
2023 Sidewalk Replacement Program	Construction	1231	Legacy Underground Construction	In Progress
Litton Visitor Center Renovation	Construction	Upcoming	Bid Not Awarded Yet	Not Started

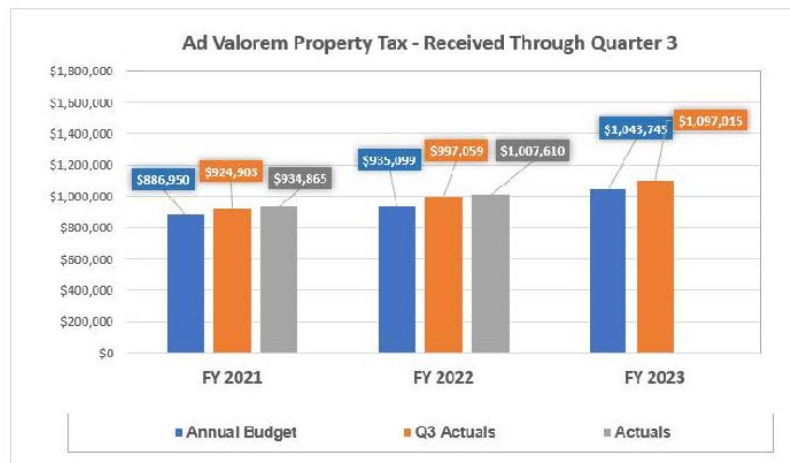
Ad Valorem Property Tax Revenue

General Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Property Tax Revenues	\$1,043,745	\$1,103,250	\$1,097,015	105%

- The City received a large Property Tax disbursement from Clay County in January 2023.
- The City, on average in the past 3 years, receives **99.5%** of annual property tax revenue by the 3rd quarter of the fiscal year.
- For the last five years, the City has seen an average annual increase in property tax revenues of about **6.2%**.

Property Tax revenue comprises 20% of General Fund revenue and plays a significant role in funding core City services and amenities.

Ad Valorem Property Tax Revenue Quarter 3 History



1% City Sales Tax Revenue

General Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Sales Tax Revenues	\$1,296,675	\$1,415,750	\$1,048,954	81%

- The City, on average in the past 3 years, receives **71%** of sales tax annual revenue by the 3rd quarter of the fiscal year.
- This data reflects the monthly transfer of TIF EATs from the General Fund to the Special Allocation Fund (Marketplace TIF).

The total sales tax rate for the City of Smithville is 8.475% (outside of the Smithville Commons CID). 1% of this rate is the General Fund Sales Tax.

1% City Sales Tax Revenue Quarter 3 History

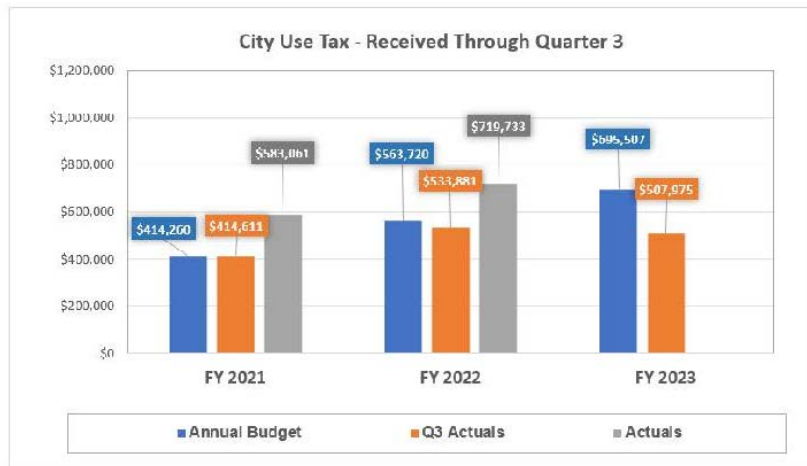


City Use Tax Revenue

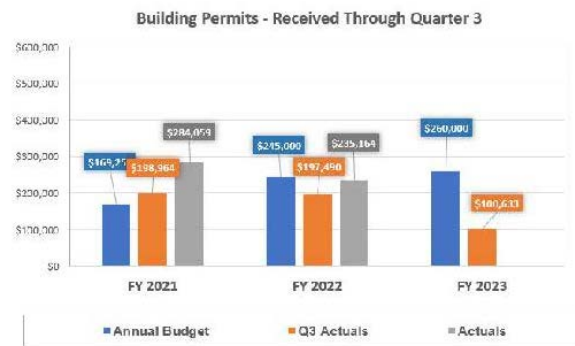
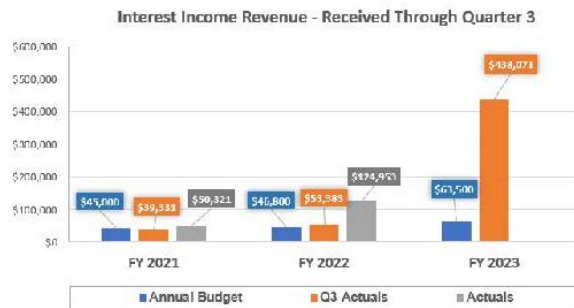
General Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Use Tax Revenues	\$695,507	\$715,250	\$507,975	73%

- The City, on average in the past 3 years, receives **73%** of use tax annual revenue by the 3rd quarter of the fiscal year.
- City Use Tax receipts have *surged back in the months of July and August due to remittance catchup.*

City Use Tax Revenue Quarter 3 History



General Fund Revenues – Areas of Impact

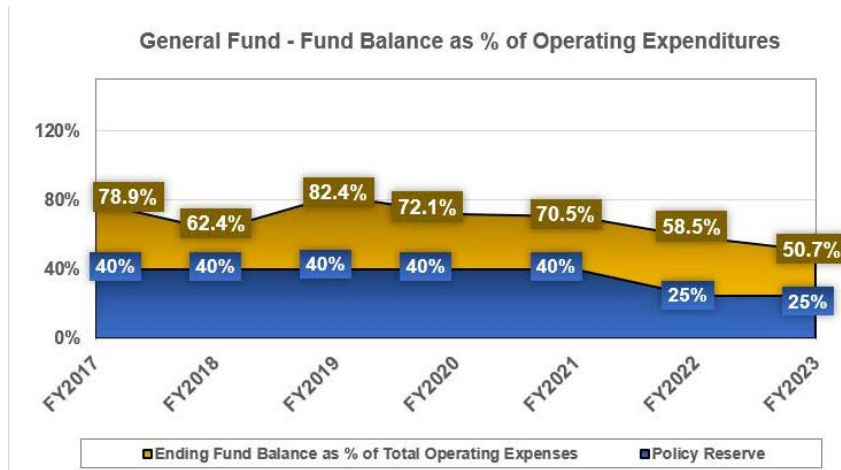


General Fund - Bottom Line

	Actual FY2022	Budgeted FY2023	Projected FY2023
Beginning Fund Balance	\$ 3,736,229	\$ 3,456,205	\$ 3,425,221
Total Revenues	\$ 5,542,691	\$ 5,466,340	\$ 6,210,118
Total Expenses	\$ 5,853,699	\$ 6,310,310	\$ 6,372,849
Net Change in Fund Balance	\$ (311,008)	\$ (843,970)	\$ (162,731)
Ending Fund Balance	\$ 3,425,221	\$ 2,612,235	\$ 3,262,490

***Budgeted FY2023 Figure indicates original budget prior to Budget Amendments.**

General Fund – Fund Balance Analysis



Capital Improvement Sales Tax Fund

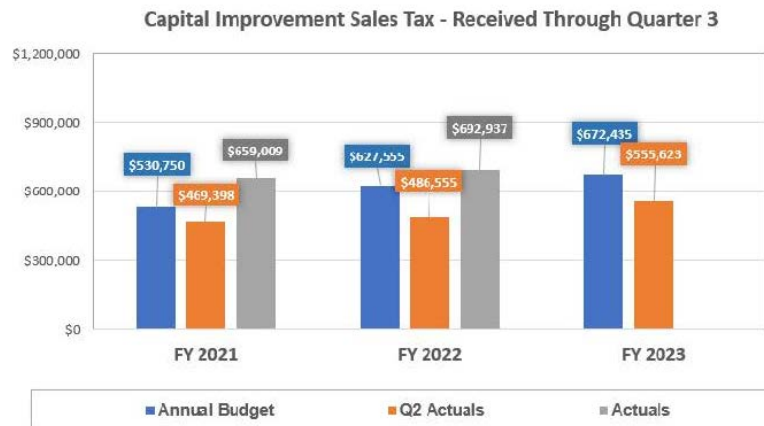
Capital Improvement Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
All Revenues	\$1,160,435	\$728,750	\$555,623	48%

- The City, on average in the past year 3 years, receives **70%** of capital improvement sales tax annual revenue by the 3rd quarter of the fiscal year.
- The budget includes a **\$488,000** MoDOT reimbursement for Streetscape Phase III Construction, which will now be rolled over to the revenue budget for FY2024.

Capital Improvement Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Expended
All Expenditures	\$1,355,370	\$584,845	\$462,682	34%

Capital Projects with CIST Funding	Phase	Resolution	Contractor/Engineer	Status
Downtown Streetscape Phase III	Engineering	1026	HDR Engineering	In Progress
Quincy Boulevard - Road Reconstruction	Construction	1221	Amino Brothers Co.	In Progress
Downtown Streetscape Phase III	Construction	Upcoming	Bid Not Awarded Yet	Not Started

Capital Improvement Sales Tax Fund 3 Year History



Transportation Sales Tax Fund

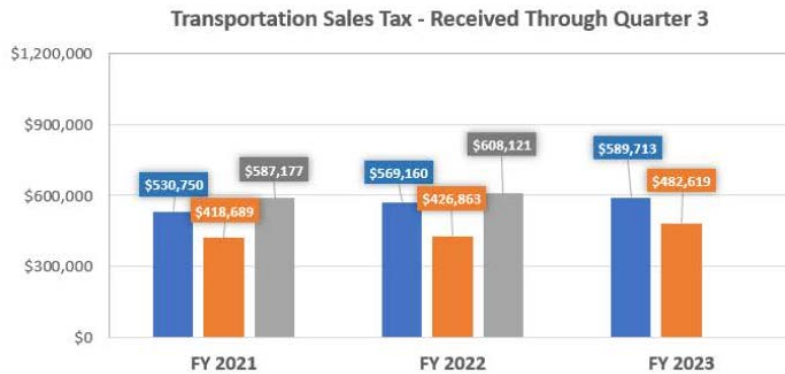
Transportation Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Revenues	\$589,713	\$644,480	\$484,929	82%

- The City, on average in the past 3 years, receives **71%** of transportation sales tax annual revenue by the 3rd quarter of the fiscal year.

Transportation Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Expended
Expenditures	\$992,246	\$970,057	\$182,672	18%

Capital Projects With TST Funding	Phase	Resolution	Contractor/Engineer	Status
4th Street and 4th Terrace – Road Reconstruction	Construction	1199	Menke Excavating	In Progress
2023 Street Maintenance Program	Construction	1212	Pavement Management	In Progress
Quincy Boulevard - Road Reconstruction	Construction	1221	Amino Brothers Co.	In Progress

Transportation Sales Tax Fund 3 Year History



CWWS Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Received
Revenues	\$9,340,817	\$5,731,843	\$4,375,874	47%

- Budgeted revenues include COP proceeds of **\$3,900,000** for 144th Street Lift Station and West Bypass of the 144th Street Lift Station.
- These COP proceeds, along with the debt issuance procedure will be rolled over into FY2024 due to the condemnation process.

CWWS Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% of Budget Expended
Expenditures	\$13,070,115	\$6,667,792	\$4,190,128	32%

- Budgeted expenditures include COP proceeds of **\$3,900,000** for 144th Street Lift Station and West Bypass of the 144th Street Lift Station.
- This project expenditures will be rolled over into FY2024 due to the condemnation process.

Capital and Maintenance Program – CWWS

CWWS Capital Project	Phase	Resolution	Contractor/Engineer	Status
Winnier and Woods Waterline Replacement	Construction	1158	Blue Moon Hauling	Completed
Aerobic Digester	Construction	1084	David E. Ross	Completed
4th Street & 4th Terrace - Waterline Replacement	Engineering	1054	Veenstra & Kimm	Completed
Quincy Boulevard - Waterline Replacement	Engineering	1043	Snyder & Associates	Completed
2023 Slipline Sewer Program	Maintenance	1193	SAK Construction, LLC	Completed
West Bypass of 144 th Street Lift Station	Engineering	987	HDR Engineering	In Progress
Little Platte River Crossing - Waterline Replacement	Engineering	1138	HDR Engineering	In Progress
Owens Branch Interceptor	Engineering	1176	HDR Engineering	In Progress
Water Plant Improvements	Engineering	1208	HDR Engineering	In Progress
4th Street & 4th Terrace - Waterline Replacement	Construction	1199	Menke Excavating	In Progress
Quincy Boulevard - Waterline Replacement	Construction	1221	Amino Brothers Co.	In Progress
West Bypass of 144 th Street Lift Station	Construction	Upcoming	Bid Not Awarded Yet	Not Started
144 th Street Lift Station	Construction	Upcoming	Bid Not Awarded Yet	Not Started
Water Plant Improvements	Construction	Upcoming	Bid Not Awarded Yet	Not Started

Water and Wastewater Sales Revenue

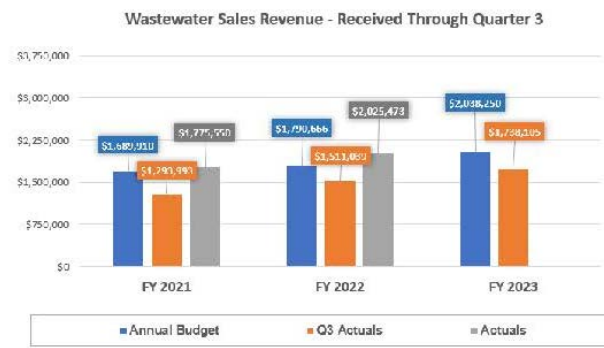
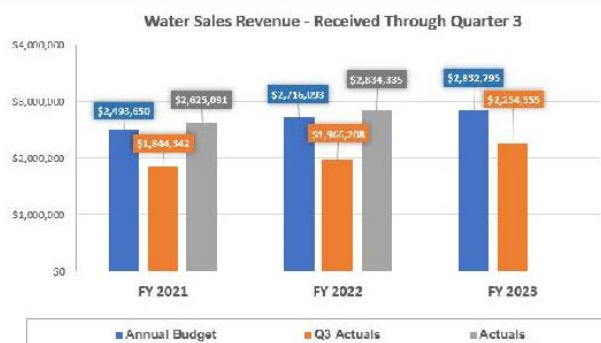
CWWS Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Water Sales	\$2,832,795	\$3,015,141	\$2,254,555	80%

- The City, on average in the past 3 years, receives **70%** of water sales annual revenue by the 3rd quarter of the fiscal year.

CWWS Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Wastewater Sales	\$2,038,250	\$2,263,575	\$1,738,105	85%

- The City, on average in the past 3 years, receives **73%** of wastewater sales annual revenue by 3rd quarter of the fiscal year.

3



CWWS Fund – Bottom Line

	Actual FY2022	Budgeted FY2023	Projected FY2023
Beginning Fund Balance	\$ 5,602,501	\$ 7,123,744	\$ 6,851,727
Total Revenues	\$ 6,221,873	\$ 9,340,817	\$ 5,732,930
Total Expenses	\$ 4,972,647	\$ 13,070,115	\$ 6,691,251
Net Change in Fund Balance	\$ 1,249,226	\$ (3,729,298)	\$ (958,321)
Ending Fund Balance	\$ 6,851,727	\$ 3,394,446	\$ 5,893,406

Sanitation Fund

Sanitation Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Revenues	\$915,860	\$844,436	\$647,837	71%

- YTD revenues are about \$3,400 over YTD expenditures through 8 months, which indicates the fund is stable and financially healthy.

Sanitation Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Expended of Budget
Expenditures	\$900,600	\$844,050	\$644,460	72%

- Expenditure contingency is built into the FY2023 Budget for additional residents moving into Smithville.

Parks and Stormwater Sales Tax Fund

Park & Stormwater Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Revenues	\$672,435	\$728,750	\$555,059	83%

- The City, on average in the past year 2 years, receives **70%** of park and stormwater sales tax annual revenue by the 2nd quarter of the fiscal year.

Park & Stormwater Sales Tax	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Expended of Budget
Expenditures	\$647,750	\$639,330	\$70,526	11%

PST Funded Capital Project	Phase	Resolution	Contractor/Engineer	Status
Stormwater Discovery & Master Plan	Design	1106	George Butler Associates	Completed
4th Street & 4th Terrace – Stormwater Improvements	Engineering	1043	Snyder & Associates	Completed
4th Street & 4th Terrace – Stormwater Improvements	Construction	1199	Menke Excavating	In Progress
Quincy Boulevard – Stormwater Improvements	Construction	1221	Amino Brothers Co.	In Progress

Vehicle and Equipment Replacement Fund

VERF	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Revenues	\$422,100	\$371,770	\$184,611	44%

- ☐ The VERF received the budgeted \$70,000 transfer for annual operational support in Q1 of 2023.
- ☐ Three more Public Works trucks will sell in August 2023, providing further revenue to the VERF.

VERF	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Expended of Budget
Expenditures	\$381,750	\$345,318	\$244,789	64%

- ☐ Through July 31, 2023, the City is leasing **31 vehicles** with Enterprise Fleet Management.

ARPA (American Rescue Plan Act) Fund

American Rescue Plan Act Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Received of Budget
Revenues	-	-	-	-

- ☐ Finance staff will record an *interest earnings journal entry* at the end of FY2023 for the ARPA Fund.

American Rescue Plan Act Fund	FY2023 Budgeted	FY2023 Projections	FY2023 YTD	% Expended of Budget
Expenditures	\$953,270	\$880,215	\$711,474	75%

- ☐ As of April 30, 2023, the City had **\$158,915** remaining on the Raw Water Pump Station construction contract with Irvinbilt Construction.
- ☐ Project has been completed. Final invoices are expected to be paid in August/September 2023.

9 Month Budget Review – Concluding Remarks

Revenues

- General Fund revenues continue to forecast above budget, with strong performance in Sales Tax and Interest Earnings.
- Use Tax is bouncing back with great performance following remittance catchup.
- A warm summer season has resulted in increased water sales in CWWS Fund.

Expenditures

- Inflation continues to be present in department operational budgets (increased costs in repairs & maintenance, treatment chemicals, contractual services).

Budget “Rollovers” for FY2024

- Funds for several projects planned for FY2023 will be rolled over to FY2024. This has no detrimental effect on fund balance as the planned expenditures simply move from this year to the next year.

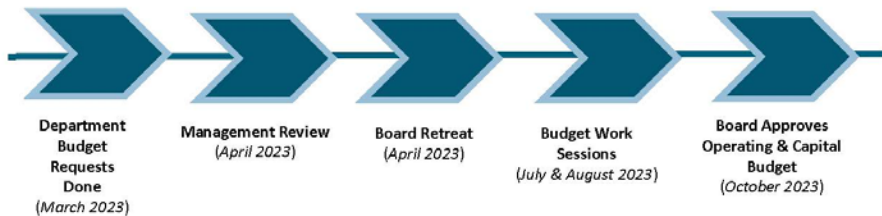
Migration from ERP Pro 9 to ERP Pro 10

- The Finance Department is currently coordinating an update to the City's financial & resource planning software. The “Go Live” period for the software is planned in Q1 of 2024.

5. Discussion FY2024 Operating Budget

Stephen Larson, Finance Director presented the proposed FY2024 Operating Budget.

Budget Development Process



Financial Profile – Bond Rating

Rating Based Upon the Following Criteria:

- *City Economy*
- *Debt Structure*
- *Financial Condition*
- *Demographic Factors*
- *Management Practices of Governing Body & Administration*

Rating of “AA-”

**Assigned by
S&P Global in
February 2019**

Financial Profile – Outstanding Debt

**Outstanding
General
Obligation Debt
of \$5,230,000**

Funds Delivered - **August 2018**

Final Payment – **March 2038**

**Outstanding
COP Debt of
\$7,550,000**

Funds Delivered - **August 2018**

Final Payment – **September 2038**

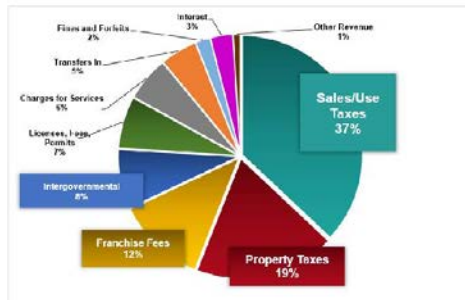
General Fund – Proposed FY2024 Operating Budget and CIP

Proposed FY2024 General Fund Revenue Summary

General Fund Revenues	Actual FY2022	FY2023 Budget	Projected FY2023	FY2024 Proposed Budget
Property Taxes	1,007,610	1,043,745	1,103,250	1,152,696
Sales and Use Taxes	2,122,573	2,068,284	2,213,350	2,360,105
Franchise Taxes	742,590	674,690	762,290	759,740
Licenses, Fees, and Permits	422,663	442,279	336,895	350,725
Intergovernmental Revenues	388,676	402,872	479,662	451,420
Charges for Services	317,125	347,900	370,497	382,060
Fines and Forfeits	118,738	112,615	113,860	114,320
Interest Earnings	124,953	63,500	495,000	294,500
Other Revenue	68,180	29,595	54,175	31,170
Transfers In	227,148	260,860	281,160	285,550
Total Revenues	\$5,540,256	\$5,406,340	\$6,210,118	\$6,292,486

□ **0.84% increase** in total revenues from Projected FY2023 to Proposed FY2024.

Proposed FY2024 General Fund Revenues by Category



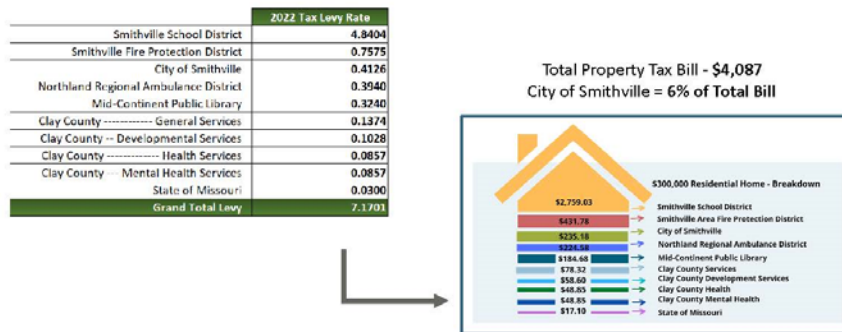
□ About **56%** of the General Fund revenue budget is comprised of:

- ◊ Sales Tax
- ◊ Use Tax
- ◊ Property Tax

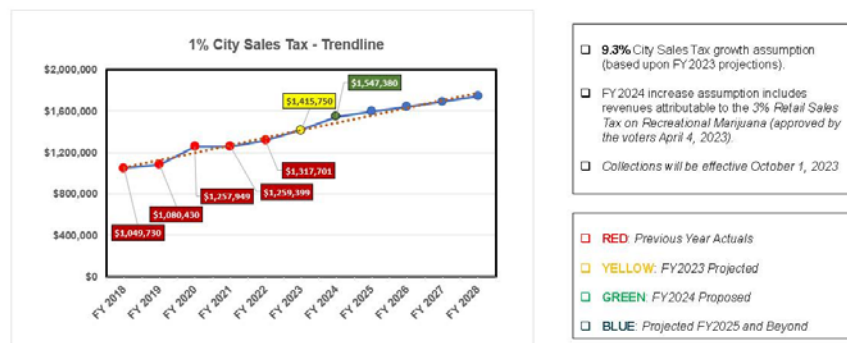
Proposed FY2024 General Fund Ad Valorem Property Tax



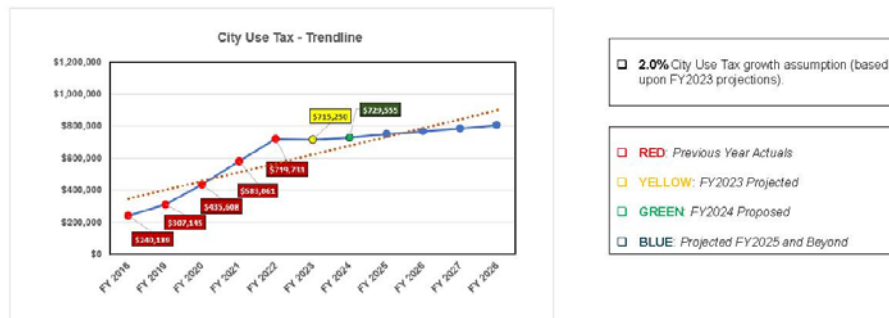
City Financial Profile – Tax Structure



Proposed FY2024 General Fund City Sales Tax



Proposed FY2024 General Fund City Use Tax



Alderman Wilson asked Stephen to explain why we are combining the 3% marijuana tax in with the City's general sales tax.

Stephen explained that we have access to the Department of Revenue sales tax data and that data is treated as proprietary because accessing that allows us to see what their sales look like and those sales are protected data. Because we only have one dispensary in town we are just combining it with the general fund sales tax.

Cynthia added that only certain staff members have access to that information from the Department of Revenue and those employees have to sign that they will not share that information. Staff can look at the information from the Department of Revenue on a monthly basis and use it to help make up the sales tax projections. We are not allowed to call out the sales tax revenue on a single business.

FY2024 Proposed General Fund Key Operating Budget Assumptions

- > CPI Compensation Adjustment – 3% Increase effective November 1, 2023, for all staff. The long-range financial forecast assumes a 3% annual increase.
- > Health Insurance Premiums – 15% Increase
- > Fuel Assumption - \$3.65 / Gallon
- > City Facility Electricity - 5% Increase
- > Police Dispatching – 3% Increase
- > ERP Pro Tyler Technologies User Fees – 5% Increase
- > New Annual Audit Services Agreement: \$14,000 Increase
- > Property & Liability Insurance – Increase of 3%
- > Worker's Compensation Expenses – Increase of 3%



Retirement & Compensation Discussion

- Employees Survey
- Employee Meetings
- Long Term Budget Impact
- Ongoing Review

Cynthia noted that in the budget discussions at the retreat in May and throughout the summer we have had continuing discussions on employee compensation and retirement. The City's personnel portion of our budget is a significant portion of our expenditures in all funds. We have to pay our employees and provide compensation and retirement packages to keep them providing the services to our residents. The Board tasked staff to find out what composition of compensation and retirement employees favored the most. Over the course of the summer, we have engaged employees in a lot of discussion with regard to compensation and retirement. We conducted a survey and through the month of July, one of the topics of discussion during her quarterly department meetings, was our compensation and retirement package and employee survey results. The information from the survey indicated that employees had a preference for enhancements to both retirement and compensation. Through additional discussion, the bulk of employees prioritized a focus on enhancing our retirement program. All city employees participate in a LAGERS retirement program that is a state pension program. That program has three components: the amount of time an employee is in service, their final average salary and a multiplier. There are a number of levels provided by communities around the state. The plan that the City of Smithville currently participates in is a 1.5% multiplier, so the retirement benefit is 1.5% of a calculation of income based on final average salary and years of service. That 1.5% is the lowest rate that LAGERS offers. Many of the communities in the area participate at a 1.75% or 2% multiplier. Staff has reached out to LAGERS to determine the cost to increase to a higher multiplier. As discussed early this summer one other piece to take into consideration is whether we are contributory or not. That means whether the employees participate by contributing a portion of their income to their retirement program or not. There are some communities in the area that are non-contributory and some that are contributory. Until January of this year, we participated where employees were 4% contributory at a 1.5% multiplier, so they provided 4% of their annual salary to their pension. In January based on Board direction, we reduced that employee contribution amount from 4% to 2%, we did not change the multiplier. In early summer staff requested revised information from LAGERS about the cost to make those increases to a higher multiplier. The initial information staff received included an estimate that was close to the number that staff had plugged in and budgeted for merit increases. Early in August staff received additional information revised information that would allow us to review a 2% employee contribution amount rather than the 4% contribution amount effectively keeping employees at the same contribution level for an enhancement to the 1.75% multiplier. It was slightly higher than what staff from the initially received information for the 4% contribution level, so employees would be going back losing part of their income but increasing the retirement multiplier number. Staff believes that this is something that we could look at in the future, the total is about \$115,000, which is more than the \$85,000 budgeted. Staff is recommending that at this point in time as the budget is adopted we do not make any changes to retirement but continue to monitor our expenditures and revenues. Staff also recommends that after January 1 this information be revisited, with the possibility of making the enhancement to employee retirement to a higher multiplier without having to increase employee contribution.

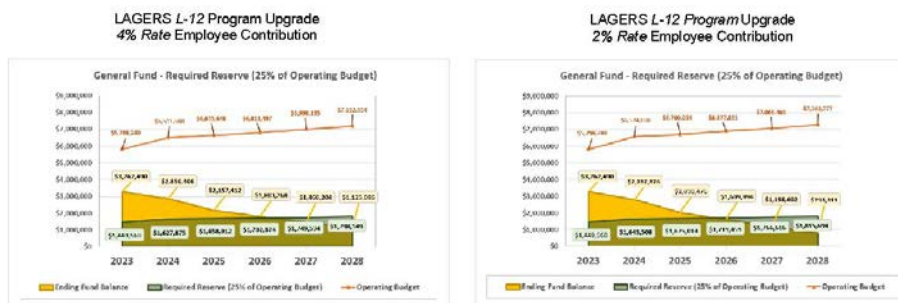
Alderman Russell asked if it would be retroactive if no changes are made to the retirement until after January.

Cynthia explained that retroactive does not apply to employee retirement. One month after a change is implemented, all employees that retire will receive the higher multiplier.

Alderman Wilson asked currently employees contribute 2% to LAGERS, if we just raise the multiplier, they would still recognize their 3% CPI increase.

Cynthia said that was correct.

Retirement Program Scenarios Long Range Financial Modeling



FY2024 Proposed General Fund Funded Requests

Funded Amount	City Department	Funded Request
\$5,000 (One-Time, Year 4)	Administration	Year 4 of Main Street Program Financial Support
\$10,000 (Annually)	Administration	Chamber of Commerce & City Agreement
\$5,000 (Annual)	Administration	Additional City-Wide Department Training
\$5,000 (Annual)	Administration	Laptop Replacement Program
\$10,000 (Annual)	Administration	New Website/Website Improvements
\$3,500 (Annual)	Administration	Employee Wellness Programming
\$2,500 (Annual)	Administration	Citizens Academy
\$25,000 (Annual)	Administration	Neighborhood Beautification Grant
\$100,000 (Annual) \$500,000 (Five Year CIP)	Administration	Downtown Wayfinding & Signage



FY2024 Proposed General Fund *Funded Requests*

Funded Amount	City Department	Funded Request
\$6,000 (Annual)	Police	Police Ballistic Vests Replacement (4)
\$6,000 (Annual)	Police	Mental Health Wellness Checks
\$13,000 (Annual)	Police	Replace Four Mobile Data Terminals (Patrol In Car Computers)
\$29,250 (One-Time)	Public Works (Streets)	Lease Purchase Option - Skid Steer
\$50,000 of \$150,000 (One-Time)	Public Works (Streets)	Portion of 1 st & Bridge Street Round-A-Bout Engineering
\$46,000 (Annually) \$230,000 (Five Year Lease)	Public Works (Streets)	Lease of Tractor & Boom Mower Equipment
\$12,500 (One-Time)	Development	South Employment Overlay District (In-House & Consultant)
\$20,000 (One-Time)	Parks & Recreation	UTV Side-By-Side



4th Street & 4th Terrace Change Order



4th Street & 4th Terrace Change Order

Proposed Plan



Mayra Toothman, Assistant to the Public Works Director, explained the proposed change order for 4th Street Terrace. Staff recommends installing a cluster mailbox for the residents on 4th Street Terrace on Spelman Drive. The cost would be \$89,936.37 to the infrastructure.

Alderman Russell asked how many mailboxes.

Mayra explained there would be 15.

Alderman Hartman noted that it would be more economical to do it now while they are still working in that area.

Cynthia explained that Chuck Soules, Public Works Director and Mayra have spent a lot of time with the residents getting their approval for this. She also noted that it would be less expensive to complete while the contractor is still working in the area.

4th Street & 4th Terrace Change Order

Relocation of Mailboxes to
the West Side of Spelman



Current Location



Proposed Plan

FY2024 Proposed General Fund Expenditure Summary by Category

General Fund Expenditures	Actual FY2022	FY2023 Budget	Projected FY2023	FY2024 Proposed Budget
Personnel Services	3,723,302	4,232,980	4,201,632	4,561,470
Commodities	1,125,725	978,650	1,049,556	1,083,450
Capital Outlay	269,174	584,050	566,405	247,250
Contractual Services	580,498	629,630	520,257	531,620
Transfers Out	155,000	35,000	35,000	197,000
Total Expenditures	\$5,853,699	\$6,460,310	\$6,372,849	\$6,620,790

□ 3.89% increase in total expenditures from
Projected FY2023 to Proposed FY2024.

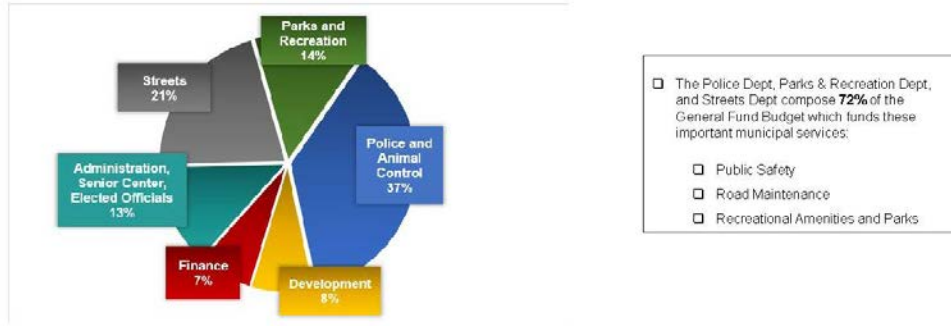
FY2024 Proposed General Fund Expenditures by Category



□ Personnel Services constitutes **69%** of General
Fund Spending, and includes expenses such
as:

- Full Time Salaries
- Health Insurance Premiums
- FICA
- LAGER's Employer Contributions
- Worker's Compensation

FY2024 Proposed General Fund Expenditures by Department



Proposed 5 Year CIP (FY2024 – FY2028) General Fund

Capital Improvement Projects	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Annual Wayfinding Signage Program	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
1 st & Bridge Street Round-A-Rout (30% of Engineering)	\$50,000	-	-	-	-
Annual Asphalt Overlay Program (30% of Construction)	-	\$100,000	-	-	-
Annual Sidewalk Replacement Program (60% of Construction)	-	\$50,000	-	-	-
2 nd Creek Bridge Sidewalks (30% of Construction)	-	\$250,000	-	-	-
Riverwalk Park & Trail (10% of Construction)	-	\$200,000	-	-	-
Grand Total (Net Cost)	\$150,000	\$700,000	\$100,000	\$100,000	\$100,000

- ☐ General Fund provides **supplemental resources** to the City's Five-Year CIP:
- ☐ 1st & Bridge Street Engineering
 - ☐ Annual Asphalt Overlay Program
 - ☐ Annual Sidewalk Replacement Program
 - ☐ 2nd Creek Bridge Sidewalks
 - ☐ Riverwalk Park & Trail
- ☐ Five Year General Fund Contribution Total is **\$1,150,000**

FY2024 Proposed General Fund Net Change in Fund Balance

	Actual FY2022	Projected FY2023	Proposed FY2024
Beginning Fund Balance	\$ 3,736,229	\$ 3,425,221	\$ 3,262,490
Total Revenues	\$ 5,642,691	\$ 6,210,118	\$ 6,262,486
Total Expenses	\$ 5,853,699	\$ 6,372,849	\$ 6,620,790
Net Change in Fund Balance	\$ (311,008)	\$ (162,731)	\$ (358,304)
Ending Fund Balance	\$ 3,425,221	\$ 3,262,490	\$ 2,904,186

- ☐ The Proposed FY2024 budget would utilize just over **\$358,000** in General Fund cash balance.

FY2024 Proposed General Fund 5 Year Projected Cashflow Summary



FY2024 Proposed General Fund Cashflow vs. Reserve Policy



- The Board of Aldermen approved a reduction (on August 2nd, 2022) in the required General Fund reserve from **40%** of the operating budget to **25%** of the operating budget. This new reserve requirement is shown in green in the chart.
- With the proposed additions to the FY2024 budget, the City is projected to **continue to utilize fund balance each year** as time goes on.

Combined Water and Wastewater Fund

Proposed Five Year CIP (FY2024) CWWS Fund

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Interconnect Valves at 144 th Street/109 Highway (Construction)	\$55,000	-	-	-	-
Highway 92 & Commercial Street Waterline (Engineering)	\$125,000	-	-	-	-
144 th Street Lift Station (Construction)	\$1,700,000	-	-	-	-
West Bypass of the 144 th Street Lift Station (Construction)	\$2,200,000	-	-	-	-
Maple Lane & River Crossing 12 th Waterline (50% of Construction)	\$700,000	-	-	-	-
Smiths Fork Ponds Main (Construction)	\$300,000	-	-	-	-
McDonalds/Central Bank Lift Station (Engineering)	\$100,000	-	-	-	-
Smiths Fork Park Waterline (Construction)	\$170,000	-	-	-	-
Headworks Bar Screen (Construction)	\$325,000	-	-	-	-
Stonebridge Lift Station (Engineering)	\$250,000	-	-	-	-
Stonebridge Lift Station (Construction)	\$1,500,000	-	-	-	-
Water Treatment Plant Improvements (Construction)	\$900,000	-	-	-	-
Grand Total (Net Cost)	\$9,325,000				

- **CIP Project Push Back**
 - 144th Street Lift Station & West Bypass of 144th Street Lift Station (Funded via Certificate of Participation)
 - Water Treatment Plant Improvements – Engineering is Underway Now

Proposed Five Year CIP (FY2025 – FY2028) CWWS Fund

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Owens Branch Gravity Line Phase #1, Line #1 (Construction)	-	\$2,200,000	-	-	-
McDonalds/Central Bank Lift Station (Construction)	-	\$500,000	-	-	-
Highway 92 & Commercial Street Waterline (Construction)	-	\$300,000	-	-	-
Owens Branch Gravity Line Phase #1, Line #2 (Engineering)	-	\$800,000	-	-	-
Owens Branch Gravity Line Phase #1, Line #2 (Construction)	-	-	\$2,500,000	-	-
Water Plant Expansion (Engineering)	-	-	\$2,100,000	-	-
Wastewater Treatment Plant Expansion (Construction)	-	-	\$3,000,000	\$3,000,000	-
Futuro Water and Wastewater Project Funding	-	-	-	\$2,000,000	-
Water Plant Expansion, Phase I (Construction)	-	-	-	-	\$7,500,000
Futuro Water and Wastewater Project Funding	-	-	-	-	\$2,000,000
Grand Total (Net Cost)	-	\$3,600,000	\$7,600,000	\$5,000,000	\$9,500,000

Proposed Five Year CIP (FY2024 – FY2028) CWWS Fund (Water Impact Projects)

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Maple Lane & River Crossing - 12" Waterline (50% of Construction)	\$700,000	-	-	-	-
Grand Total (Net Cost)	\$700,000	-	-	-	-

Proposed Five Year CIP (FY2024 – FY2028) CWWS Fund (Wastewater Impact Projects)

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Wastewater Plant Expansion (Engineering)	\$1,050,000	-	-	-	-
Grand Total (Net Cost)	\$1,050,000	-	-	-	-

FY2024 Proposed CWWS Fund Operating Budget Recommendations

Request Estimate	Highlighted Expenditure
\$62,000 (Annually)	Wastewater Treatment Plant Operator
\$200,000 (One-Time)	Sewer Jetter Machine
\$11,500 (One-Time)	Lab Equipment (Turbidimeter & Titrator)
\$8,000 (One-Time)	Replace Water Treatment Facility Lighting
\$20,000 (One-Time)	Replace Water Treatment Plant HVAC System

Proposed FY2024 CWWS (Non-Impact Cash) Fund Long Term Cash Flow



- ☐ CWWS cashflow is projected to remain about the **20%** required reserve throughout the next 5 years (assuming rate increases).
- ☐ Utility Rate Study updated in 2023 prescribes **annual rate increases** in water and wastewater to pay **cash for** and **finance** capital improvement projects and utility system upgrades.

Proposed Water & Wastewater Rate Increases

Water Rates	FY2024 (Proposed)
Monthly Water Base Charge & Volume Charge (3/4" and 1" Residential Meter)	15% Increase
Monthly Wastewater Base Charge & Volume Charge (3/4" and 1" Residential Meter)	15% Increase

Transportation Sales Tax Fund – Five Year Capital Plan

Proposed Five Year CIP (FY2024 – FY2028) Transportation Sales Tax Fund

Capital Improvement Project	FY 2024	FY2025	FY 2026	FY 2027	FY 2028
Annual Asphalt Overlay Program (Projects TBD)	\$300,000	\$200,000	\$200,000	\$300,000	\$300,000
Annual Sidewalk Replacement Program (Projects TBD)	\$26,000	\$26,000	\$26,000	\$26,000	\$26,000
Commercial Street Sidewalks (Construction)	\$750,000	-	-	-	-
Commercial Street Sidewalks (MARC Reimbursement Grant)	(\$500,000)	-	-	-	-
1 st & Bridge St Round-A-Bout (80% of Construction)	-	-	\$1,430,000	-	-
1 st & Bridge St Round A Bout (MARC Reimbursement Grant)	-	-	(\$86,000)	-	-
160 th Street/Eagle Parkway Round-A-Bout (20% of Construction)	-	-	-	-	\$300,000
Grand Total (Net Cost)	\$575,000	\$225,000	\$759,000	\$325,000	\$625,000

- "Green" colored grant reimbursement cells reflect secured funding for the CIP Project.
- CIP maintains funding for Annual Asphalt Overlay and Sidewalk Replacement Program.

Proposed FY2024 Transportation Sales Tax Fund Five Year Projected Cashflow



- Grant funding indicating by "Black Line" in FY2024 and FY2026 on graph.

Capital Improvement Sales Tax Fund – Five Year Capital Plan

Proposed Five Year CIP (FY2024) Capital Improvement Sales Tax Fund

Capital Improvement Projects & Debt Service	FY 2024	FY2025	FY 2026	FY 2027	FY 2028
Annual Trustee to Pay General Obligation Debt	\$361,340	\$364,675	\$367,020	\$373,420	\$376,420
Downtown Streetscape Phase III (Construction)	\$800,000	-	-	-	-
Downtown Streetscape Phase III (Grant Reimbursement)	(\$488,000)	-	-	-	-
Recrewalk & Trail (Engineering)	\$250,000	-	-	-	-
2 nd Creek Sidewalks (Engineering)	\$150,000	-	-	-	-
1 st & Bridge Street Round-A-Bout (80% of Engineering)	\$200,000	-	-	-	-
Grand Total (Net Cost)	\$1,273,340				

- "Green" grant reimbursement reflects secured funding for the CIP Project.
- Engineering begins in FY 2024 on three MARC funded CIP infrastructure projects.

Proposed Five Year CIP (FY2025 – FY2028) Capital Improvement Sales Tax Fund

Capital Improvement Projects & Debt Service	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
2 nd Creek Sidewalk (75% of Construction)	-	\$895,000	-	-	-
2 nd Creek Sidewalk (MARC Grant Reimbursement)	-	(600,000)	-	-	-
Riverside A Trail (50% of Construction)	-	\$490,000	\$670,000	-	-
Riverside A Trail (MARC Reimbursement)	-	(480,000)	(420,000)	-	-
Isi & Bridge Street Round-A-Bout (20% of Construction)	-	-	\$300,000	-	-
100 th & Eagle Parkway Round-A-Bout (Engineering)	-	-	-	\$250,000	-
Pope Lane Round-A-Bout (80% of Engineering)	-	-	-	-	\$400,000
100 th & Eagle Parkway Round-A-Bout (75% of Construction)	-	-	-	-	\$1,000,000
100 th & Eagle Parkway Round-A-Bout (MARC Reimbursement)	-	-	-	-	(700,000)
Grand Total (Net Cost)		\$459,875	\$917,920	\$625,420	\$1,076,420

- "Green" grant reimbursement reflects secured funding for the CIP Project.
- 100th Street & Eagle Parkway and Pope Lane Round-A-Bout need to be submitted for grant applications.

Proposed FY2024 Capital Improvement Sales Tax Fund Five Year Projected Cashflow



- Grant funding indicating by "Black Line" in FY 2024, FY 2025 and FY 2026 on the graph.

Parks and Stormwater Sales Tax Fund – Five Year Capital Plan Proposed Five Year CIP (FY2024 - FY2025) Park & Stormwater Sales Tax Fund

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
The "OK Railroad" Phase I (Construction)	\$281,000	-	-	-	-
The "OK Railroad" Phase I (JRP Grant Funding)	(181,000)	-	-	-	-
Emerald Ridge Neighborhood Park & Signage (Construction)	\$450,000	-	-	-	-
Stonebridge Stormwater Improvements (Engineering)	\$50,000	-	-	-	-
Stonebridge Stormwater Improvements (Construction)	\$150,000	-	-	-	-
Hunder Road Stormwater Improvements (Engineering)	-	\$50,000	-	-	-
Dundee Road Stormwater Improvements (Construction)	-	\$150,000	-	-	-
Riverwalk Park & Trail (30% of Construction)	-	\$630,000	-	-	-
Grand Total (Net Cost)	\$750,000	\$880,000		See Next Page	

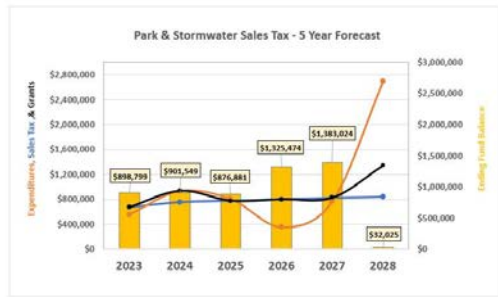
- "OK Railroad" Phase I for trail construction will be submitted for grant funding.

Proposed Five Year CIP (FY2026 - FY2028) Park & Stormwater Sales Tax Fund

Capital Improvement Project	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Forest Oaks Stormwater Improvements (Engineering)	-	-	\$50,000	-	-
Forest Oaks Stormwater Improvements (Construction)	-	-	\$300,000	-	-
Cedar Lakes Stormwater Improvements (Engineering)	-	-	-	\$25,000	-
Cedar Lakes Stormwater Improvements (Construction)	-	-	-	\$100,000	-
Smith's Fork Park Complex (Design & Engineering)	-	-	-	\$540,000	-
Maple Lane Stormwater Improvements (Engineering)	-	-	-	-	\$50,000
Maple Lane Stormwater Improvements (Construction)	-	-	-	-	\$950,000
Smith's Fork Park Complex (Construction, Phase I)	-	-	-	-	\$2,240,000
Grand Total (Net Cost)	-	-	\$350,000	\$765,000	\$2,540,000

- Stormwater projects have been prioritized and slotted based upon the recently completed Stormwater Assessment.

Proposed FY2024 Park & Stormwater Sales Tax Fund 5 Year Projected Cashflow



- Continuing to build up a healthy fund balance to pay for the construction of **Smith's Fork Park Complex, Phase I** (as seen on previous slide).
- Nearly all financial resources are used as Phase I expenditures occur in FY2028.

Alderman Wilson noted that she would like a restroom installed at the splashpad.

Mayor Boley explained that the Parks and Recreation Committee were working on that now.

FY2024 Proposed Vehicle and Equipment Replacement Fund

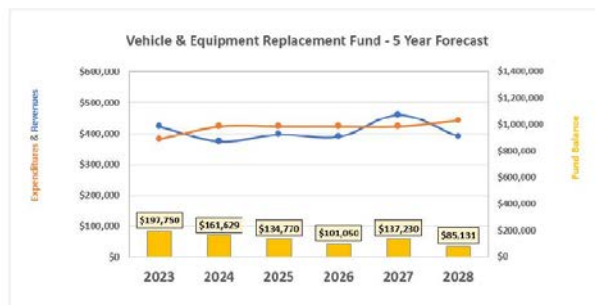
Proposed FY2024 Budget Vehicle & Equipment Replacement Fund

- The City of Smithville is currently leasing **31 vehicles** from Enterprise.
- Three of the **Eight** 2023 Ford Explorer Police Interceptors have been received by the City.
- Staff will be monitoring the reduction in maintenance costs associated with patrol vehicle repair once fleet change-out has occurred.
- The General Fund and Utilities Fund will be transferring more financial resources into the VERF in the next Five Years to offset costs associated with rising vehicle lease expenses.
 - General Fund FY2024 Transfer - \$197,000
 - Utility Fund FY2024 Transfer - \$52,000



New 2023 Ford F-150 Truck

Vehicle & Equipment Replacement Fund Five Year Cashflow Projections



Proposed FY2024 Budget – Sanitation Fund

Proposed FY2024 Budget Sanitation Fund



Summary of the Sanitation Fund

- ❑ As of August 2023, the City of Smithville contracts with GFL to service just over **3,253** regular trash accounts and service just over **513** senior rate trash accounts (available for account holders ages 65 and older). Senior rate trash accounts make up nearly **14%** of total accounts.
- ❑ GFL will be increasing the regular (non-senior) City contracted trash rates by 5%.
- ❑ Monthly Customer Trash Charge to increase by 4.8% from **\$19.29** per month to **\$20.16** per month.
- ❑ The Senior Trash charge will remain the same.

Concluding Budget Summaries

Proposed FY2024 – FY2028 Five Year CIP All Funds Total

Capital Improvement Projects - All Funds	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	\$150,000	\$700,000	\$100,000	\$100,000	\$100,000
Combined Water/Wastewater Fund - Non Impact Projects	\$8,325,000	\$3,600,000	\$7,600,000	\$5,000,000	\$9,500,000
Combined Water/Wastewater Fund - Water Impact Projects	\$700,000	-	-	-	-
Combined Water/Wastewater Fund - Wastewater Impact Projects	\$1,000,000	-	-	-	-
Transportation Sales Tax Fund	\$575,000	\$225,000	\$759,000	\$325,000	\$625,000
Capital Improvement Sales Tax Fund	\$1,273,340	\$459,075	\$917,920	\$623,420	\$1,076,420
Parks and Stormwater Sales Tax Fund	\$750,000	\$800,000	\$350,000	\$765,000	\$2,540,000
Grand Total (Net Cost)	\$12,823,340	\$5,784,875	\$9,726,920	\$6,813,420	\$13,841,420

- ❑ The City's Five-Year CIP features **\$48.9 million** in CIP Projects across **5** budgeted funds from **FY2024 – FY2028**.

Grand Total Five Year Spend - **\$48,989,975**

Proposed FY2024 - All Funds Summary

	2024 Projected Beginning Balance	2024 Proposed Revenues	2024 Proposed Expenditures	2024 Projected Ending Balance
General Fund	3,202,490	6,262,456	6,020,790	2,504,160
Capital Improvement Sales Tax Fund	554,670	1,240,750	1,751,340	34,080
Capital Projects Fund	103,729	40,000	-	223,729
Combined Water/Wastewater Fund	5,896,635	12,243,600	15,775,117	2,365,119
Debt Service Fund	267,534	367,830	361,003	274,238
Parks and Stormwater Sales Tax Fund	583,800	933,750	931,000	586,550
Sanitation Fund	57,974	938,757	931,805	64,925
Marketplace TIF (Allocation) Fund	1,535,910	860,446	1,179,000	1,216,555
Commons CID Fund	137,351	395,552	413,518	120,027
Transportation Sales Tax Fund	103,872	1,165,950	1,244,140	28,682
Vehicle And Equipment Replacement Fund	210,780	374,338	423,547	161,631
Donation Fund	9,100	21,000	15,000	15,100
Judicial Education Fund	3,447	-	3,447	-
Technology Upgrade Fund	832	-	832	-
DWI Recovery Fund	6,612	4,000	5,000	5,612
Police Training Fund	4,538	3,000	5,000	2,538
Grand Total	\$13,319,295	\$24,863,658	\$29,661,867	\$8,510,987

- ❑ The FY2024 Proposed Budget features **16** Budgeted Funds totaling just over **\$24.8 million** in revenues and just over **\$29.6 million** in expenditures.

FY2024 Budget Process Schedule

- FY2024 Operating Budget and 5 Year CIP Review – 2nd discussion if needed (September 5)

- Public Hearing for Sewer Rates as required by Missouri State Statutes (October 3)
- Adopt Water and Wastewater Utility Rates and Schedule of Fees by Board Resolution (October 17)
- Adopt the FY2024 Operating and Capital Budget on 2nd Reading (October 17)

Stephen asked the Board if they required another work session to discuss the FY2024 budget.

The Board agreed that they did not.

Alderman Wilson and the Board thanked Stephen for his thorough presentation.

6. Adjourn

Alderman Ulledahl moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 7:41 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
SPECIAL SESSION**

August 28, 2023 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:51 p.m. following the work session. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Ronald Russell, Dan Ulledahl and Dan Hartman.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Jack Hendrix, Stephen Larson, Matt Denton, Linda Drummond, Mayra Toothman, Bob Lemley, Allan Jensen and Dave Schuerger.

2. Pledge of Allegiance lead by Mayor Boley

3. Consent Agenda

- **Minutes**

- July 18, 2023 Board of Aldermen Work Session Minutes
- July 18, 2023 Board of Aldermen Regular Session Minutes
- August 1, 2023 Board of Aldermen Regular Session Minutes

- **Financial Report**

- Finance Report for July 2023

- **Resolution 1251, Municipal Lease Agreement for Tractor and Boom Mower**

A Resolution authorizing the city to enter into a lease purchase agreement for a tractor and boom mower attachment.

- **Resolution 1252, Tyler Technology ERP Pro 10 Migration**

A Resolution approving the City to proceed with the software migration to Tyler Technologies ERP Pro 10.

- **Resolution 1253 SBR Basins Cleanings, Repairs and Maintenance**

A Resolution approving SBR (sequencing batch reactor) basin cleaning, maintenance, and repair project at the wastewater treatment plant.

- **Resolution 1254, Purchase of Winter Materials**

A Resolution authorizing the purchase of winter materials from Central Salt, LLC for the 2023-2024 winter season.

- **Resolution 1255, Emergency Purchase**

A Resolution authorizing emergency repair of the storm sewer on Richardson Street.

Alderman Shipley moved to amend the consent agenda and remove Resolution 1251 to be voted on separately. Alderman Wilson seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. The Mayor declared the consent agenda amended.

Alderman Ulledahl moved to approve the consent agenda as amended. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

4. Committee Reports

Alderman Wilson reported on the August 8, Finance Committee meeting. They discussed the budget information that was presented during the work session this evening.

Alderman Hartman reported on the August 23, Economic Development Committee meeting. Jack Hendrix, Development Director, was present to discuss the 2030 Comprehension Plan specific to the Economic Development Committee considerations. They also discussed the community art programs for the University of Missouri Extension and what the next steps are for us. They also had updates on art, tourism and business development.

Alderman Shipley reported on the August 24, Parks and Recreation Committee meeting. The Haunted Campgrounds sold out in 7 minutes this year, beating last years' time of 8 minutes. We have pickleball on Fridays at the Smithville United Methodist Church from 10:00 a.m. to noon. This is a free program that is open to the public. They discussed the Diamond Crest Park and Splash Pad parking lot, shelter house and restrooms. The discussed replacing some water fountains on the Main Street Trail, the cost of repairs is about as much as new, so they are looking at options for replacements. The playground resurfacing is going on now at Smith's Fork Park and when it is completed they will begin at Heritage Park. They discussed the possibility of receiving the grant for the OK Railroad, previously the Diamond Crest Trail, since we made it to the second-round interviews. They also discussed relocating Humphrey and Nancy Smith Park from the north side of the river to the south side where the riverwalk will be located since this is the actual location of the original mill.

Alderman Wilson reported on the Mayor's Special Advisory Committee on Seniors and Faciality Needs. She noted that they met today, and they worked on their first draft to present to the Mayor on their discussions on meeting senior needs. She explained they have been very successful in the discussions they have had and believes everyone will be pleased with their presentation to the Mayor. Their next meeting is September 25, at 10:00 a.m. at the Housing Authority. Alderman Wilson invited the Mayor and the public to attend.

Alderman Russell added that he believed that they have had a good mix of conversation and they have been able to compile answers to the questions they had been tasked with.

Mayor Boley asked how many had been attending the meeting.

Alderman Russell said there had been on an average of 8-10 people attending their meetings.

5. City Administrator's Report

Cynthia Wagner noted that a number of project updates and information are in the City Administrator's report in the [packet](#). She noted that on the September 19 Board of

Aldermen meeting agenda we have setting the property tax rate. In the past, we have had to wait for Clay County to get us a revised assessment information. As of now we are hopeful we can follow the September 19 timeframe, but if we do not receive the assessment from Clay County by September 13 we will have to have a special meeting later in the month. Staff will keep the Board updated on this process.

Cynthia also noted there was information in her report concerning a Senior Center grant. In discussion with the Special Advisory Committee of the Senior Center and a Facility Needs, staff has had additional discussions with Clay County Senior Services with regard to a potential grant to fund a part-time position. Matt Denton, Parks and Recreation Director, continues to work with the Clay County Senior Services staff on this and we anticipate being able to answer any questions for them to hopefully receive a grant. That grant would pay for 100% of the funds for a part-time position to assist in that. Cynthia explained that if the grant was approved that would be added to the budget with no impact because it would have the offsetting revenues for it.

ORDINANCES & RESOLUTIONS

6. Bill No. 2999-23, Amending Chapter 640 Peddlers, Solicitors and Canvassers – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 2999-23, amending Chapter 640 concerning Peddlers, Solicitors and Canvassers. 2nd reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Shipley - Aye, Alderman Atkins - Aye, Alderman Wilson – Aye,
Alderman Ulledahl - Aye, Alderman Russell – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 2999-23 approved.

7. Bill No. 3000-23, Conditional Use Permit – Transfer Station – 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3000-23, approving a conditional use permit for a transfer station at 14820 North Industrial Drive on land zoned I-1. 2nd reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Hartman – Aye, Alderman Shipley – Aye, Alderman Atkins – Aye,
Alderman Wilson – Aye, Alderman Ulledahl – Aye, Alderman Russell – Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3000-23 approved.

8. Bill No. 3001-23, Ballot Language for ½% Public Safety Sales Tax – Emergency Ordinance Sponsored By Mayor Boley – 1st and 2nd Reading

Alderman Ulledahl moved to approve Bill No. 3001-23, calling for the question of imposing a ½% sales tax for public safety on the ballot for the November 7, 2023 election. 1st reading by title only. Alderman Wilson seconded the motion.

Cynthia noted that the Board has been discussing this since May, and with the passage of the State Statute Chapter 94.900 that goes into effect today, we now have the ability to take to the voters the ballot question to assess a public safety sales tax. Cynthia explained that if this is approved by the Board this evening it will be taken to Clay and Platte County Board of Election tomorrow for certification for the November 7, 2023 election. She also noted that staff will be putting together an information campaign for the public. This would consist of a page on the City website that would outline the information about the tax, there will be a QR code that will link to that information. Staff will also provide that information in the citizen newsletter that will be distributed with the utility bills in October. Residents will also be offered a presentation of the information on the City's website. All of the information that will be provided in the informational campaign will be reviewed by legal council to ensure that we are only providing information and not campaigning.

Mayor Boley noted that this was passed by the legislature in May and signed by the Governor and went into effect today. He explained that it has taken five year of work by past Representative Ken Wilson and present Representative Josh Hulbert to get this passed.

Alderman Hartman noted that there was information floating around that the City waited till the last minute to get this done, but by law we had to wait until this evening. He said that we live in a democracy and are able to put this forward to the voters. Alderman Hartman noted that a sales tax is not a burden on those who live in Smithville it is for those who visit Smithville and utilize our services.

Alderman Russell noted that he definitely supports the police. He just wondered if the timing was right and if it was needed. He said that this is supporting the ballot language this evening and he supports it. He is just not sure it is needed right now and could have waited on this to a future date.

Alderman Wilson noted that we have had legislators that have worked on this for over five years to get this where it is at today. She said she thinks it behooves the Board to go ahead and act instead of waiting until later.

Public Comment:

Debra Dotson, 2004 NE 196th Place, read an email that she sent to the Mayor.

Taxes. The word "tax" was a political dog whistle long before anyone here was born. Taxes sparked a revolution. But...Taxes build bridges and infrastructure. Taxes support schools and libraries. Taxes...keep fire engines running and fire houses professionally staffed.

Some taxes...like property taxes...there is no choice. Citizens must pay or lose their home.

But a Sales Tax is a choice! We choose where our money is spent and what community is supported. It's the fairest kind of tax because everyone...local-non local or just passing through... contributes to our community.

Warning! Outrage Bait Alert: "Defund the Police!" "Support The Blue!"

This Sales Tax affirms Smithville's support and commitment to our police officers.

***Two more officers mean better coverage and lessens the time burden on existing officers.*

***Citizens have repeatedly said we need a dedicated ACO/program.*

***Better equipment and benefits. Do we not owe the officers who protect us the very best equipment?*

I have a grandson currently serving as a Gladstone police officer. My heart froze when I heard reports of an officer involved shooting....the officer had been injured. Fairway Kansas just lost a wonderful police officer and family man.

A NO vote on this Sales Tax is actually defunding the police and ignoring the public's stated desire for a dedicated ACO/program.

Vote YES to Bill # 3001-23 Ballot Language for ½% Public Safety Sales Tax.

Vote YES to Support The Blue

Vote YES to fund an ACO/program.

Vote YES to Consumer Choice

Vote YES...and let the citizens exercise their right to vote.

Support The Blue.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Wilson - Aye, Alderman Ulledahl – Aye,
Alderman Russell - Aye, Alderman Shipley – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3001-23 approved first reading.

Alderman Ulledahl moved to approve Bill No. 3001-23, calling for the question of imposing a 1/2% sales tax for public safety on the ballot for the November 7, 2023 election. 2nd reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

Alderman Ulledahl - Aye, Alderman Atkins – Aye, Alderman Shipley - Aye,
Alderman Hartman – Aye, Alderman Russell – Aye, Alderman Wilson - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3001-23 approved.

9. Bill No. 3002-23, Amending Section 705.110 Commercial Wastewater Leak Adjustment – 1st Reading

Alderman Ulledahl moved to approve Bill No. 3002-23, repealing Ordinance Section 705.110 water and wastewater leak adjustment and enacting in its place a new Ordinance Section 705.110 water and wastewater leak adjustment. 1st reading by title only. Alderman Russell seconded the motion.

No discussion.

Upon roll call vote:

Alderman Wilson- Aye, Alderman Hartman - Aye, Alderman Atkins – Aye,
Alderman Russell - Aye, Alderman Ulledahl – Aye, Alderman Shipley - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3002-23 approved first reading.

10. Bill No. 3003-23, Amending Section 700.040 Service Connection Fees – 1st Reading

Alderman Ulledahl moved to approved Bill No. 3003-23, amending Section 700.040 of the Code of Ordinances. 1st reading by title only. Alderman Hartman seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Russell - Aye, Alderman Ulledahl – Aye,
Alderman Shipley - Aye, Alderman Wilson – Aye, Alderman Hartman - Aye.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Bill No. 3003-23 approved first reading.

11. Resolution 1256, MOU with Smithville School District

Alderman Ulledahl moved to approve Resolution 1256, authorizing the Mayor to sign a Memorandum of Understanding (MOU) with Smithville R-II School District. Alderman Atkins seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1256 approved.

12. Resolution 1257, Engineering Authorization No. 101 for Stonebridge Lift Station

Alderman Ulledahl moved to approve Resolution 1257, authorizing and directing the Mayor to execute Authorization No. 101 with HDR Engineering, Inc. for engineering services for Stonebridge Lift Station and Force Main Improvements. Alderman Russell seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1257 approved.

13. Resolution 1258, Agreement Renewal – Camp Host

Alderman Ulledahl moved to approve Resolution 1258, authorizing renewal of an agreement with Janet Terry and Chris Dunkin for camp host services at Smith's Fork Campground. Alderman Wilson seconded the motion.

Alderman Hartman noted that he had heard great things about the camp host.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1258 approved.

14. Resolution 1259, Change Order No. 3, Fourth Street Terrace

Alderman Ulledahl moved to approve Resolution 1259, approving Change Order No. 3 with Menke Excavating for Fourth Street Terrace in the amount of \$89,936.67. Alderman Hartman seconded the motion.

No discussion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared Resolution 1259 approved.

15. Resolution 1260, Temporary Liquor License

Alderman Hartman moved to approve Resolution 1260, issuing a Temporary Liquor License to Smithville Main Street District for the whiskey vendors for Whiskey Trail to be held Saturday, September 23, 2023. Alderman Atkins seconded the motion.

No discussion.

Ayes – 4, Noes – 0, Abstained – 2, (Alderman Shipley and Alderman Ulledahl) motion carries. Mayor Boley declared Resolution 1260 approved.

OTHER MATTERS BEFORE THE BOARD

16. Public Comment

Chelsea Dana, 19407 Mulberry Lane, noted that she had been attending the meetings for the Senior Center. She asked that the Board keep communicating with the residents and to be transparent. Ms. Dana said that she had attended the Parks and Recreation Committee meeting and they had a discussion on whether to do a Request For Proposal (RFP) or not. She said she did not understand why they would not do the RFP to be consistent with the City's bid process.

Mayor Boley explained that the City partners with a Cooperative Purchasing Agency and can usually get better prices and materials.

Cynthia explained that the purchasing agency was Greenbush through the Mid-America Regional Council (MARC).

17. New Business from the Floor

None

18. Adjourn

Alderman Ulledahl moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 6, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 8:24 p.m.

Linda Drummond, City Clerk

Damien Boley, Mayor

SMITHVILLE BOARD OF ALDERMEN

WORK SESSION

September 5, 2023, 6:30 p.m.
City Hall Council Chambers and Via Videoconference

1. **Call to Order**

Mayor Boley, present, called the meeting to order at 6:34 p.m. A quorum of the Board was present: Melissa Wilson, Ronald Russell, Marv Atkins, Leeah Shipley and Dan Hartman. Dan Ulledahl was absent.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Chuck Soules, Stephen Larson, Jack Hendrix and Brandi Schuerger.

2. **Discussion -- Stormwater Plan – Illicit Discharge**

Mayra Toothman, Assistant to the Public Works Director, explained to the Board members that the City of Smithville holds a Municipal Separate Storm System (MS4) permit through Missouri Department of Natural Resources (DNR). As a part of this requirement all MS4 permit holders must meet certain requirements and have policies in place. One of the requirements is to have an Illicit Discharge Detection and Elimination Plan (IDDE plan). This plan is a guideline for staff who are involved with the execution of the MS4 permit to be able to identify, report, investigate and eliminate illicit discharge. Illicit discharge refers to any discharge, whether direct or indirect, that does not pertain to stormwater and is not sanctioned by the City's regulations. Examples of this are untreated sewage, paint, oil, etc.

The 4 main components of this plan are as follows:

- Identification – The plan outlines procedures for the identification of potential illicit discharges by both the community and City employees. If they see something that is concerning they should report it.
- Reporting – If City staff receives a call from someone who believes there is illicit discharge occurring there will be a form used to collect this important information which will help identify where the illicit discharge is located.
- Investigation – Once the illicit discharge has been reported, staff will use multiple techniques to trace it and find where it begins. There will be an investigation form that staff will complete with a checklist that will help them identify what type of illicit discharge it is.
- Elimination – Once the type of illicit discharge has been identified staff will begin elimination. If it's a hazardous type of material it will be considered an emergency and staff will coordinate with the Smithville Area Fire District's hazardous material response unit to effectively address situations involving hazardous materials or pollutants. If it is determined not to be a hazardous material either staff or the Fire District can eliminate it. The plan provides guidelines for swift and effective elimination of the discharge. This may involve corrective measures, penalties, or other appropriate actions to prevent recurrence.

This plan also will require modification of the existing City ordinance to include a provision that requires facility owners or responsible individuals to promptly inform the

city if they become aware of or suspect any illicit discharges from their premises. In addition to the IDDE plan, DNR has also requested the establishment of agreements to oversee the maintenance of Best Management Practices (BMPs) such as retention basins. As a part of this we will provide a maintenance schedule that would need to be followed such as recommended mowing, reseeding to prevent erosion and checking for debris or trash. The second part of this will be an annual inspection. There will be a checklist that will be followed once a year by the owner or the person in charge. They will go through this checklist and see if they are in compliance. The third part of this is that they will now be required to request an inspection from the city every 2 years. As a part of this permit the city must perform inspections of the basins. This will help to make sure that everyone is in compliance and the basins are clean.

Staff has prepared an ordinance and relevant materials, which will be reviewed at the next Planning and Zoning Commission meeting on September 12. Both ordinances will be on the agenda at the September 19 meeting, seeking Board approval.

Alderman Russell stated that in the past we had discussed making the HOA's responsible for placing badges on the storm sewer inlets. What ever happened with this? He knows that a couple of HOA's have mentioned that they would help with this.

Chuck informed that the city acquired a bunch of badges that state "Drains to River" and last year a Boy's Scout troop placed them on a lot of the storm sewer inlets in the downtown area but we still have more to do. We have changed our requirements and now the storm sewer lids or the concrete will have the "Drains to Stream" emblem cast in it.

Alderman Russell also wanted to clarify that the HOA will be responsible to for requesting the inspection every two years.

Mayra confirmed that is correct.

Alderman Atkins asked what if they don't register.

Mayra explained that with our GIS system we now have an inventory so we will know. DNR also requests that we do an inspection on 60% of them. It will just make it a smoother process if they request the inspection.

Alderman Atkins asked if they have to buy a permit for the retention pond.

Mayra explained that the developer will have a permit to build the retention pond. But once it's built the city will perform inspections as part of its permit requirements through DNR (MS4 permit).

Alderman Wilson stated that she lives in a subdivision that doesn't have an HOA and is unsure if they have a retention pond and believes that Lake Meadows also doesn't have a retention pond. We wouldn't have that inspection, correct?

Mayra confirmed that was correct. It won't always be an HOA. Whoever owns the detention pond would be responsible for their basin.

Alderman Atkins asked if the forms will be put on the City's website.

Mayra confirmed that was correct. The plan will be available online as well as instructions.

Alderman Wilson asked what type of education will be available for the citizens to inform them of this new process.

Mayra explained that in past newsletters she has included information about notifying the City if you see something that doesn't look right. We will add something on the city's website for education.

Cynthia also explained that the city will reach out to all of the subdivisions and communicate that this is a new ordinance and explain what the requirements will be and their part in this.

Alderman Wilson asked if a meeting for the HOA's would be held at City Hall.

Chuck explained that a part of our permit is education and outreach to the community. There will be a whole education component. It's not created yet, but there will be a stormwater page on the city's website and the information will be located there.

Alderman Russell asked for more information on the whole detection process.

Mayra explained that as a part of the permit we have dry weather screening. Our GIS system has all of the outfalls identified. There are less than 70 of them. Our inspectors will look at the ones that we think are more likely to have something in them. In dry weather there shouldn't be anything in there but if they see foam or paint they will identify it. Other City employees may see something when performing their daily job duties and will let us know. Residents may also notice something and should notify us as well.

Alderman Russell asked if the Army Corps of Engineers is involved in this?

Mayra stated that would imagine that they already have something similar put into place.

Cynthia also explained that we have an ongoing relationship with the Corps and when there are situations that arise they will notify us if something is amiss. They have had MDNR and Waters of the States requirements for longer than what we have.

Mayor Boley asked Jack if all of the stormwater from the businesses drain to the creek not the lake.

Jack informed that is correct.

Alderman Hartman stated that he appreciates the exempt on non-stormwater discharges. It's important that when we get to the education piece we explain some of those differences. Educating those who live along rivers and streams that may water their livestock need to be aware to look at their water and report something if they see it. Someone who is dumping something that shouldn't go down their drain may not think it is a big deal but it can be a very serious.

Cynthia informed the Board that staff would continue to work on the outreach and communication plan.

3. Adjourn

Alderman Hartman moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the Work Session adjourned at 6:54 p.m.

Brandi Schuerger, Assistant City Clerk

Damien Boley, Mayor

**SMITHVILLE BOARD OF ALDERMEN
REGULAR SESSION**

September 5, 2023 7:00 p.m.
City Hall Council Chambers and Via Videoconference

1. Call to Order

Mayor Boley, present, called the meeting to order at 7:01 p.m. following the work session. A quorum of the Board was present: Melissa Wilson, Leeah Shipley, Marv Atkins, Ronald Russell and Dan Hartman. Dan Ulledahl was absent.

Staff present: Cynthia Wagner, Gina Pate, Chief Lockridge, Jack Hendrix, Stephen Larson, Mayra Toothman, Chuck Soules and Brandi Schuerger.

2. Pledge of Allegiance lead by Mayor Boley

3. Proclamation

Missouri Water and Wastewater Treatment Plant Professionals Week
September 10-16.

4. Consent Agenda

- **Resolution 1261, Leak Adjustment**

- A Resolution approving a water and wastewater leak adjustment request for Gary Hudlemeyer in the amount of \$352.48.

- **Resolution 1262, Leak Adjustment**

- A Resolution approving a water and wastewater leak adjustment request for Ann Grider in the amount of \$383.78.

Alderman Atkins moved to approve the consent agenda as amended. Alderman Hartman seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. The Mayor declared the consent agenda approved.

REPORTS FROM OFFICERS AND STANDING COMMITTEES

5. City Administrator's Report

Cynthia Wagner noted that she had nothing to add to the Administrators report that was published online.

ORDINANCES & RESOLUTIONS

6. Bill No. 3002-23, Amending Section 705.110 Commercial Wastewater Leak Adjustment – 2nd Reading

Alderman Hartman moved to approve Bill No. 3002-23, repealing Ordinance Section 705.110 water and wastewater leak adjustment and enacting in its place a new Ordinance Section 705.110 water and wastewater leak adjustment. 2nd reading by title only. Alderman Atkins seconded the motion.

No discussion.

Upon roll call vote:

Alderman Wilson- Aye, Alderman Hartman - Aye, Alderman Atkins – Aye,
Alderman Russell - Aye, Alderman Shipley - Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3002-23 approved.

7. Bill No. 3003-23, Amending Section 700.040 Service Connection Fees – 2nd Reading

Alderman Atkins moved to approved Bill No. 3003-23, amending Section 700.040 of the Code of Ordinances. 2nd reading by title only. Alderman Wilson seconded the motion.

No discussion.

Upon roll call vote:

Alderman Atkins - Aye, Alderman Russell - Aye, Alderman Shipley - Aye,
Alderman Wilson – Aye, Alderman Hartman - Aye.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Bill No. 3003-23 approved.

8. Resolution 1263, RFQ No. 23-10, Audit Services

Alderman Hartman moved to approve Resolution 1263, awarding Bid No. 23-10, to CliftonLarsonAllen for the City's Audit Services. Alderman Atkins seconded the motion.

Board discussion.

Alderman Russell asked if this was the same company we used last year.

Cynthia confirmed that is correct and we have used them since 2013.

Alderman Russell asked if before they start the audit, do we present them with anything we have done since the previous audit as far as remediation or anything that needed worked on?

Cynthia explained that before they start the new audit they will have meetings with a number of staff members and our attorney. They conduct an individual interview with everyone and also ask if there are any areas of concern.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1263 approved.

9. Resolution 1264, Authorization No. 100, On-Call Engineering Services

Alderman Hartman moved to approve Resolution 1264, authorizing and directing the Mayor to execute Authorization No. 100, with HDR Engineering, Inc. for on-call engineering services. Alderman Wilson seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1264 approved.

10. Resolution 1265, Renewing the City Tow Contract

Alderman Atkins moved to approve Resolution 1265, renewing the contract for city tow services with G.T. Tow Service to continue to provide police-ordered tows at a cost to the vehicle's owner of \$100.00 per tow. Alderman Wilson seconded the motion.

Public comment:

Kenny Perdue---7215 Little Platte Road, Smithville, spoke about the renewal of the City's tow contract with G.T. Tow Service. He hopes that in the coming months they will consider moving towards a tow rotation.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1265 approved.

11. Resolution 1266, Agreement with School District for SRO Services

Alderman Hartman moved to approve Resolution 1266, authorizing The City of Smithville to enter into a Memorandum of Understanding and Cooperative Agreement with the Smithville School District regarding School Resource Officer Services. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1266 approved.

12. Resolution 1267, Temporary Liquor License

Alderman Wilson moved to approve Resolution 1267, issuing a temporary liquor license to Chop's BBQ and Catering for the Smithville Chamber of Commerce After-Hours Event at Courtyard Park to be held Saturday, September 21, 2023. Alderman Atkins seconded the motion.

No discussion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared Resolution 1267 approved.

OTHER MATTERS BEFORE THE BOARD

13. Public Comment

None

14. New Business from the Floor

None

15. Adjourn

Alderman Hartman moved to adjourn. Alderman Atkins seconded the motion.

Ayes – 5, Noes – 0, motion carries. Mayor Boley declared the regular session adjourned at 7:11 p.m.

Brandi Schuerger, Assistant City Clerk

Damien Boley, Mayor



FY2023 BUDGET - FINANCIAL UPDATE

8/30/2023

REVENUES BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,542,691.24	5,466,340.00	5,552,551.38	5,466,340.00	101.58%
CAPITAL PROJECTS FUND	289,753.81	40,000.00	-	40,000.00	0.00%
CAPITAL IMPROVEMENT SALES TAX FUND	692,937.19	1,160,435.00	637,487.87	1,160,435.00	54.94%
DEBT SERVICE FUND	351,550.00	354,845.00	354,845.00	354,845.00	100.00%
TRANSPORTATION SALES TAX FUND	623,946.76	589,713.00	560,030.77	589,713.00	94.97%
COMBINED WATER/WASTEWATER SYSTEMS FUND	7,599,377.78	9,340,817.00	4,866,113.95	9,340,817.00	52.10%
SANITATION FUND	813,121.89	915,860.00	720,866.07	915,860.00	78.71%
SPECIAL ALLOCATION FUND	9,285,969.81	705,000.00	717,765.41	705,000.00	101.81%
PARK & STORMWATER SALES TAX FUND	701,959.69	672,435.00	636,885.03	672,435.00	94.71%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	368,778.35	422,100.00	279,356.04	422,100.00	66.18%
COMMONS CID FUND	350,438.80	380,250.00	326,678.96	380,250.00	85.91%
DONATION FUND	3,305.00	10,500.00	21,476.43	10,500.00	204.54%
AMERICAN RESCUE PLAN ACT FUND	1,120,698.48	-	-	-	
	27,744,528.80	20,058,295.00	14,674,056.91	20,058,295.00	73.16%

EXPENDITURES BY FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
GENERAL FUND	5,853,698.64	6,465,310.00	4,972,611.64	6,465,310.00	76.91%
CAPITAL PROJECTS FUND	127,000.00	84,000.00	83,729.34	84,000.00	
CAPITAL IMPROVEMENT SALES TAX FUND	536,192.40	1,355,370.00	471,324.50	1,355,370.00	34.77%
DEBT SERVICE FUND	339,212.50	343,040.00	343,040.00	343,040.00	100.00%
TRANSPORTATION SALES TAX FUND	656,800.23	992,246.00	482,112.27	992,246.00	48.59%
COMBINED WATER/WASTEWATER SYSTEMS FUND	3,630,014.60	13,121,615.00	4,589,523.99	13,121,615.00	34.98%
SANITATION FUND	818,525.83	900,600.00	714,004.26	900,600.00	79.28%
SPECIAL ALLOCATION FUND	7,244,891.86	1,656,902.00	797,380.08	1,656,902.00	48.12%
PARK & STORMWATER SALES TAX FUND	329,898.48	647,750.00	70,525.80	647,750.00	10.89%
VEHICLE AND EQUIPMENT REPLACEMENT FUND	210,127.57	381,750.00	281,732.93	381,750.00	73.80%
COMMONS CID FUND	554,816.41	335,618.00	170,382.02	335,618.00	50.77%
DONATION FUND	-	20,000.00	15,972.30	20,000.00	
AMERICAN RESCUE PLAN ACT FUND	1,330,033.49	953,270.00	711,473.97	953,270.00	74.64%
	21,631,212.01	27,257,471.00	13,703,813.10	27,257,471.00	50.28%

GENERAL FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	1,007,610.30	1,043,745.00	1,112,269.65	1,043,745.00	106.57%
SALES AND USE TAXES	2,122,572.19	2,068,284.00	1,954,219.56	2,068,284.00	94.49%
FRANCHISE TAXES	742,590.12	674,690.00	661,651.52	674,690.00	98.07%
OTHER TAXES	371,802.62	385,402.00	407,512.18	385,402.00	105.74%
LICENSES, FEES, AND PERMITS	402,259.69	408,964.00	274,020.57	408,964.00	67.00%
INTERGOVERNMENTAL REVENUES	48,263.29	53,210.00	58,719.24	53,210.00	110.35%
CHARGES FOR SERVICES	327,865.38	359,230.00	327,563.20	359,230.00	91.18%
FINES AND FORFEITS	123,682.24	117,775.00	94,583.19	117,775.00	80.31%
INTEREST	126,203.05	65,000.00	495,703.04	65,000.00	762.62%
DONATIONS	-	-	-	-	#DIV/0!
OTHER REVENUE	39,976.90	5,400.00	33,346.79	5,400.00	617.53%
DEBT ISSUED	1,807.91	3,300.00	-	3,300.00	
TRANSFERS IN	225,340.00	277,560.00	127,614.00	277,560.00	45.98%
	5,539,973.69	5,462,560.00	5,547,202.94	5,462,560.00	101.55%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	676,792.05	700,930.00	581,530.24	700,930.00	82.97%
STREET	1,086,191.52	1,607,960.00	921,218.73	1,607,960.00	57.29%
POLICE	2,304,749.38	2,227,070.00	1,929,921.21	2,227,070.00	86.66%
DEVELOPMENT	467,272.31	514,820.00	382,959.03	514,820.00	74.39%
FINANCE	443,700.30	466,260.00	377,189.03	466,260.00	80.90%
COURT	-	-	-	-	
PARKS & REC	786,066.42	859,000.00	715,672.02	859,000.00	83.31%
SENIOR CENTER	27,391.10	36,890.00	26,811.46	36,890.00	72.68%
ELECTED OFFICIALS	51,777.91	43,280.00	28,423.70	43,280.00	65.67%
ANIMAL SHELTER	9,757.65	9,100.00	8,886.22	9,100.00	97.65%
EMERGENCY	-	-	-	-	
	5,853,698.64	6,465,310.00	4,972,611.64	6,465,310.00	76.91%

ADMINISTRATION

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,981.84	317,640.00	259,156.64	317,640.00	81.59%
PART-TIME WAGES	33,442.35	37,500.00	31,916.00	37,500.00	85.11%
OVERTIME WAGES	-	-	-	-	
FICA EXPENSE	24,516.20	27,170.00	22,518.99	27,170.00	82.88%
EMPLOYEE BENEFITS	19,898.78	23,080.00	29,110.09	23,080.00	126.13%
WORKER'S COMPENSATION	564.31	760.00	636.57	760.00	83.76%
RETIREMENT EXPENSE	25,680.89	33,390.00	24,479.48	33,390.00	73.31%
UNEMPLOYMENT BENEFITS	3,728.56	-	-	-	
Personnel	401,812.93	439,540.00	367,817.77	439,540.00	83.68%
REPAIRS & MAINTENANCE - BLDG	6,680.97	9,170.00	17,286.37	9,170.00	188.51%
REPAIRS & MAINTENANCE - EQUIP	6,693.10	8,840.00	7,999.54	8,840.00	90.49%
REPAIRS & MAINT - VEHICLES	-	-	-	-	
REPAIRS & MAINTENANCE - SFTWRE	18,115.03	19,400.00	20,522.66	19,400.00	105.79%
ELECTRICITY	1,305.28	2,050.00	973.81	2,050.00	47.50%
TELEPHONE/INTERNET	2,824.71	2,770.00	2,383.51	2,770.00	86.05%
MOBILE COMMUNICATIONS	2,410.07	2,490.00	2,063.37	2,490.00	82.87%
CAPITAL EXPENDITURES - EQUIP	-	19,000.00	22,394.40	19,000.00	117.87%
CAPITAL EXPENDITURES - SOFTWRE	-	60,000.00	9,910.00	60,000.00	16.52%
TOOLS & SUPPLIES	602.86	430.00	1,997.08	430.00	464.44%
Operation and Maintenance	38,632.02	124,150.00	85,530.74	124,150.00	68.89%
FUEL	-	-	-	-	
Contractual Services	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Insurance	#N/A	#N/A	#N/A	#N/A	#N/A
INSURANCE EXPENSE	5,343.67	6,650.00	15,921.26	6,650.00	239.42%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
TRAINING & TRAVEL EXPENSE	13,145.37	11,410.00	12,200.08	11,410.00	106.92%
OFFICE SUPPLIES	8,201.09	7,170.00	6,527.39	7,170.00	91.04%
Office and Administrative	#N/A	#N/A	#N/A	#N/A	#N/A
EMPLOYEE WELLNESS	-	-	112.97	-	11297.00%
Capital Improvement Projects	-	-	112.97	-	11297.00%
Transfers Out					
TOTAL GENERAL FUND	#N/A	#N/A	#N/A	#N/A	#VALUE!

PUBLIC WORKS (STREET)

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	429,174.71	497,450.00	403,112.09	497,450.00	81.04%
PART-TIME WAGES	20,971.42	22,360.00	18,145.88	22,360.00	81.15%
OVERTIME WAGES	8,795.94	8,000.00	3,935.35	8,000.00	49.19%
FICA EXPENSE	32,153.05	40,380.00	31,385.40	40,380.00	77.73%
EMPLOYEE BENEFITS	67,071.29	88,190.00	78,862.90	88,190.00	89.42%
WORKER'S COMPENSATION	32,136.78	42,610.00	35,689.55	42,610.00	83.76%
RETIREMENT EXPENSE	37,250.46	47,520.00	33,935.96	47,520.00	71.41%
UNIFORM EXPENSE	1,956.61	3,000.00	3,291.76	3,000.00	109.73%
Personnel	629,510.26	749,510.00	608,358.89	749,510.00	81.17%
REPAIRS & MAINTENANCE - BLDG	38.66	1,000.00	-	1,000.00	0.00%
REPAIRS & MAINTENANCE - EQUIP	1,620.45	1,490.00	464.38	1,490.00	31.17%
REPAIRS & MAINT - VEHICLES	2,626.95	1,500.00	1,578.28	1,500.00	105.22%
REPAIRS & MAINTENANCE - SFWRE	103,135.53	9,940.00	5,906.91	9,940.00	59.43%
ELECTRICITY	85,999.58	94,300.00	80,235.76	94,300.00	85.09%
PROPANE	5,058.39	10,000.00	6,049.80	10,000.00	60.50%
TELEPHONE/INTERNET	5,838.69	4,630.00	4,200.84	4,630.00	90.73%
MOBILE COMMUNICATIONS	4,848.98	5,200.00	5,840.73	5,200.00	112.32%
CAPITAL EXPENDITURES - EQUIP	2,076.77	-	145.25	-	14525.00%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
TOOLS & SUPPLIES	748.42	1,500.00	565.43	1,500.00	37.70%
FUEL	-	-	101.91	-	10191.00%
Operation and Maintenance	211,992.42	129,560.00	105,089.29	129,560.00	81.11%
PROFESSIONAL SERVICES	161,454.97	237,070.00	48,683.89	237,070.00	20.54%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Contractual Services	#N/A	#N/A	#N/A	#N/A	#N/A
DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
Insurance	-	1,000.00	-	1,000.00	0.00%
INSURANCE EXPENSE	13,806.82	19,370.00	20,634.24	19,370.00	106.53%
TRAINING & TRAVEL EXPENSE	4,287.44	3,000.00	3,224.98	3,000.00	107.50%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Office and Administrative	#N/A	#N/A	#N/A	#N/A	#N/A
MEMBERSHIPS & SUBSCRIPTIONS	1,354.52	950.00	40.00	950.00	4.21%
Capital Improvement Projects	1,354.52	950.00	40.00	950.00	4.21%
CAPITAL IMPROVEMENT PROJECTS	42,183.00	430,000.00	98,917.39	430,000.00	23.00%
Other Expenses	42,183.00	430,000.00	98,917.39	430,000.00	23.00%
MISCELLANEOUS EXPENSE	-	-	(250.00)	-	-25000.00%
Transfers Out	-	-	(250.00)	-	-25000.00%
TOTAL GENERAL FUND	#N/A	#N/A	#N/A	#N/A	

POLICE DEPARTMENT

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	1,085,225.89	1,189,510.00	1,010,596.00	1,189,510.00	84.96%
PART-TIME WAGES	16,026.31	19,900.00	12,319.86	19,900.00	61.91%
OVERTIME WAGES	100,484.98	67,600.00	62,924.12	67,600.00	93.08%
FICA EXPENSE	87,449.84	92,520.00	82,433.78	92,520.00	89.10%
EMPLOYEE BENEFITS	151,300.84	174,780.00	174,728.80	174,780.00	99.97%
WORKER'S COMPENSATION	49,832.93	62,840.00	52,633.92	62,840.00	83.76%
RETIREMENT EXPENSE	94,651.97	155,890.00	105,047.86	155,890.00	67.39%
UNIFORM EXPENSE	25,246.73	24,970.00	13,339.55	24,970.00	53.42%
Personnel	1,610,219.49	1,788,010.00	1,514,023.89	1,788,010.00	84.68%
REPAIRS & MAINT - BLDG	13,959.99	9,910.00	9,924.17	9,910.00	100.14%
REPAIRS & MAINTENANCE - EQUIP	10,139.37	9,110.00	11,247.44	9,110.00	123.46%
REPAIRS & MAINT - VEHICLES	46,768.94	23,960.00	34,837.23	23,960.00	145.40%
REPAIRS & MAINT - SOFTWARE	28,493.70	41,860.00	29,304.36	41,860.00	70.01%
ELECTRICITY	7,190.88	7,160.00	6,673.51	7,160.00	93.21%
TELEPHONE/INTERNET	5,636.02	7,730.00	3,561.38	7,730.00	46.07%
MOBILE COMMUNICATIONS	7,292.03	9,390.00	9,572.08	9,390.00	101.94%
CAPITAL EXPENDITURES - EQUIP	90,751.88	26,700.00	32,499.24	26,700.00	121.72%
CAPITAL EXPENDITURES - VEHICLE	415.38	-	1,200.00	-	120000.00%
CAPITAL EXPENDITURES - SFTWARE	20,200.87	2,500.00	1,519.20	2,500.00	60.77%
TOOLS & SUPPLIES	16,096.56	19,470.00	12,231.84	19,470.00	62.82%
FUEL	48,347.33	48,750.00	35,565.36	48,750.00	72.95%
ANIMAL CONTROL	-	500.00	45.12	500.00	9.02%
Operation and Maintenance	295,292.95	207,040.00	188,180.93	207,040.00	90.89%
PROFESSIONAL SERVICES	74,066.54	36,760.00	36,740.29	36,760.00	99.95%
LEGAL FEES	-	-	1,980.00	-	198000.00%
DISPATCHING	71,104.49	72,560.00	65,204.66	72,560.00	89.86%
CONFINEMENT	3,425.21	6,000.00	3,406.17	6,000.00	56.77%
Contractual Services	148,596.24	115,320.00	107,331.12	115,320.00	93.07%
COURT APPOINTED FEES	-	-	7,164.59	-	716459.00%
Insurance	-	-	7,164.59	-	716459.00%
INSURANCE DEDUCTIBLES	-	1,000.00	-	1,000.00	0.00%
INSURANCE EXPENSE	51,193.79	56,120.00	54,031.64	56,120.00	96.28%
TRAINING & TRAVEL EXPENSE	33,971.78	28,810.00	29,186.66	28,810.00	101.31%
ACADEMY TRAINING	5,239.18	10,000.00	10,478.36	10,000.00	104.78%
Office and Administrative	90,404.75	95,930.00	93,696.66	95,930.00	97.67%
ADVERTISING	335.90	250.00	-	250.00	0.00%
Capital Improvement Projects	335.90	250.00	-	250.00	0.00%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
MEMBERSHIPS & SUBSCRIPTIONS	20,912.65	17,190.00	14,413.70	17,190.00	
Other Expenses	#N/A	#N/A	#N/A	#N/A	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	#N/A	#N/A	#N/A	#N/A	

DEVELOPMENT

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	293,553.34	311,210.00	236,740.37	311,210.00	76.07%
OVERTIME WAGES	432.03	750.00	342.92	750.00	45.72%
FICA EXPENSE	21,349.44	23,870.00	17,845.00	23,870.00	74.76%
EMPLOYEE BENEFITS	31,549.52	36,050.00	35,130.18	36,050.00	97.45%
WORKER'S COMPENSATION	10,171.88	12,880.00	10,788.11	12,880.00	83.76%
RETIREMENT EXPENSE	25,870.89	29,330.00	20,363.45	29,330.00	69.43%
UNIFORM EXPENSE	764.20	1,800.00	161.45	1,800.00	8.97%
Personnel	383,691.30	415,890.00	321,371.48	415,890.00	77.27%
REPAIRS & MAINTENANCE - BLDG	1,449.52	1,320.00	1,693.80	1,320.00	128.32%
REPAIRS & MAINTENANCE - EQUIP	890.01	1,630.00	1,108.15	1,630.00	67.98%
REPAIRS & MAINT - VEHICLES	2,866.09	1,640.00	86.13	1,640.00	5.25%
REPAIRS & MAINT - SFTWRE/MAPS	25,097.94	23,560.00	25,252.43	23,560.00	107.18%
ELECTRICITY	1,083.19	1,410.00	973.81	1,410.00	69.06%
TELEPHONE/INTERNET	1,708.71	1,950.00	1,156.38	1,950.00	59.30%
MOBILE COMMUNICATIONS	1,867.06	2,200.00	1,793.00	2,200.00	81.50%
CAPITAL EXPENDITURES - EQUIP	3,166.99	1,600.00	2,105.98	1,600.00	131.62%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - HARDWARE	-	-	-	-	
TOOLS & SUPPLIES	184.32	1,020.00	164.58	1,020.00	16.14%
FUEL	4,094.86	6,570.00	1,957.03	6,570.00	29.79%
Operation and Maintenance	42,408.69	42,900.00	36,291.29	42,900.00	84.60%
PROFESSIONAL SERVICES	27,640.88	36,190.00	13,160.92	36,190.00	36.37%
Contractual Services	27,640.88	36,190.00	13,160.92	36,190.00	36.37%
INSURANCE EXPENSE	6,537.74	7,210.00	6,456.46	7,210.00	89.55%
Insurance	6,537.74	7,210.00	6,456.46	7,210.00	89.55%
TRAINING & TRAVEL EXPENSE	2,612.28	3,000.00	1,412.57	3,000.00	47.09%
OFFICE SUPPLIES EXPENSE	1,046.45	1,000.00	734.66	1,000.00	73.47%
POSTAGE	1,140.27	1,800.00	889.54	1,800.00	49.42%
ADVERTISING	2,154.70	5,400.00	2,572.11	5,400.00	47.63%
MEMBERSHIPS & SUBSCRIPTIONS	40.00	1,430.00	70.00	1,430.00	4.90%
Office and Administrative	6,993.70	12,630.00	5,678.88	12,630.00	44.96%
Capital Improvement Projects	-	-	-	-	
MISCELLANEOUS EXPENSE	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	467,272.31	514,820.00	382,959.03	514,820.00	74.39%

FINANCE DEPARTMENT

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
MISCELLANEOUS EXPENSE	-	-	-	-	
SALARIES & WAGES	230,587.77	247,930.00	186,605.05	247,930.00	75.27%
PART-TIME WAGES	-	-	-	-	
OVERTIME WAGES	94.94	750.00	511.88	750.00	68.25%
FICA EXPENSE	16,960.54	19,030.00	14,724.85	19,030.00	77.38%
EMPLOYEE BENEFITS	40,531.98	50,450.00	26,876.73	50,450.00	53.27%
WORKER'S COMPENSATION	414.64	520.00	435.54	520.00	83.76%
Personnel	288,589.87	318,680.00	229,154.05	318,680.00	71.91%
RETIREMENT EXPENSE	19,653.90	23,380.00	15,736.07	23,380.00	67.31%
REPAIRS & MAINTENANCE - BLDG	915.24	880.00	805.20	880.00	91.50%
REPAIRS & MAINTENANCE - EQUIP	1,727.73	740.00	715.89	740.00	96.74%
REPAIRS & MAINTENANCE - SFTWRE	22,087.72	22,160.00	19,937.05	22,160.00	89.97%
ELECTRICITY	787.79	1,030.00	708.23	1,030.00	68.76%
TELEPHONE/INTERNET	1,132.32	1,380.00	805.69	1,380.00	58.38%
MOBILE COMMUNICATIONS	445.99	490.00	404.39	490.00	82.53%
CAPITAL EXPENDITURES - EQUIP	-	-	-	-	
Operation and Maintenance	46,750.69	50,060.00	39,112.52	50,060.00	78.13%
TOOLS & SUPPLIES	302.71	1,340.00	1,425.45	1,340.00	106.38%
Contractual Services	302.71	1,340.00	1,425.45	1,340.00	106.38%
PROFESSIONAL SERVICES	41,242.56	37,850.00	43,340.79	37,850.00	114.51%
Insurance	41,242.56	37,850.00	43,340.79	37,850.00	114.51%
INSURANCE EXPENSE	3,428.00	3,690.00	3,192.42	3,690.00	86.52%
TRAINING & TRAVEL EXPENSE	769.10	1,200.00	1,113.26	1,200.00	92.77%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
ADVERTISING	-	260.00	-	260.00	0.00%
BANK CHARGES	61,033.01	52,010.00	57,679.41	52,010.00	110.90%
Office and Administrative	#N/A	#N/A	#N/A	#N/A	#N/A
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	#N/A	#N/A	#N/A	#N/A	#N/A



PARKS & RECREATION

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	263,511.32	321,350.00	250,636.24	321,350.00	77.99%
PART-TIME WAGES	17,576.48	21,840.00	18,071.76	21,840.00	82.75%
PART-TIME RECREATION WAGES	4,647.46	4,100.00	377.13	4,100.00	9.20%
OVERTIME WAGES	3,625.49	2,000.00	4,149.60	2,000.00	207.48%
FICA EXPENSE	21,503.89	26,730.00	21,898.84	26,730.00	81.93%
EMPLOYEE BENEFITS	30,541.75	56,220.00	29,235.97	56,220.00	52.00%
WORKER'S COMPENSATION	11,738.41	15,730.00	13,175.23	15,730.00	83.76%
RETIREMENT EXPENSE	18,556.94	30,400.00	19,732.09	30,400.00	64.91%
UNIFORM EXPENSE	2,428.34	3,250.00	3,740.30	3,250.00	115.09%
Personnel	374,130.08	481,620.00	361,017.16	481,620.00	74.96%
REPAIRS & MAINTENANCE - BLDG	2,568.07	1,000.00	716.64	1,000.00	71.66%
REPAIRS & MAINTENANCE - EQUIP	34,033.23	11,500.00	14,643.81	11,500.00	127.34%
REPAIRS & MAINT - VEHICLES	295.81	750.00	489.31	750.00	65.24%
REPAIRS & MAINT - INFRASTRUCTR	7,694.71	21,000.00	23,664.68	21,000.00	112.69%
REPAIRS & MAINT - PARKS	13,920.35	19,000.00	22,925.96	19,000.00	120.66%
REPAIRS & MAINT - SOFTWARE	14,468.59	15,420.00	6,039.05	15,420.00	39.16%
REPAIRS & MAINT - SMITH'S FORK	109,752.67	10,000.00	18,809.81	10,000.00	188.10%
ELECTRICITY	28,060.96	32,400.00	22,868.71	32,400.00	70.58%
PROPANE	5,387.10	9,000.00	5,512.50	9,000.00	61.25%
TELEPHONE/INTERNET	6,392.63	7,250.00	5,146.80	7,250.00	70.99%
MOBILE COMMUNICATIONS	2,989.98	3,260.00	2,197.88	3,260.00	67.42%
CAPITAL EXPENDITURES - EQUIP	-	-	49,939.40	-	4993940.00%
CAPITAL EXPENDITURES - VEHICLE	-	47,850.00	-	47,850.00	0.00%
CAPITAL EXPENDITURES - HRDWARE	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
TOOLS & SUPPLIES	8,017.12	6,000.00	4,516.57	6,000.00	75.28%
FUEL	16,849.31	12,380.00	8,546.25	12,380.00	69.03%
recreation	-	-	-	-	
YOUTH REC LEAGUE UNIFORMS	19,920.45	20,010.00	14,308.87	20,010.00	71.51%
YOUTH REC LEAGUE UMPIRES	18,003.93	12,320.00	15,725.70	12,320.00	127.64%
ADULT REC LEAGUE UNIFORMS	-	1,000.00	40.71	1,000.00	4.07%
ADULT REC LEAGUE OFFICIALS	-	1,000.00	-	1,000.00	0.00%
REC LEAGUE BACKGROUND CHECKS	400.42	720.00	-	720.00	0.00%
REC LEAGUE SUPPLIES/AWARDS	15,035.30	27,010.00	18,255.05	27,010.00	67.59%
REC LEAGUE ADVERTISING	1,195.37	1,000.00	951.80	1,000.00	95.18%
Operation and Maintenance	304,986.00	259,870.00	235,299.50	259,870.00	90.55%
BIKE RACE	1,488.67	11,550.00	7,075.64	11,550.00	61.26%
PROFESSIONAL SERVICES	14,672.45	5,310.00	11,094.56	5,310.00	208.94%
MOWING SERVICES	-	-	-	-	
RENTAL SERVICES	-	-	-	-	
LEASE PAYMENTS	38,701.20	40,640.00	40,636.26	40,640.00	99.99%
Contractual Services	54,862.32	57,500.00	58,806.46	57,500.00	102.27%
CAMP HOST SERVICES	14,700.00	14,700.00	12,500.00	14,700.00	85.03%
Insurance	14,700.00	14,700.00	12,500.00	14,700.00	85.03%
FIREWORKS DISPLAY	16,000.00	16,000.00	16,000.00	16,000.00	100.00%
MOVIE NIGHTS	2,062.07	2,400.00	56.75	2,400.00	2.36%
INSURANCE EXPENSE	12,701.27	15,500.00	16,738.80	15,500.00	107.99%
TRAINING & TRAVEL EXPENSE	3,639.83	7,890.00	9,071.05	7,890.00	114.97%
OFFICE SUPPLIES	534.52	750.00	2,775.34	750.00	370.05%
ADVERTISING	2,125.33	1,000.00	2,275.46	1,000.00	227.55%
Office and Administrative	37,063.02	43,540.00	46,917.40	43,540.00	107.76%
OUTSIDE SPONSORSHIPS	-	1,000.00	-	1,000.00	0.00%
Capital Improvement Projects	-	1,000.00	-	1,000.00	0.00%
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	785,741.42	858,230.00	714,540.52	858,230.00	

SENIOR CENTER

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Personnel	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	10,663.97	8,180.00	4,321.88	8,180.00	52.83%
ELECTRICITY	2,206.69	1,740.00	1,586.29	1,740.00	91.17%
NATURAL GAS	1,134.35	1,560.00	1,202.03	1,560.00	77.05%
TELEPHONE/INTERNET	1,641.89	1,970.00	1,704.69	1,970.00	86.53%
TOOLS & SUPPLIES	99.85	2,750.00	545.67	2,750.00	19.84%
Operation and Maintenance	15,746.75	16,200.00	9,360.56	16,200.00	57.78%
PROFESSIONAL SERVICES	7,855.25	16,900.00	15,983.00	16,900.00	94.57%
Contractual Services	7,855.25	16,900.00	15,983.00	16,900.00	94.57%
INSURANCE	3,789.10	3,790.00	1,467.90	3,790.00	38.73%
Insurance	3,789.10	3,790.00	1,467.90	3,790.00	38.73%
Office and Administrative	-	-	-	-	
CAPITAL IMPROVEMENT PROJECTS	-	-	-	-	
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	27,391.10	36,890.00	26,811.46	36,890.00	72.68%

ELECTED OFFICIALS

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
PART-TIME WAGES	14,550.00	15,150.00	12,150.00	15,150.00	80.20%
FICA EXPENSE	1,113.44	1,160.00	929.78	1,160.00	80.15%
WORKER'S COMPENSATION	30.34	40.00	33.50	40.00	83.75%
Personnel	15,693.78	16,350.00	13,113.28	16,350.00	80.20%
WORKER'S COMPENSATION	-	-	-	-	
REPAIRS & MAINTENANCE - BLDG	1,163.55	1,320.00	1,073.60	1,320.00	81.33%
REPAIRS & MAINT - SOFTWARE	1,067.08	2,140.00	1,255.80	2,140.00	58.68%
ELECTRICITY	1,378.63	1,160.00	1,239.43	1,160.00	106.85%
TELEPHONE/INTERNET	1,383.91	1,590.00	581.90	1,590.00	36.60%
MOBILE COMMUNICATIONS	-	-	-	-	
TOOLS & SUPPLIES	7.50	220.00	45.00	220.00	20.45%
Operation and Maintenance	5,000.67	6,430.00	4,195.73	6,430.00	65.25%
COMMUNITY RELATIONS ALLOWANCE	-	-	-	-	
Contractual Services	-	-	-	-	
PROFESSIONAL SERVICES	14,266.46	5,160.00	275.59	5,160.00	5.34%
Insurance	14,266.46	5,160.00	275.59	5,160.00	5.34%
INSURANCE EXPENSE	1,363.42	1,660.00	1,571.77	1,660.00	94.68%
TRAINING & TRAVEL EXPENSE	1,905.72	2,750.00	3,625.62	2,750.00	131.84%
OFFICE SUPPLIES	563.61	1,000.00	497.32	1,000.00	49.73%
ADVERTISING	12,199.25	8,350.00	3,959.39	8,350.00	47.42%
MEMBERSHIPS & SUBSCRIPTIONS	785.00	1,580.00	1,185.00	1,580.00	75.00%
Office and Administrative	16,817.00	15,340.00	10,839.10	15,340.00	70.66%
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	51,777.91	43,280.00	28,423.70	43,280.00	65.67%

ANIMAL SHELTER

8/30/2023

GENERAL FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Personnel	-	-	-	-	
REPAIRS & MAINT - BLDG	853.46	600.00	2,391.85	600.00	398.64%
TOOLS & SUPPLIES	1,584.57	1,500.00	2,038.06	1,500.00	135.87%
Operation and Maintenance	2,438.03	2,100.00	4,429.91	2,100.00	210.95%
PROFESSIONAL SERVICES	7,141.62	6,000.00	4,456.31	6,000.00	74.27%
Contractual Services	7,141.62	6,000.00	4,456.31	6,000.00	74.27%
Insurance	-	-	-	-	
ADVERTISING	-	-	-	-	
Office and Administrative	-	-	-	-	
TRAINING & TRAVEL	178.00	1,000.00	-	1,000.00	0.00%
Capital Improvement Projects	178.00	1,000.00	-	1,000.00	0.00%
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TOTAL GENERAL FUND	9,757.65	9,100.00	8,886.22	9,100.00	97.65%



SPECIAL ALLOCATION FUND (MARKETPLACE TIF)

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
PROPERTY TAXES	189,504.87	195,000.00	209,948.14	195,000.00	107.67%
SALES AND USE TAXES	9,096,464.94	510,000.00	507,817.27	510,000.00	99.57%
	9,285,969.81	705,000.00	717,765.41	705,000.00	101.81%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	7,244,891.86	1,656,902.00	797,380.08	1,656,902.00	48.12%
	7,244,891.86	1,656,902.00	797,380.08	1,656,902.00	48.12%



CAPITAL PROJECTS FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
INTERGOVERNMENTAL REVENUES	-	-	-	-
DEBT ISSUED	-	-	-	-
TRANSFERS IN	112,274.47	-	-	-
PARK IMPROVEMENT REVENUE	77,479.34	40,000.00	-	40,000.00
	112,274.47	-	-	-

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
STREET	127,000.00	-	-	-
	127,000.00	-	-	-



TRANSPORTATION SALES TAX FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES TAXES	608,120.52	589,713.00	555,900.77	589,713.00	94.27%
STREET & CURB CUT FEES	-	-	4,130.00	-	
MISCELLANEOUS REVENUE	15,826.24	-	-	-	
PROCEEDS FROM DEBT ISSUED	-	-	-	-	
TRANSFERS IN	-	-	-	-	
	623,946.76	589,713.00	560,030.77	589,713.00	94.97%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	656,800.23	992,246.00	482,112.27	992,246.00	48.59%
	656,800.23	992,246.00	482,112.27	992,246.00	48.59%

TRANSPORTATION SALES TAX FUND

8/30/2023

TRANSPORTATION SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Personnel	-	-	-	-	
TRANSFERS OUT	20,000.00	35,000.00	35,000.00	35,000.00	100.00%
REPAIRS & MAINTENANCE - BLDG	1,753.72	1,000.00	244.57	1,000.00	24.46%
REPAIRS & MAINTENANCE - EQUIP	15,897.09	15,000.00	17,009.60	15,000.00	113.40%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL EXPENDITURES - EQUIP	18,500.00	6,960.00	11,692.00	6,960.00	167.99%
SUPPLIES - STREET SIGNS	-	-	49.80	-	4980.00%
Operation and Maintenance	#N/A	#N/A	#N/A	#N/A	#N/A
FUEL	18,948.76	17,820.00	19,496.41	17,820.00	
Contractual Services	18,948.76	17,820.00	19,496.41	17,820.00	
PROFESSIONAL SERVICES	3,721.47	105,000.00	58,000.00	105,000.00	55.24%
Insurance	3,721.47	105,000.00	58,000.00	105,000.00	55.24%
DEBT PRINCIPAL PAYMENTS	38,969.28	35,010.00	35,010.00	35,010.00	100.00%
Office and Administrative	38,969.28	35,010.00	35,010.00	35,010.00	100.00%
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
FUEL	18,948.76	17,820.00	19,496.41	17,820.00	109.41%
Debt - Principal	18,948.76	17,820.00	19,496.41	17,820.00	109.41%
INSURANCE EXPENSE	-	-	-	-	
Debt - Interest	-	-	-	-	
Transfers Out	-	-	-	-	
TRANSPORTATION SALES TAX FUND	#N/A	#N/A	#N/A	#N/A	#N/A



CAPITAL IMPROVEMENT SALES TAX FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
SALES TAXES	692,937.19	672,435.00	637,487.87	672,435.00	94.80%
TRANSFERS IN	-	-	-	-	
	692,937.19	672,435.00	637,487.87	672,435.00	94.80%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
STREET	536,192.40	1,355,370.00	471,324.50	1,355,370.00	34.77%
	536,192.40	1,355,370.00	471,324.50	1,355,370.00	34.77%

CAPITAL IMPROVEMENT SALES TAX FUND

8/30/2023

CAPITAL IMPROVE SALES TAX FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Office and Administrative	-	-	-	-	
TRANSFERS OUT	-	-	-	-	
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
PROFESSIONAL SERVICES	72,367.93	109,000.00	116,479.50	109,000.00	106.86%
Transfers Out	72,367.93	109,000.00	116,479.50	109,000.00	106.86%
TOTAL CAPITAL IMPROVE SALES TAX FUND	72,367.93	109,000.00	116,479.50	109,000.00	



DEBT SERVICE FUND

8/30/2023

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	PROPERTY TAXES	-	-	-	-	
	TRANSFERS IN	351,550.00	354,845.00	354,845.00	354,845.00	100.00%
		351,550.00	354,845.00	354,845.00	354,845.00	100.00%

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
	STREET	339,212.50	343,040.00	343,040.00	343,040.00	100.00%
		339,212.50	343,040.00	343,040.00	343,040.00	100.00%

DEBT SERVICE FUND

8/30/2023

DEBT SERVICE FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Capital Improvement Projects	-	-	-	-	
Other Expenses	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Debt - Principal	#N/A	#N/A	#N/A	#N/A	#N/A
LEASE PAYMENTS	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
Debt - Interest	145,000.00	155,000.00	155,000.00	155,000.00	100.00%
Transfers Out	-	-	-	-	
TOTAL DEBT SERVICE FUND	#N/A	#N/A	#N/A	#N/A	



WATER & WASTEWATER SYSTEMS FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
LICENSES, FEES, AND PERMITS	-	-	-	-	
CHARGES FOR SERVICES	5,857,400.49	5,070,817.00	4,620,084.52	5,070,817.00	91.11%
IMPACT FEES	283,906.00	330,000.00	194,832.00	330,000.00	59.04%
OTHER REVENUE	84,494.81	-	15,766.40	-	
DEBT ISSUED	1,373,576.48	3,940,000.00	34,481.03	3,940,000.00	0.88%
TRANSFERS IN	-	-	-	-	
	7,599,377.78	9,340,817.00	4,865,163.95	9,340,817.00	52.08%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
UTILITIES	3,630,014.60	13,121,615.00	4,589,523.99	13,121,615.00	34.98%
	3,630,014.60	13,121,615.00	4,589,523.99	13,121,615.00	34.98%



PUBLIC WORKS (UTILITIES)

8/30/2023

CWWS FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
SALARIES & WAGES	777,255.74	912,150.00	730,455.64	912,150.00	80.08%
OVERTIME WAGES	28,068.48	20,000.00	32,967.39	20,000.00	164.84%
FICA EXPENSE	59,721.82	71,310.00	58,854.36	71,310.00	82.53%
EMPLOYEE BENEFITS	94,132.53	123,760.00	105,519.90	123,760.00	85.26%
WORKER'S COMPENSATION	35,672.44	47,920.00	40,137.15	47,920.00	83.76%
RETIREMENT EXPENSE	68,589.85	87,630.00	69,472.82	87,630.00	79.28%
UNIFORM EXPENSE	6,201.53	9,000.00	6,340.12	9,000.00	70.45%
Personnel	1,069,642.39	1,271,770.00	1,043,747.38	1,271,770.00	82.07%
REPAIRS & MAINTENANCE - EQUIP	5,040.58	6,990.00	12,069.04	6,990.00	172.66%
REPAIRS & MAINT - VEHICLES	2,968.05	3,000.00	2,538.35	3,000.00	84.61%
REPAIRS & MAINT - WATER LINES	47,485.59	88,500.00	75,793.35	88,500.00	85.64%
REPAIRS & MAINT - SEWER LINES	38,355.80	300,000.00	295,909.48	300,000.00	98.64%
REPAIRS & MAINT - WATER PLANT	28,414.75	294,000.00	66,395.60	294,000.00	22.58%
REPAIRS & MAINT - WW PLANT	64,975.00	180,000.00	198,061.01	180,000.00	110.03%
REPAIRS & MAINT - SOFTWARE	13,409.27	25,730.00	16,191.94	25,730.00	62.93%
REPAIRS & MAINT - WATER TOWERS	110,294.84	126,270.00	140,901.46	126,270.00	111.59%
ELECTRICITY	242,199.15	243,490.00	214,172.35	243,490.00	87.96%
PROPANE	5,814.00	15,000.00	6,089.40	15,000.00	40.60%
TELEPHONE/INTERNET	15,161.57	12,250.00	14,103.06	12,250.00	115.13%
MOBILE COMMUNICATIONS	10,041.33	10,850.00	10,353.08	10,850.00	95.42%
CAPITAL EXPENDITURES - EQUIP	299.55	66,500.00	85,665.73	66,500.00	128.82%
CAPITAL EXPENDITURES - VEHICLE	-	-	-	-	
CAPITAL EXPENDITURES - SOFTWRE	-	1,500.00	3,145.00	1,500.00	209.67%
CAPITAL EXPENDITURES - HRDWRE	-	-	-	-	
CAPITAL EXPENDITURES - TOWERS	-	-	-	-	
CAPITAL EXPENDITURES - BLDG	-	-	-	-	
CAPITAL EXPENDITURES - WATER P	-	-	-	-	
CAPITAL EXPENDITURES - WW PLAN	-	-	-	-	
CAPITAL EXPENDITURES - LINES	-	-	-	-	
TOOLS & SUPPLIES	26,644.02	25,000.00	33,284.92	25,000.00	133.14%
SUPPLIES - CONNECTIONS	61,119.45	90,000.00	90,811.44	90,000.00	100.90%
SUPPLIES - LAB	20,728.64	30,000.00	31,152.06	30,000.00	103.84%
SUPPLIES - WATER CHEMICALS	157,562.11	150,000.00	145,320.13	150,000.00	96.88%
SUPPLIES - WW CHEMICALS	10,264.38	15,000.00	15,010.63	15,000.00	100.07%
FUEL	19,503.91	18,600.00	12,508.82	18,600.00	67.25%
Operation and Maintenance	880,281.99	1,702,680.00	1,469,476.85	1,702,680.00	86.30%
PROFESSIONAL SERVICES	124,722.49	1,060,330.00	446,472.38	1,060,330.00	42.11%
EASEMENT ACQUISITION	-	75,000.00	50,290.00	75,000.00	67.05%
DEBT PRINCIPAL PAYMENTS	15,853.81	355,000.00	314.83	355,000.00	0.09%
Contractual Services	140,576.30	1,490,330.00	497,077.21	1,490,330.00	33.35%
WASTEWATER TREATMENT SERVICE	127,167.30	136,850.00	111,684.30	136,850.00	81.61%
Insurance	127,167.30	136,850.00	111,684.30	136,850.00	81.61%
INSURANCE EXPENSE	79,220.49	71,720.00	90,926.96	71,720.00	126.78%
OTHER LEASE EXPENSE	-	17,147.00	12,646.99	17,147.00	73.76%
TRAINING & TRAVEL EXPENSE	3,461.10	7,500.00	6,588.24	7,500.00	87.84%
OFFICE SUPPLIES	1,514.25	6,000.00	2,441.14	6,000.00	40.69%
POSTAGE	2,040.34	1,500.00	2,488.95	1,500.00	165.93%
ADVERTISING	-	250.00	194.25	250.00	77.70%
Office and Administrative	86,236.18	104,117.00	115,286.53	104,117.00	110.73%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
CAPITAL IMPROVEMENT PROJECTS	4,419.85	6,841,900.00	1,053,601.61	6,841,900.00	15.40%
Capital Improvement Projects	#N/A	#N/A	#N/A	#N/A	#N/A
WATER IMPACT PROJECTS	-	200,000.00	-	200,000.00	0.00%
WASTEWATER IMPACT PROJECTS	-	700,000.00	-	700,000.00	0.00%
AMORTIZATION EXPENSE	-	-	-	-	
Other Expenses	-	900,000.00	-	900,000.00	0.00%
Debt - Principal	-	-	-	-	
MEMBERSHIPS & SUBSCRIPTIONS	1,040.99	380.00	75.95	380.00	19.99%
Debt - Interest	1,040.99	380.00	75.95	380.00	19.99%
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Transfers Out	#N/A	#N/A	#N/A	#N/A	#N/A
TOTAL CWWS FUND	#N/A	#N/A	#N/A	#N/A	#N/A

SANITATION FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
CHARGES FOR SERVICES	813,121.89	915,860.00	720,866.07	915,860.00	78.71%
TRANSFERS IN	-	-	-	-	
	813,121.89	915,860.00	720,866.07	915,860.00	78.71%

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	
ADMINISTRATION	818,525.83	900,600.00	714,004.26	900,600.00	79.28%
	818,525.83	900,600.00	714,004.26	900,600.00	79.28%

SANITATION FUND

8/30/2023

SANITATION FUND	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection	Percent Spent
Personnel	-	-	-	-	
HOUSEHOLD HAZARDOUS WASTE	11,342.54	12,630.00	11,607.20	12,630.00	91.90%
RECYCLING SERVICES	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
SOLID WASTE SERVICES	807,183.29	887,970.00	702,397.06	887,970.00	79.10%
Operation and Maintenance	#N/A	#N/A	#N/A	#N/A	#N/A
Contractual Services	-	-	-	-	
Debt - Principal	-	-	-	-	
Debt - Interest	-	-	-	-	
#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
Transfers Out	#N/A	#N/A	#N/A	#N/A	#N/A
TOTAL SANITATION FUND	#N/A	#N/A	#N/A	#N/A	



PARK AND STORMWATER SALES TAX FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARK & STORMWATER SALES TAX	690,959.69	672,435.00	636,885.03	672,435.00
MISCELLANEOUS REVENUE	11,000.00	-	-	-
	701,959.69	672,435.00	636,885.03	672,435.00

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
PARKS & RECREATION	282,573.48	120,000.00	11,830.00	120,000.00
UTILITIES	47,325.00	527,750.00	58,695.80	527,750.00
	47,325.00	647,750.00	58,695.80	527,750.00



VEHICLE AND EQUIPMENT REPLACEMENT FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
SALE OF PERSONAL PROPERTY	146,713.35	352,100.00	209,356.04	352,100.00
TRANSFERS IN	146,713.35	70,000.00	70,000.00	70,000.00
	293,426.70	422,100.00	279,356.04	422,100.00

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
ADMINISTRATION	104,036.17	-	-	-
STREETS	48,486.42	105,000.00	68,347.64	105,000.00
POLICE	8,859.46	97,500.00	62,317.35	97,500.00
DEVELOPMENT	8,870.13	36,750.00	20,118.84	36,750.00
PARKS & RECREATION	28,109.05	77,500.00	73,124.48	77,500.00
UTILITIES	11,766.34	65,000.00	57,824.62	65,000.00
	210,127.57	381,750.00	281,732.93	381,750.00



COMMONS CID FUND

8/30/2023

REVENUES, BY SOURCE		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	SALES TAXES	345,227.10	373,750.00	321,077.67	373,750.00
	USE TAXES	5,211.70	6,500.00	5,601.29	6,500.00
		350,438.80	380,250.00	326,678.96	380,250.00

EXPENDITURES, BY DEPARTMENT		FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
	CONTRACTED SERVICES	554,816.41	335,618.00	170,382.02	335,618.00
		554,816.41	335,618.00	170,382.02	335,618.00



DONATION FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
OTHER REVENUE - POLICE DONATIONS	3,305.00	10,500.00	21,476.43	10,500.00
OTHER REVENUE - PARK DONATIONS	-	-	-	-
	3,305.00	10,500.00	21,476.43	10,500.00

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
CAPITAL OUTLAY - ADMINISTRATION	-	-	300.00	-
CAPITAL OUTLAY - POLICE	-	20,000.00	15,672.30	20,000.00
	-	20,000.00	15,972.30	20,000.00



AMERICAN RESCUE PLAN ACT FUND

8/30/2023

REVENUES, BY SOURCE	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
INTERGOVERNMENTAL REVENUES	1,110,127.76	-	-	-
INTEREST INCOME	10,570.72	-	-	-
	1,120,698.48	-	-	-

EXPENDITURES, BY DEPARTMENT	FY2022 Actual	FY2023 Budget	FY2023 YTD	FY2023 Projection
UTILITIES	1,330,033.49	953,270.00	711,473.97	953,270.00
	1,330,033.49	953,270.00	711,473.97	953,270.00



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Police

AGENDA ITEM: Resolution 1268, MoDOT Driving While Intoxicated Enforcement Grant Contract

REQUESTED BOARD ACTION:

A motion to approve Resolution 1268, authorizing the Mayor to sign the contract with the Missouri Highways and Transportation Commission.

SUMMARY: Approval of these items will authorize the Mayor to sign a contract with the Missouri Highways and Transportation Commission for funds, in the amount of \$4,130 for the overtime and funding for the Missouri DRE/DWI Conference.

PREVIOUS ACTION:

This is an annual grant application that the Police Department has participated in for more than 15 years.

POLICY ISSUE:

Receipt of this grant funding would provide funding for the approximately 48 hours of dedicated enforcement of driving while intoxicated violations. This grant funding will also support the required training for recertification of the Department's Drug Recognition Expert. This grant funds 100% of the project.

FINANCIAL CONSIDERATIONS:

No financial impacts are projected.

ATTACHMENTS:

- | | |
|--|--|
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Other: | |

RESOLUTION 1268

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING ADDITIONAL ENFORCEMENT AND TRAINING

WHEREAS, the City of Smithville recognizes the importance of traffic safety; and

WHEREAS, the City of Smithville wishes to participate in the Missouri Department of Transportation, Department of Highway Safety grant program.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE
CITY OF SMITHVILLE, MISSOURI:**

THAT the Mayor and Board of Aldermen hereby authorize the Mayor to sign an agreement with the Missouri Highways and Transportation Commission to fund additional enforcement activities and training.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19th day of September, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

CONTRACT

Form HS-1

Version: 1

05/19/2023

Missouri Department of Transportation
Highway Safety and Traffic Division
P.O. Box 270
830 MoDOT Drive
Jefferson City, MO 65102
Phone: 573-751-4161
Fax: 573-634-5977

Project Title: Impaired Driving Enforcement
Project Number: 24-M5HVE-03-005
Project Category: 405d Mid HVE
Program Area: Impaired Driving

Funding Source: 405d / 20.616

Type of Project: Initial

Started: 10/01/2023

Federal Funds Benefiting	
State:	
Local:	\$4,130.00
Total:	\$4,130.00

Source of Funds	
Federal:	\$4,130.00
State:	
Local:	\$0.00
Total:	\$4,130.00

Prepared By
Wilson, Scott

Name of Grantee
Smithville Police Dept.

Grantee County
Clay

Grantee Address
107 W Main St.

Smithville, MO 64089-9384

Telephone
816-532-0500

Fax
816-532-3990

Contract Period
Effective: 10/01/2023
Through: 09/30/2024

Subrecipient Authorizing Official

Date

Subrecipient Project Director

Date

MHTC Authorizing Official

Date

It is mutually agreed by the parties executing this contract to the following: the reimbursable costs shall not exceed the **total obligated amount of \$4,130.00**; the recipient of funds shall proceed with the implementation of the program as detailed in attached forms (which become part of this agreement) and shall adhere to conditions specified in attachments (which become part of this agreement); all Federal and State of Missouri laws and regulations are applicable and any addendums or conditions thereto shall be binding; any facilities and/or equipment acquired in the connection with this agreement shall be used and maintained for highway safety purposes; the recipient of funds must comply with the Title VI of the Civil Rights Act of 1964, and the Federal Funds from other sources, excluding Federal Revenue Sharing Funds, will not be used to match the Federal funds obligated to this project.

IN ORDER TO RECEIVE FEDERAL FUNDING, THE SUBRECIPIENT AGREES TO COMPLY WITH THE FOLLOWING CONDITIONS IN ADDITION TO THOSE OUTLINED IN THE NARRATIVE OF THE CONTRACT.

I. RELATIONSHIP

The relationship of the Subrecipient to the Missouri Highways and Transportation Commission (MHTC) shall be that of an independent contractor, not that of a joint enterpriser. The Subrecipient shall have no authority to bind the MHTC for any obligation or expense without the express prior written approval of the MHTC. This agreement is made for the sole benefit of the parties hereto and nothing in the Agreement shall be construed to give any rights or benefits to anyone other than the MHTC and the Subrecipient.

II. GENERAL REQUIREMENTS

The State and each subrecipient will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 25024, Pub. L. 117-58
- 23 CFR part 1300 - Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 - Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

III. INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

IV. EQUIPMENT AND SOFTWARE

A. PROCUREMENT: Subrecipient's may adhere to its own procurement regulations and procedures which reflect applicable state/local laws, rules, and regulations provided such regulations and procedures adhere to the following State's procurement regulations and procedures:

1. Have a process in place to ensure that contracts are not awarded to contractors or individuals on a federal and/or state debarment list.
2. All procurement transactions whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition.
3. All quotations and the rationale behind the selection of a source of supply must be retained, attached to the purchase order copy (as applicable), and placed in the accounting files.
4. Purchases to a single vendor estimated to total less than \$10,000 may be purchased with prudence on the open market.
5. Purchases to a single vendor estimated to total \$10,000 or more but less than \$100,000 must be competitively bid, or purchased through use of a state cooperative procurement, but need not be solicited by mail or advertisement.
6. Purchases to a single vendor estimated to total \$100,000 or more must:
 1. be advertised for bid in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders (and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public) at least five days before bids for such purchases are to be opened;
 2. post a notice of the proposed purchase in a public area of the Subrecipient's office ; and
 3. solicit bids by mail or other reasonable methods generally available to the public from prospective suppliers.
7. Subrecipients will make a good faith effort to utilize minority and women owned businesses within resource capabilities when procuring goods and services, and that all necessary affirmative steps are taken to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 CFR PART 200.322)
8. Subrecipients will make every effort to purchase equipment as early in the fiscal year as possible . Equipment purchased late in the fiscal year risks not being reimbursed unless extenuating circumstances are encountered (i.e. supply chain shortages).

B. DISPOSITION: The Subrecipient shall make written request to the MHTC for instructions on the proper disposition of all items of equipment provided under the terms of this contract with a cost of \$5,000 or more. The MHTC will notify the subrecipient when an item of original cost of \$5,000 or more (and tracked by the MHTC as inventory) is no longer being

tracked and may be disposed of. Subrecipient must keep and maintain equipment with a cost of under \$5,000 until it is no longer useful for its originally intended purpose.

C. REPLACEMENT: No equipment may be funded on a replacement basis. Participation in equipment and manpower projects must be in addition to the Subrecipient's previous twelve months authorized strength .

V. FISCAL RESPONSIBILITY

- A. MAINTENANCE OF RECORDS:** The Subrecipient agrees that the Commission and/or its designees or representatives shall have access to all records related to the grant. The Subrecipient further agrees that the Missouri Department of Transportation (MoDOT) Highway Safety and Traffic (HS) Division, the National Highway Traffic Safety Administration (NHTSA), the Federal Highway Administration (FHWA) and/or any Federal audit agency with jurisdiction over this program and the Auditor of the State of Missouri or any of their duly authorized representatives may have access, for purpose of audit and examinations, to any books, documents, papers or records maintained by the Subrecipient pertaining to this contract and further agrees to maintain such books and records for a period of three (3) years following date of final payments.
- B. REIMBURSEMENT VOUCHER, SUPPORTING DOCUMENTATION AND PAYMENT SCHEDULE:** The MHTC agrees to reimburse the Subrecipient for accomplishment of all authorized activities performed under this contract. Reimbursement proceedings will be initiated upon the receipt of a claim voucher and supporting documentation from the Subrecipient, as required by the MHTC. The voucher must reflect actual costs and work accomplished during the project period, to be submitted on the appropriate MHTC certified payroll form or in a format approved by the MHTC, and shall include project number, project period, hours worked, rate of pay, any other allowable expenditures, and must be signed by the person preparing the voucher and the project director or authorizing official . Vouchers should be received by the MHTC within ten (10) working days from the date of the authorizing official/project director's signature. Subrecipient should report monthly, or at least quarterly, to MHTC using the online Grant Management System. For projects where salaried positions are awarded, claim voucher and activity reports must be submitted *monthly*. Subrecipient must ensure complete, accurate and final voucher and supporting documentation is received by the MHTC no later than November 15, which is after the end of the Federal fiscal year for which the final voucher pertains. Final payment is contingent upon receipt of the complete, accurate and final voucher.
- C. ACCOUNTING:** The Subrecipient shall maintain all documentation in file for audit review; failure to provide supporting documentation at the time of audit could result in questioned costs. The Subrecipient must document the following: (1) Receipt of federal funds, (2) date and amount paid to employees, (3) employee's timesheet (regular hours and overtime hours). Documentation shall be kept available for inspection for representatives of the MHTC for a period of three years following date of final payments. Copies of such records shall be made available upon request.
- D. OMB AUDIT:** A subrecipient that expends \$750,000 or more during the subrecipient's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of 2 CFR §200.501. A copy of the Audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. A subrecipient that expends less than \$750,000 during the subrecipient's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO). Failure to furnish an acceptable audit may be basis for refunding federal funds to the MHTC. Cost records and accounts pertaining to the work covered by this contract shall be kept available for inspection for representatives of the MHTC for a period of three (3) years following date of final payments. Copies of such records shall be made available upon request.

VI. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010,

(https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- A.** Name of the entity receiving the award;
- B.** Amount of the award;
- C.** Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance (or "Assistance Listings") number (where applicable), program source;

- D. Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- E. Unique entity identifier (generated by *SAM.gov*);
- F. The names and total compensation of the five most highly compensated officers of the entity if :
 - A. the entity in the preceding fiscal year received-
 - a. 80 percent or more of its annual gross revenues in Federal awards;
 - b. \$25,000,000 or more in annual gross revenues from Federal awards; and
 - B. the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- G. Other relevant information specified by OMB guidance.

VII. TERMINATION

If, through any cause, the Subrecipient shall fail to fulfill in timely and proper manner its obligation under this contract, or if the Subrecipient shall violate any of the covenants, agreements or stipulations of this contract, the MHTC shall thereupon have the right to terminate this contract and withhold further payment of any kind by giving written notice to the Subrecipient of such termination and specifying the effective date thereof, at least thirty (30) days before such date. The MHTC shall be the sole arbitrator of whether the Subrecipient or its subcontractor is performing its work in a proper manner with reference to the quality of work performed by the Subrecipient -or its subcontractor under the provisions of this contract, if an award no longer effectuates the program goals or MHTC priorities. The Subrecipient and the MHTC further agree that this contract may be terminated by either party by giving written notice of such termination and specifying the effective date thereof, at least thirty (30) days before such date, and in the case of partial termination the portion of the award to be terminated.

VIII. NONDISCRIMINATION

(Applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR part 21** (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964); **28 CFR 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);

- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100);
- **Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government** (advancing equity across the Federal Government); and
- **Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation** (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

- A. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
- B. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
- C. The Recipient will insert the clauses of appendix A and E of DOT Order 1050.2A in every contract or agreement subject to the Acts and the Regulations.
- D. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- E. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- F. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

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- G. That the Recipient will include the clauses set forth in appendix C and appendix D of DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - 1. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - 2. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- H. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - 1. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - 2. the period during which the Recipient retains ownership or possession of the property.
- I. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- J. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

IX. **STATUTORY AND REGULATORY REQUIREMENTS**

A. **COMPLIANCE:** The Subrecipient must comply with the following Statutes or Rules:

- 1. Peace Officer Standards and Training (P.O.S.T.) Chapter 590 RSMo Department of Public Safety (DPS) certification of peace officers
- 2. Crash Reporting Chapter 43.250 RSMo - Law enforcement officers to file all crash reports with Missouri State Highway Patrol (MSHP).
- 3. Uniform Crime Reporting Chapter 43.505 RSMo - Crime incident reports shall be submitted to DPS on forms or in format prescribed by DPS.
- 4. Racial Profiling Chapter 590.650 RSMo - Law enforcement agency to file a report to the Attorney General each calendar year.
- 5. US DOT AND OMB REGULATIONS: The Subrecipient shall comply with all requirements of 2 CFR Parts 200 and 1201.

- X. **PRODUCTION & DEVELOPMENT COSTS** Items produced with federal funds are within the public domain and are not bound by copyright restrictions. All items produced with federal funds, in whole or in part, must acknowledge this by clearly indicating that MoDOT Highway Safety and Traffic funding supported this effort. Examples may include, but are not limited to, print materials; audio/video productions; and training aides such as curricula or workbooks. Any materials developed under this contract must be submitted to the MHTC for approval prior to final print and distribution. Copies of all final products are to be provided to the MHTC. The MHTC has the right to reproduce and distribute materials as the MHTC deems appropriate.

- XI. **INDEMNIFICATION** Option 1 below only applies to State agencies, Cities, Counties and other political subdivisions or political corporations of the State of Missouri. Option 2 applies to all other entities (e.g. non-profit, private institutions).

OPTION 1:

- A. To the extent allowed or imposed by law, the Subrecipient shall defend, indemnify and hold harmless the MHTC, including its members and MoDOT employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Subrecipient's wrongful or negligent performance of its obligations under this Agreement. The Subrecipient may satisfy this requirement utilizing a self-funded program.
- B. The Subrecipient will require any contractor procured by the Subrecipient to work under this Agreement :
 - 1. To obtain a no cost permit from the MHTC's district engineer prior to working on the MHTC's right-of-way, which shall be signed by an authorized contractor representative (a permit from the MHTC's district engineer will not be required for work outside of the MHTC's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the MHTC, and the MoDOT and its employees, as additional named insured's in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.
- C. In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

OPTION 2:

The Subrecipient shall defend, indemnify and hold harmless the MHTC, including its members and the MoDOT employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Subrecipient's performance of its obligations under this Agreement.

- XII. **AMENDMENTS** The Budget Proposal within this Agreement may be revised by the Subrecipient and the MHTC subject to the MHTC's approval without a signed amendment as long as the total contract amount is not altered and /or the intended scope of the project does not change. Prior to any revision being made to the Budget Proposal, Subrecipient shall submit a written or email request to the MHTC requesting the change. Any other change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Subrecipient and the MHTC. All final modification requests must be submitted no later than September 30 of the project fiscal year.
- XIII. **MHTC REPRESENTATIVE** The MoDOT Highway Safety and Traffic Division Director is designated as the MHTC's representative for the purpose of administering the provisions of this Agreement. The MHTC's representative may designate by written notice other persons having the authority to act on behalf of the MHTC in furtherance of the performance of this Agreement.
- XIV. **ASSIGNMENT** The Subrecipient shall not assign, transfer, or delegate any interest in this Agreement without the prior written consent of the MHTC.
- XV. **LAWS OF MISSOURI TO GOVERN** This Agreement shall be construed according to the laws of the State of Missouri. The Subrecipient shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.
- XVI. **VENUE** It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.
- XVII. **SECTION HEADINGS** All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.
- XVIII. **NONSEGREGATED FACILITIES** (Applicable to contracts over \$10,000) Subrecipient and its subcontractors, suppliers and vendors, should meet Federal requirements regarding nonsegregated facilities.

XIX. FUNDING ORIGINATION AND AUDIT INFORMATION

The MHTC funds the following NHTSA program areas:

<u>Section</u>	<u>Assistance Listing #</u>	<u>Program Title</u>
402	20.600	State and Community Highway Safety Programs
154	20.607	Alcohol Open Container Requirements
405b	20.616	National Priority Safety Programs
405c	20.616	National Priority Safety Programs
405d	20.616	National Priority Safety Programs
405e	20.616	National Priority Safety Programs
405f	20.616	National Priority Safety Programs
405g	20.616	National Priority Safety Programs
405h	20.616	National Priority Safety Programs
405i	20.616	National Priority Safety Programs

XX. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

(Applies to subrecipients as well as States)

The State will provide a drug-free workplace by:

- A.** Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B.** Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The Subrecipient's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (A).
- C.** Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement.
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- D.** Notifying the agency within ten days after receiving notice under subparagraph (C)(b) from an employee or otherwise receiving actual notice of such conviction.
- E.** Taking one of the following actions, within 30 days of receiving notice under subparagraph (C)(b), with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination.
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- F.** Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

XXI. POLITICAL ACTIVITY (HATCH ACT)

(Applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XXII. CERTIFICATION REGARDING FEDERAL LOBBYING

(Applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

XXIII. RESTRICTION ON STATE LOBBYING

(Applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

XXIV. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(Applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

- A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

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- D. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- E. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverage sections of 2 CFR Part 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- F. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
- G. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
- I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- J. Except for transactions authorized under paragraph F of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions:

- 1. The prospective primary tier participant certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining , attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

- A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.

- B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- C. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- D. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
- H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- I. Except for transactions authorized under paragraph E of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

XXV. BUY AMERICA ACT

(Applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the

cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

All items purchased must be compliant with the National Highway Traffic Safety Administration (NHTSA) interpretation of the Buy America Act including, but not limited to:

1. Items valued over \$5,000 per unit must be manufactured or assembled in the United States of America, or as allowed by a current Buy America Act waiver issued by the NHTSA;
2. All vehicles, motorcycles, trailers, and other similar conveyances must be manufactured or assembled in the United States of America regardless of cost.

<https://www.nhtsa.gov/sites/nhtsa.gov/files/buy-america-act-revised-11202015.pdf>

Furthermore, the State and each subrecipient will follow the guidelines of 2 C.F.R. § 200.322, Domestic Preferences for Procurements. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.

XXVI. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(Applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

XXVII. POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Subrecipient is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

XXVIII. POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

XXIX. PARTICIPATION IN HIGHWAY SAFETY PARTNERSHIPS

All subrecipients are strongly encouraged to participate in Highway Safety sponsored functions including, but not limited to, Missouri Coalition for Roadway Safety regional meetings, applicable subcommittees and conferences; working groups; dedicated enforcement workshops; and grant application and contract award workshops. Subrecipient agencies with positions that are funded via Highway Safety grants are expected to participate (or send a representative) in the above functions as much as possible.

XXX. PROHIBITION ON TELECOMMUNICATIONS AND VIDEO SURVEILLANCE

The National Defense Authorization Act of Fiscal Year 2019 (Pub. L. 115-232) prohibits Federal grant funds from being obligated or expended to procure or obtain (or to enter into, extend, or renew a contract to procure or obtain) certain covered telecommunications equipment, services, or systems. States and subrecipients should refer to the Super Circular for more information on what equipment and companies this prohibition covers.

Equipment regularly purchased under NHTSA grants that may be subject to this provision could include : mobile phones, landlines, and the internet. Note that this provision prohibits purchasing these (and other) items produced by certain companies; items produced by non-prohibited companies are still potentially allowable.

**XXXI. CERTIFICATION ON CONFLICT OF INTEREST
(Applies to subrecipients as well as States)**

General Requirements

No employee, officer or agent of a State or its subrecipient who is authorized in an official capacity to negotiate , make, accept or approve, or to take part in negotiating, making, accepting or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

- A.** The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - 1.** The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - 2.** The code or standards shall establish penalties, sanctions or other disciplinary actions for violations, as permitted by State or local law or regulations.
- B.** The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

Disclosure Requirements

No State or its subrecipient, including its officers, employees or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

- A.** The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
- B.** NHTSA will review the disclosure and may require additional relevant information from the recipient . If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict .
- C.** Conflicts of interest that require disclosure include all past, present or currently planned organizational, financial, contractual or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization .

CONTRACT REQUIREMENTS

THE FOLLOWING REQUIREMENTS ONLY APPLY TO CONTRACTS THAT INCLUDE TRAINING

Subrecipients offering the MHTC-funded courses must adhere to the following standard elements required for training contracts:

- A. A course schedule must be presented to the MHTC program coordinator prior to the proposed training. The schedule should include: title of course; date(s); time; exact location; and agenda. Any changes to the course schedule must have prior approval from the MHTC.
- B. Each student must complete a survey form at the completion of the workshop/training. The survey will ask a series of questions concerning adequacy of: training received; instructor's presentation; training facility/location; and worth of the training.
- C. The Subrecipient must provide a sign-up sheet for every class when submitting a reimbursement request for the course (a typed list of everyone who registered is not acceptable). The sign-up sheet must capture the following information:
 - 1. Title of the class
 - 2. Date(s) and location of class
 - 3. Printed Name and signature of attendees (unless otherwise prohibited)
 - 4. Name of agency/organization of each attendee
- D. To ensure cost effectiveness, every effort should be made to enroll a minimum of fifteen (15) students per class. If the minimum number of students cannot be ensured, the subrecipient should contact the MHTC Highway Safety Office to seek approval to proceed with the class.
- E. Copies of the student evaluations, number of students enrolled/number of students attending, agenda/syllabus/curriculum, and participant sign-up sheets must be retained in Subrecipient's files after the training has been conducted and available for MHTC review upon request.

THE FOLLOWING REQUIREMENTS APPLY TO LAW ENFORCEMENT AGENCIES ONLY

A. PROBLEM IDENTIFICATION

Subrecipient must develop a selected traffic enforcement plan by evaluating crash data involving fatal, disabling and moderate injuries. This will be done on an annual basis to determine the highest crash locations, to include: month of year, day of week, time of day, and causation factors. This plan must be used to determine locations utilized in site selection for conducting enforcement efforts. Any changes to the enforcement plan must be made in writing to the MHTC project coordinator in advance of enforcement efforts.

B. PROJECT ACTIVITIES

- 1. Enforcement activities by the Subrecipient must remain at the current level. Enforcement efforts provided by this contract must be in addition to current enforcement activities.
- 2. Officers will be permitted to issue multiple citations and/or written warnings to drivers who have committed several violations.
- 3. High visibility enforcement is a key strategy to reducing traffic crashes; therefore, law enforcement officers working overtime projects are strongly encouraged to make at least three (3) contacts per hour when conducting an enforcement project.
- 4. Subrecipient is expected to participate in associated national or state mobilization efforts in conjunction with, or at the direction of, the Highway Safety and Traffic Division. These mobilizations include, but are not limited to: Click It or Ticket campaign, Drive Sober or Get Pulled Over campaign, Youth Seat Belt enforcement campaign, Holiday Impaired Driving campaign, and quarterly enforcement efforts. Mobilization reporting efforts shall be completed using the online mobilization reporting form located at: <https://mobilization.rejis.org>.
- 5. Only law enforcement work performed by a duly licensed, Peace Officer Standards and Training (POST) certified law enforcement officer will be reimbursed.
- 6. The Subrecipient will not be eligible for reimbursement for any individual law enforcement officer working under this grant in excess of 40 hours for any two week pay period. The Subrecipient will not be eligible for reimbursement for any individual law enforcement officer working under this grant where said officer is claiming to have worked as a law enforcement officer for more than 16 hours in any 24 hour period.

C. PARTNERSHIPS

Law Enforcement agencies are strongly encouraged to participate in the Law Enforcement Traffic Safety Advisory Council (LETSAC) and attend the annual conference. Agencies located within the metropolitan areas of St. Louis or Kansas City should participate in Operation Impact or Operation Gateway (traffic safety task forces).

D. ALLOWABLE COSTS

Full-time, part-time and reserve officers are eligible to participate in overtime enforcement projects. Part-time and reserve officers must have the same authority as a full-time permanent officer. MHTC will reimburse Subrecipient at officer's standard rate of pay in accordance with Subrecipient policies and procedures regarding standard rate of pay and overtime rate of pay. The Subrecipient will not be reimbursed at the overtime rate for work that according to Subrecipient's own policies and procedures does not constitute overtime. Non-POST certified personnel may be allowed, at the sole discretion of MHTC, in a support/administrative role.

Exceptions to allowable costs may be made with prior written permission of the MHTC.

E. DRUNK DRIVING ENFORCEMENT PROJECTS

1. Those officers conducting standardized field sobriety testing must have 24 hours of Standardized Field Sobriety Test training to participate in grant funded enforcement efforts.
2. Agency should participate in quarterly enforcement efforts and the national impaired driving crackdowns held annually.

F. SOBRIETY CHECKPOINTS

Unless otherwise prohibited by state statute or appropriation,

1. The MHTC will fund enforcement agencies to conduct sobriety checkpoints in accordance with standards outlined in the Sobriety Checkpoint Reference Manual and the Sobriety Checkpoint Supervisor Training program.
2. Sobriety checkpoint enforcement efforts must be coupled with appropriate public information efforts to increase the perceived risk of arrest and to enhance the actual risk of arrest.
3. Enforcement statistics and the agency's sobriety checkpoint operations plan must be submitted with reimbursement vouchers.

G. PURSUIT POLICIES

Law enforcement agencies are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))

PROBLEM IDENTIFICATION

Substance-impaired drivers contributed to 22.0 percent of Missouri's traffic crash fatalities during the past five years. Alcohol remains the primary contributor to substance-impaired driving crashes; however, the number of persons under the influence of prescription medications and/or illicit drugs continues to increase. Male drivers were more likely than females to be involved in substance-impaired driving crashes. During the past five years, males were responsible for 81.7 percent of substance-impaired driving fatalities. Ten percent of the children less than 15 years of age, who were killed in motor vehicle crashes over the last five years, were riding with a substance-impaired driver.

The City of Smithville is located in the northwest corner of Clay County and extends into Platte County to the west. The city is bordered to the north by Clinton County. US-169 Highway is the main thoroughfare running north and south the entire length of the city. US-169 Highway is one of two main routes from downtown Kansas City to Saint Joseph. US-169 Highway is intersected by MO-92 Highway; which goes to Leavenworth, KS to the west and Excelsior Springs, MO to the east. The City of Smithville is near three major Interstates: I-435 is approximately 1 mile south of our city limits, I-35 is approximately 12 miles east of our city limits, and I-29 is approximately 12 miles west of our city limits. The City of Smithville is located next to Smithville Lake, which attracts millions of vehicles and visitors throughout the year. A high influx of traffic is experienced even more on holidays such as Memorial Day, July 4th and Labor Day, as many travel to the lake to take place in different holiday related events and recreational activities. This influx of vehicles brings with it an increased number of motorists who operate in a hazardous and/or intoxicated manner.

Based on available STARS data from calendar years 2020, 2021 and 2022 there were 400 traffic crashes within the Smithville city limits. Of these 400 crashes, 105 crashes (26%) resulted in 162 injures and 4 fatalities. While investigating crashes in the city, 1 fatal crash involved alcohol, 19 personal injury crashes involved drugs or alcohol and 23 property damage crashes involved drugs or alcohol.

Using available data from the Missouri State Highway Patrol from 2020-2022, there were a total of 14,028 motor vehicle crashes in Clay County, including the City of Smithville. Of those 14,028 crashes, 3,319 resulted in personal injury and 84 resulted in fatalities. Drugs or alcohol were involved in 686 of the 14,028 crashes, including 12 fatality crashes and 250 injury crashes.

The following shows comparative analysis of where Smithville, and Clay and Platte Counties rank statewide:

Drinking/Drug-Involved Traffic Crashes:

Smithville - 43
Clay County - 686
Platte County - 286

Personal Injury, Drinking/Drug-Involved Crashes:

Smithville - 19
Clay County - 250
Platte County - 110

Fatal Drinking/Drug-Involved Crashes:

Smithville - 1
Clay County - 12
Platte County - 4

In 2022, Smithville officers made 82 driving while intoxicated arrests, including:

Under 21: 9
DWI - Drug: 25 (30%)
Refusals: 32
Blood Draws: 31
Search Warrants: 13
DRE Evaluations: 4
Average BAC: 0.150

The following statistics were pulled from AIRs completed by Smithville police officers regarding DWI arrests in 2019 and 2020.

2019: Average BAC of a subject who submitted to the chemical test 0.145g/210L. 19 Refusals. 12 DWI Drug
2020: Average BAC of a subject who submitted to the chemical test 0.143g/210L. 18 Refusals. 11 DWI Drug

2021: Average BAC of a subject who submitted to the chemical test 0.143g/210L. 34 Refusals. 29 DWI Drug

Most of the crashes where drugs or alcohol were contributing factors took place between 7:00pm and 5:00am.

GOALS/OBJECTIVES

Core Performance Measure Goals

1. Based on our goal of 0 fatalities by 2030, Missouri is projecting a five-year average target of 276.8 alcohol-impaired driving involved fatalities by December 31, 2023.

Increase DWI enforcement efforts to detect and remove intoxicated drivers from the roadway before crashes occur . Reduce DWI crashes by 6% for the next three years, bringing our total number of crashes to 25 over the next three years.

PROJECT DESCRIPTION

Officers will conducted one, four-hour block of DWI enforcement per month. Enforcement times will be Friday and Saturday nights between the hours of 7:00pm and 5:00am. Additional enforcement times may be authorized during known drinking holidays.

SUPPLEMENTAL INFORMATION

<u>Question</u>	<u>Answer</u>
You must answer the following questions.	
1 Does your agency have and enforce an internal safety belt policy for all personnel?	Yes
2 Does your agency have and enforce a policy restricting cell phone use while driving?	Yes
3 Does your agency report racial profiling data annually?	Yes
4 Does your agency report to STARS?	Yes
5 Does your agency report MIBRS information annually?	Yes
6 Please explain any NO answer(s) to questions 1-5:	
7 Have any of your officers/personnel been debarred and are therefore not eligible to receive federal funds for reimbursement of salary, fringe benefits, or overtime?	No
8 Does your agency have adequate manpower to fully expend the funds requested in this application?	Yes
9 If NO, please explain.	
10 Have any significant changes occurred with your agency within the last year that would affect performance, including personnel or system changes?	Yes
11 If YES, please explain.	
We have reached full staffing and will have our final trainees completing field training in FY23.	
12 Are you aware of any fraud, waste or abuse on grant projects in your office/agency within the last 5 years?	No
13 If YES, please explain.	
14 If your agency received Highway Safety grant funding in the last three (3) fiscal years and there were unexpended balances, please explain why.	
We were short officers due to turnover and had a small amount of funds left over . We have since filled all allocated positions.	
15 Did your political entity receive more than 80% of its annual gross revenues in Federal Awards in your preceding fiscal year?	No
16 Did your political entity receive \$25,000,000 or more in Federal Awards in your preceding fiscal year?	No
17 If you answered NO to either question 15 and 16, DO NOT answer this question. If you answered YES to both question 15 and 16, and the public does not have access to this information, list the names and compensation amounts of the five most highly compensated employees in your business or organization (the legal entity to which the DUNS number it provided belongs).	

Please use the most current 12-months of data available for answering questions 18-23. INCLUDE ALL OF YOUR AGENCY'S STATISTICS, NOT JUST THOSE ISSUED DURING GRANT ACTIVITY.

18	Total number of DWI violations written by your agency.	82
19	Total number of speeding citations written by your agency.	427
20	Total number of HMV citations written by your agency.	471
21	Total number of child safety/booster seat citations written by your agency.	2
22	Total number of safety belt citations written by your agency.	3
23	Total number of warnings issued.	2245

Use the most current three years crash data from the Missouri State Highway Patrol (MSHP) or your internal record management system for questions 24-34.

24	Total number of traffic crashes.	400
25	Total number of traffic crashes resulting in a fatality.	4
26	Total number of traffic crashes resulting in a serious injury.	105
27	Total number of speed-related traffic crashes.	53
28	Total number of speed-related traffic crashes resulting in a fatality.	1
29	Total number of speed-related traffic crashes resulting in a serious injury.	18
30	Total number of alcohol-related traffic crashes.	37
31	Total number of alcohol-related traffic crashes resulting in a fatality.	1
32	Total number of alcohol-related traffic crashes resulting in a serious injury.	16
33	Total number of unbuckled fatalities.	0
34	Total number of unbuckled serious injuries.	7

Enter your agency's information below.

35	Total number of commissioned law enforcement officers.	20
36	Total number of commissioned patrol and traffic officers.	14
37	Total number of commissioned law enforcement officers available for overtime enforcement.	6
38	Total number of vehicles available for enforcement.	8
39	Total number of radars/lasers.	11

40	Total number of in-car video cameras.	8
41	Total number of PBTs.	8
42	Total number of Breath Instruments.	2

The following information explains the strategies your agency will use to address the traffic crash problem . This information is considered to be the Project Description and should be specific to the crash problem.

43	Identify primary enforcement locations.	
	Primary enforcement locations will be along the US 169 Corridor.	
44	Enter the number of enforcement periods your agency will conduct each month.	1
45	Enter the months in which enforcement will be conducted.	
	Enforcement will be conducted all twelve months of the year.	
46	Enter the days of the week in which enforcement will be conducted.	
	Enforcement will be conducted Friday and Saturday nights.	
47	Enter the time of day in which enforcement will be conducted.	
	Enforcement will be conducted between 7:00pm and 5:00am.	
48	Enter the number of officers assigned during the enforcement period.	1
49	If equipment or supplies are requested to conduct this project, explain below why it is needed and how it will be used.	

PROJECT EVALUATION

The MHTC will administratively evaluate this project. Evaluation will be based, at a minimum, upon the following:

1. Law enforcement compliance with state UCR, Racial Profiling, and STARS reporting requirements (law enforcement contracts only)
2. Timely submission of monthly reimbursement vouchers and appropriate documentation to support reimbursement for expenditures (i.e., personal services, equipment, materials)
3. Timely submission of periodic reports (i.e., monthly, quarterly, semi-annual) as required
4. Timely submission of the Year End Report of activity (due within 30 days after contract completion date)
5. Attaining the Goals set forth in this contract
6. Accomplishing the Objectives* established to meet the project Goals, such as:
 - Enforcement activities (planned activities compared with actual activities)
 - Programs (number and success of programs held compared to planned programs, evaluations if available)
 - Training (actual vs. anticipated enrollment, student evaluations of the class, student test scores on course examinations, location of classes, class cancellation information)
 - Equipment purchases (timely purchase of equipment utilized to support and enhance the traffic safety effort ; documentation of equipment use and frequency of use)
 - Public awareness activities (media releases, promotion events, or education materials produced or purchased)
 - Other (any other information or material that supports the Objectives)
7. The project will be evaluated by the Highway Safety and Traffic Division through annual crash analysis .

Evaluation results will be used to determine:

- The success of this type of activity in general and this particular project specifically ;
- Whether similar activities should be supported in the future; and
- Whether grantee will receive funding for future projects.

We will monitor DWI enforcement arrests and intoxication related crashes to determine if our enforcement is reducing DWI related incidents. We will adjust our target day, time and locations as we evaluate data to make the greatest impact.

ADDITIONAL FUNDING SOURCES

BUDGET

Category	Item	Description	Quantity	Cost	Total	Local	Total Requested
Personnel							
	Overtime and Fringe	Impaired Driving Enforcement Overtime	50.00	\$58.60	\$2,930.00	\$0.00	\$2,930.00
					\$2,930.00	\$0.00	\$2,930.00
Training							
	Professional Development	Missouri DWI/DRE Conference	2.00	\$600.00	\$1,200.00	\$0.00	\$1,200.00
					\$1,200.00	\$0.00	\$1,200.00
Total Contract					\$4,130.00	\$0.00	\$4,130.00

ATTACHMENTS

<u>Document Type</u>	<u>Description</u>	<u>Original File Name</u>	<u>Date Added</u>
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Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Police

AGENDA ITEM: Resolution 1269, MoDOT Hazardous Moving Violation Enforcement Grant Agreement

REQUESTED BOARD ACTION:

A motion to approve Resolution 1269, authorizing the Mayor to sign the agreement with the Missouri Highways and Transportation Commission.

SUMMARY: Approval of these items will authorize the Mayor to sign a contract with the Missouri Highways and Transportation Commission for funds, in the amount of \$4,930 for overtime operations and funding for the Missouri Law Enforcement Traffic Safety Advisory Council Conference.

PREVIOUS ACTION:

This is an annual grant application that the Police Department has participated in for more than 15 years.

POLICY ISSUE:

Receipt of this grant funding would provide funding for the approximately 48 hours of dedicated enforcement of hazardous moving violations. This grant funding will also fund the attendance of two Officers at the annual Law Enforcement Traffic Association Conference. This grant funds 100% of the project.

FINANCIAL CONSIDERATIONS:

No financial impacts are projected.

ATTACHMENTS:

- ☐ Ordinance
- ☒ Resolution
- ☐ Staff Report
- ☐ Other:

- ☒ Contract
- ☐ Plans
- ☐ Minutes

RESOLUTION 1269

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING ADDITIONAL ENFORCEMENT AND TRAINING

WHEREAS, the City of Smithville recognizes the importance of traffic safety; and

WHEREAS, the City of Smithville wishes to participate in the Missouri Department of Transportation, Department of Highway Safety grant program.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE
CITY OF SMITHVILLE, MISSOURI:**

THAT the Mayor and Board of Aldermen hereby authorize the Mayor to sign an agreement with the Missouri Highways and Transportation Commission to fund additional enforcement and training.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19th day of September, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

CONTRACT

Form HS-1

Revision Reason: Wording

Version: 2

05/19/2023

Missouri Department of Transportation
Highway Safety and Traffic Division
P.O. Box 270
830 MoDOT Drive
Jefferson City, MO 65102
Phone: 573-751-4161
Fax: 573-634-5977

Project Title: HMV Enforcement
Project Number: 24-PT-02-043
Project Category: Police Traffic Services
Program Area: State and Community Programs

Funding Source: 402 / 20.600

Type of Project: Initial

Started: 10/01/2023

Federal Funds Benefiting

State:

Local: _____ \$4,930.00

Total: _____ \$4,930.00

Source of Funds

Federal: _____ \$4,930.00

State:

Local: _____ \$0.00

Total: _____ \$4,930.00

Contract Period

Effective: 10/01/2023

Through: 09/30/2024

Prepared By

Wilson, Scott

Subrecipient Authorizing Official

Date

Subrecipient Project Director

Date

MHTC Authorizing Official

Date

It is mutually agreed by the parties executing this contract to the following: the reimbursable costs shall not exceed the **total obligated amount of \$4,930.00**; the recipient of funds shall proceed with the implementation of the program as detailed in attached forms (which become part of this agreement) and shall adhere to conditions specified in attachments (which become part of this agreement); all Federal and State of Missouri laws and regulations are applicable and any addendums or conditions thereto shall be binding; any facilities and/or equipment acquired in the connection with this agreement shall be used and maintained for highway safety purposes; the recipient of funds must comply with the Title VI of the Civil Rights Act of 1964, and the Federal Funds from other sources, excluding Federal Revenue Sharing Funds, will not be used to match the Federal funds obligated to this project.

IN ORDER TO RECEIVE FEDERAL FUNDING, THE SUBRECIPIENT AGREES TO COMPLY WITH THE FOLLOWING CONDITIONS IN ADDITION TO THOSE OUTLINED IN THE NARRATIVE OF THE CONTRACT.

I. RELATIONSHIP

The relationship of the Subrecipient to the Missouri Highways and Transportation Commission (MHTC) shall be that of an independent contractor, not that of a joint enterpriser. The Subrecipient shall have no authority to bind the MHTC for any obligation or expense without the express prior written approval of the MHTC. This agreement is made for the sole benefit of the parties hereto and nothing in the Agreement shall be construed to give any rights or benefits to anyone other than the MHTC and the Subrecipient.

II. GENERAL REQUIREMENTS

The State and each subrecipient will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 25024, Pub. L. 117-58
- 23 CFR part 1300 - Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 - Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

III. INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

IV. EQUIPMENT AND SOFTWARE

A. PROCUREMENT: Subrecipient's may adhere to its own procurement regulations and procedures which reflect applicable state/local laws, rules, and regulations provided such regulations and procedures adhere to the following State's procurement regulations and procedures:

1. Have a process in place to ensure that contracts are not awarded to contractors or individuals on a federal and/or state debarment list.
2. All procurement transactions whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition.
3. All quotations and the rationale behind the selection of a source of supply must be retained, attached to the purchase order copy (as applicable), and placed in the accounting files.
4. Purchases to a single vendor estimated to total less than \$10,000 may be purchased with prudence on the open market.
5. Purchases to a single vendor estimated to total \$10,000 or more but less than \$100,000 must be competitively bid, or purchased through use of a state cooperative procurement, but need not be solicited by mail or advertisement.
6. Purchases to a single vendor estimated to total \$100,000 or more must:
 1. be advertised for bid in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders (and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public) at least five days before bids for such purchases are to be opened;
 2. post a notice of the proposed purchase in a public area of the Subrecipient's office ; and
 3. solicit bids by mail or other reasonable methods generally available to the public from prospective suppliers.
7. Subrecipients will make a good faith effort to utilize minority and women owned businesses within resource capabilities when procuring goods and services, and that all necessary affirmative steps are taken to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (2 CFR PART 200.322)
8. Subrecipients will make every effort to purchase equipment as early in the fiscal year as possible . Equipment purchased late in the fiscal year risks not being reimbursed unless extenuating circumstances are encountered (i.e. supply chain shortages).

B. DISPOSITION: The Subrecipient shall make written request to the MHTC for instructions on the proper disposition of all items of equipment provided under the terms of this contract with a cost of \$5,000 or more. The MHTC will notify the subrecipient when an item of original cost of \$5,000 or more (and tracked by the MHTC as inventory) is no longer being

tracked and may be disposed of. Subrecipient must keep and maintain equipment with a cost of under \$5,000 until it is no longer useful for its originally intended purpose.

C. REPLACEMENT: No equipment may be funded on a replacement basis. Participation in equipment and manpower projects must be in addition to the Subrecipient's previous twelve months authorized strength .

V. FISCAL RESPONSIBILITY

- A. MAINTENANCE OF RECORDS:** The Subrecipient agrees that the Commission and/or its designees or representatives shall have access to all records related to the grant. The Subrecipient further agrees that the Missouri Department of Transportation (MoDOT) Highway Safety and Traffic (HS) Division, the National Highway Traffic Safety Administration (NHTSA), the Federal Highway Administration (FHWA) and/or any Federal audit agency with jurisdiction over this program and the Auditor of the State of Missouri or any of their duly authorized representatives may have access, for purpose of audit and examinations, to any books, documents, papers or records maintained by the Subrecipient pertaining to this contract and further agrees to maintain such books and records for a period of three (3) years following date of final payments.
- B. REIMBURSEMENT VOUCHER, SUPPORTING DOCUMENTATION AND PAYMENT SCHEDULE:** The MHTC agrees to reimburse the Subrecipient for accomplishment of all authorized activities performed under this contract. Reimbursement proceedings will be initiated upon the receipt of a claim voucher and supporting documentation from the Subrecipient, as required by the MHTC. The voucher must reflect actual costs and work accomplished during the project period, to be submitted on the appropriate MHTC certified payroll form or in a format approved by the MHTC, and shall include project number, project period, hours worked, rate of pay, any other allowable expenditures, and must be signed by the person preparing the voucher and the project director or authorizing official . Vouchers should be received by the MHTC within ten (10) working days from the date of the authorizing official/project director's signature. Subrecipient should report monthly, or at least quarterly, to MHTC using the online Grant Management System. For projects where salaried positions are awarded, claim voucher and activity reports must be submitted *monthly*. Subrecipient must ensure complete, accurate and final voucher and supporting documentation is received by the MHTC no later than November 15, which is after the end of the Federal fiscal year for which the final voucher pertains. Final payment is contingent upon receipt of the complete, accurate and final voucher.
- C. ACCOUNTING:** The Subrecipient shall maintain all documentation in file for audit review; failure to provide supporting documentation at the time of audit could result in questioned costs. The Subrecipient must document the following: (1) Receipt of federal funds, (2) date and amount paid to employees, (3) employee's timesheet (regular hours and overtime hours). Documentation shall be kept available for inspection for representatives of the MHTC for a period of three years following date of final payments. Copies of such records shall be made available upon request.
- D. OMB AUDIT:** A subrecipient that expends \$750,000 or more during the subrecipient's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of 2 CFR §200.501. A copy of the Audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. A subrecipient that expends less than \$750,000 during the subrecipient's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO). Failure to furnish an acceptable audit may be basis for refunding federal funds to the MHTC. Cost records and accounts pertaining to the work covered by this contract shall be kept available for inspection for representatives of the MHTC for a period of three (3) years following date of final payments. Copies of such records shall be made available upon request.

VI. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010,

(https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- A.** Name of the entity receiving the award;
- B.** Amount of the award;
- C.** Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance (or "Assistance Listings") number (where applicable), program source;

- D. Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- E. Unique entity identifier (generated by *SAM.gov*);
- F. The names and total compensation of the five most highly compensated officers of the entity if :
 - A. the entity in the preceding fiscal year received-
 - a. 80 percent or more of its annual gross revenues in Federal awards;
 - b. \$25,000,000 or more in annual gross revenues from Federal awards; and
 - B. the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- G. Other relevant information specified by OMB guidance.

VII. TERMINATION

If, through any cause, the Subrecipient shall fail to fulfill in timely and proper manner its obligation under this contract, or if the Subrecipient shall violate any of the covenants, agreements or stipulations of this contract, the MHTC shall thereupon have the right to terminate this contract and withhold further payment of any kind by giving written notice to the Subrecipient of such termination and specifying the effective date thereof, at least thirty (30) days before such date. The MHTC shall be the sole arbitrator of whether the Subrecipient or its subcontractor is performing its work in a proper manner with reference to the quality of work performed by the Subrecipient -or its subcontractor under the provisions of this contract, if an award no longer effectuates the program goals or MHTC priorities. The Subrecipient and the MHTC further agree that this contract may be terminated by either party by giving written notice of such termination and specifying the effective date thereof, at least thirty (30) days before such date, and in the case of partial termination the portion of the award to be terminated.

VIII. NONDISCRIMINATION

(Applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR part 21** (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964); **28 CFR 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, sub-recipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);

- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR at 74087 to 74100);
- **Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government** (advancing equity across the Federal Government); and
- **Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation** (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

- A. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
- B. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
- C. The Recipient will insert the clauses of appendix A and E of DOT Order 1050.2A in every contract or agreement subject to the Acts and the Regulations.
- D. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- E. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- F. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

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- G. That the Recipient will include the clauses set forth in appendix C and appendix D of DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - 1. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - 2. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- H. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - 1. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - 2. the period during which the Recipient retains ownership or possession of the property.
- I. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- J. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

IX. **STATUTORY AND REGULATORY REQUIREMENTS**

A. **COMPLIANCE:** The Subrecipient must comply with the following Statutes or Rules:

- 1. Peace Officer Standards and Training (P.O.S.T.) Chapter 590 RSMo Department of Public Safety (DPS) certification of peace officers
- 2. Crash Reporting Chapter 43.250 RSMo - Law enforcement officers to file all crash reports with Missouri State Highway Patrol (MSHP).
- 3. Uniform Crime Reporting Chapter 43.505 RSMo - Crime incident reports shall be submitted to DPS on forms or in format prescribed by DPS.
- 4. Racial Profiling Chapter 590.650 RSMo - Law enforcement agency to file a report to the Attorney General each calendar year.
- 5. US DOT AND OMB REGULATIONS: The Subrecipient shall comply with all requirements of 2 CFR Parts 200 and 1201.

X. **PRODUCTION & DEVELOPMENT COSTS** Items produced with federal funds are within the public domain and are not bound by copyright restrictions. All items produced with federal funds, in whole or in part, must acknowledge this by clearly indicating that MoDOT Highway Safety and Traffic funding supported this effort. Examples may include, but are not limited to, print materials; audio/video productions; and training aides such as curricula or workbooks. Any materials developed under this contract must be submitted to the MHTC for approval prior to final print and distribution. Copies of all final products are to be provided to the MHTC. The MHTC has the right to reproduce and distribute materials as the MHTC deems appropriate.

XI. **INDEMNIFICATION** Option 1 below only applies to State agencies, Cities, Counties and other political subdivisions or political corporations of the State of Missouri. Option 2 applies to all other entities (e.g. non-profit, private institutions).

OPTION 1:

- A. To the extent allowed or imposed by law, the Subrecipient shall defend, indemnify and hold harmless the MHTC, including its members and MoDOT employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Subrecipient's wrongful or negligent performance of its obligations under this Agreement. The Subrecipient may satisfy this requirement utilizing a self-funded program.
- B. The Subrecipient will require any contractor procured by the Subrecipient to work under this Agreement :
 - 1. To obtain a no cost permit from the MHTC's district engineer prior to working on the MHTC's right-of-way, which shall be signed by an authorized contractor representative (a permit from the MHTC's district engineer will not be required for work outside of the MHTC's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the MHTC, and the MoDOT and its employees, as additional named insured's in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.
- C. In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

OPTION 2:

The Subrecipient shall defend, indemnify and hold harmless the MHTC, including its members and the MoDOT employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the Subrecipient's performance of its obligations under this Agreement.

- XII. **AMENDMENTS** The Budget Proposal within this Agreement may be revised by the Subrecipient and the MHTC subject to the MHTC's approval without a signed amendment as long as the total contract amount is not altered and /or the intended scope of the project does not change. Prior to any revision being made to the Budget Proposal, Subrecipient shall submit a written or email request to the MHTC requesting the change. Any other change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representative of the Subrecipient and the MHTC. All final modification requests must be submitted no later than September 30 of the project fiscal year.
- XIII. **MHTC REPRESENTATIVE** The MoDOT Highway Safety and Traffic Division Director is designated as the MHTC's representative for the purpose of administering the provisions of this Agreement. The MHTC's representative may designate by written notice other persons having the authority to act on behalf of the MHTC in furtherance of the performance of this Agreement.
- XIV. **ASSIGNMENT** The Subrecipient shall not assign, transfer, or delegate any interest in this Agreement without the prior written consent of the MHTC.
- XV. **LAWS OF MISSOURI TO GOVERN** This Agreement shall be construed according to the laws of the State of Missouri. The Subrecipient shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.
- XVI. **VENUE** It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.
- XVII. **SECTION HEADINGS** All section headings contained in this Agreement are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Agreement.
- XVIII. **NONSEGREGATED FACILITIES** (Applicable to contracts over \$10,000) Subrecipient and its subcontractors, suppliers and vendors, should meet Federal requirements regarding nonsegregated facilities.

XIX. FUNDING ORIGINATION AND AUDIT INFORMATION

The MHTC funds the following NHTSA program areas:

<u>Section</u>	<u>Assistance Listing #</u>	<u>Program Title</u>
402	20.600	State and Community Highway Safety Programs
154	20.607	Alcohol Open Container Requirements
405b	20.616	National Priority Safety Programs
405c	20.616	National Priority Safety Programs
405d	20.616	National Priority Safety Programs
405e	20.616	National Priority Safety Programs
405f	20.616	National Priority Safety Programs
405g	20.616	National Priority Safety Programs
405h	20.616	National Priority Safety Programs
405i	20.616	National Priority Safety Programs

XX. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

(Applies to subrecipients as well as States)

The State will provide a drug-free workplace by:

- A.** Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B.** Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The Subrecipient's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (A).
- C.** Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement.
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- D.** Notifying the agency within ten days after receiving notice under subparagraph (C)(b) from an employee or otherwise receiving actual notice of such conviction.
- E.** Taking one of the following actions, within 30 days of receiving notice under subparagraph (C)(b), with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination.
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- F.** Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

XXI. POLITICAL ACTIVITY (HATCH ACT)

(Applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XXII. CERTIFICATION REGARDING FEDERAL LOBBYING

(Applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

XXIII. RESTRICTION ON STATE LOBBYING

(Applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

XXIV. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(Applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

- A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.
- B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

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- D. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- E. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverage sections of 2 CFR Part 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- F. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
- G. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
- I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- J. Except for transactions authorized under paragraph F of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions:

- 1. The prospective primary tier participant certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining , attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- 2. Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

- A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1200.

- B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- C. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- D. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR Parts 180 and 1200.
- G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
- H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- I. Except for transactions authorized under paragraph E of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

XXV. BUY AMERICA ACT

(Applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the

cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

All items purchased must be compliant with the National Highway Traffic Safety Administration (NHTSA) interpretation of the Buy America Act including, but not limited to:

1. Items valued over \$5,000 per unit must be manufactured or assembled in the United States of America, or as allowed by a current Buy America Act waiver issued by the NHTSA;
2. All vehicles, motorcycles, trailers, and other similar conveyances must be manufactured or assembled in the United States of America regardless of cost.

<https://www.nhtsa.gov/sites/nhtsa.gov/files/buy-america-act-revised-11202015.pdf>

Furthermore, the State and each subrecipient will follow the guidelines of 2 C.F.R. § 200.322, Domestic Preferences for Procurements. As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.

XXVI. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(Applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

XXVII. POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Subrecipient is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

XXVIII. POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or -rented vehicles, Government-owned, leased or rented vehicles, or privately-owned when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

XXIX. PARTICIPATION IN HIGHWAY SAFETY PARTNERSHIPS

All subrecipients are strongly encouraged to participate in Highway Safety sponsored functions including, but not limited to, Missouri Coalition for Roadway Safety regional meetings, applicable subcommittees and conferences; working groups; dedicated enforcement workshops; and grant application and contract award workshops. Subrecipient agencies with positions that are funded via Highway Safety grants are expected to participate (or send a representative) in the above functions as much as possible.

XXX. PROHIBITION ON TELECOMMUNICATIONS AND VIDEO SURVEILLANCE

The National Defense Authorization Act of Fiscal Year 2019 (Pub. L. 115-232) prohibits Federal grant funds from being obligated or expended to procure or obtain (or to enter into, extend, or renew a contract to procure or obtain) certain covered telecommunications equipment, services, or systems. States and subrecipients should refer to the Super Circular for more information on what equipment and companies this prohibition covers.

Equipment regularly purchased under NHTSA grants that may be subject to this provision could include : mobile phones, landlines, and the internet. Note that this provision prohibits purchasing these (and other) items produced by certain companies; items produced by non-prohibited companies are still potentially allowable.

XXXI. CERTIFICATION ON CONFLICT OF INTEREST

(Applies to subrecipients as well as States)

General Requirements

No employee, officer or agent of a State or its subrecipient who is authorized in an official capacity to negotiate , make, accept or approve, or to take part in negotiating, making, accepting or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

- A.** The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - 1.** The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - 2.** The code or standards shall establish penalties, sanctions or other disciplinary actions for violations, as permitted by State or local law or regulations.
- B.** The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

Disclosure Requirements

No State or its subrecipient, including its officers, employees or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

- A.** The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
- B.** NHTSA will review the disclosure and may require additional relevant information from the recipient . If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict .
- C.** Conflicts of interest that require disclosure include all past, present or currently planned organizational, financial, contractual or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization .

CONTRACT REQUIREMENTS

THE FOLLOWING REQUIREMENTS ONLY APPLY TO CONTRACTS THAT INCLUDE TRAINING

Subrecipients offering the MHTC-funded courses must adhere to the following standard elements required for training contracts:

- A. A course schedule must be presented to the MHTC program coordinator prior to the proposed training. The schedule should include: title of course; date(s); time; exact location; and agenda. Any changes to the course schedule must have prior approval from the MHTC.
- B. Each student must complete a survey form at the completion of the workshop/training. The survey will ask a series of questions concerning adequacy of: training received; instructor's presentation; training facility/location; and worth of the training.
- C. The Subrecipient must provide a sign-up sheet for every class when submitting a reimbursement request for the course (a typed list of everyone who registered is not acceptable). The sign-up sheet must capture the following information:
 - 1. Title of the class
 - 2. Date(s) and location of class
 - 3. Printed Name and signature of attendees (unless otherwise prohibited)
 - 4. Name of agency/organization of each attendee
- D. To ensure cost effectiveness, every effort should be made to enroll a minimum of fifteen (15) students per class. If the minimum number of students cannot be ensured, the subrecipient should contact the MHTC Highway Safety Office to seek approval to proceed with the class.
- E. Copies of the student evaluations, number of students enrolled/number of students attending, agenda/syllabus/curriculum, and participant sign-up sheets must be retained in Subrecipient's files after the training has been conducted and available for MHTC review upon request.

THE FOLLOWING REQUIREMENTS APPLY TO LAW ENFORCEMENT AGENCIES ONLY

A. PROBLEM IDENTIFICATION

Subrecipient must develop a selected traffic enforcement plan by evaluating crash data involving fatal, disabling and moderate injuries. This will be done on an annual basis to determine the highest crash locations, to include: month of year, day of week, time of day, and causation factors. This plan must be used to determine locations utilized in site selection for conducting enforcement efforts. Any changes to the enforcement plan must be made in writing to the MHTC project coordinator in advance of enforcement efforts.

B. PROJECT ACTIVITIES

- 1. Enforcement activities by the Subrecipient must remain at the current level. Enforcement efforts provided by this contract must be in addition to current enforcement activities.
- 2. Officers will be permitted to issue multiple citations and/or written warnings to drivers who have committed several violations.
- 3. High visibility enforcement is a key strategy to reducing traffic crashes; therefore, law enforcement officers working overtime projects are strongly encouraged to make at least three (3) contacts per hour when conducting an enforcement project.
- 4. Subrecipient is expected to participate in associated national or state mobilization efforts in conjunction with, or at the direction of, the Highway Safety and Traffic Division. These mobilizations include, but are not limited to: Click It or Ticket campaign, Drive Sober or Get Pulled Over campaign, Youth Seat Belt enforcement campaign, Holiday Impaired Driving campaign, and quarterly enforcement efforts. Mobilization reporting efforts shall be completed using the online mobilization reporting form located at: <https://mobilization.rejis.org>.
- 5. Only law enforcement work performed by a duly licensed, Peace Officer Standards and Training (POST) certified law enforcement officer will be reimbursed.
- 6. The Subrecipient will not be eligible for reimbursement for any individual law enforcement officer working under this grant in excess of 40 hours for any two week pay period. The Subrecipient will not be eligible for reimbursement for any individual law enforcement officer working under this grant where said officer is claiming to have worked as a law enforcement officer for more than 16 hours in any 24 hour period.

C. PARTNERSHIPS

Law Enforcement agencies are strongly encouraged to participate in the Law Enforcement Traffic Safety Advisory Council (LETSAC) and attend the annual conference. Agencies located within the metropolitan areas of St. Louis or Kansas City should participate in Operation Impact or Operation Gateway (traffic safety task forces).

D. ALLOWABLE COSTS

Full-time, part-time and reserve officers are eligible to participate in overtime enforcement projects. Part-time and reserve officers must have the same authority as a full-time permanent officer. MHTC will reimburse Subrecipient at officer's standard rate of pay in accordance with Subrecipient policies and procedures regarding standard rate of pay and overtime rate of pay. The Subrecipient will not be reimbursed at the overtime rate for work that according to Subrecipient's own policies and procedures does not constitute overtime. Non-POST certified personnel may be allowed, at the sole discretion of MHTC, in a support/administrative role.

Exceptions to allowable costs may be made with prior written permission of the MHTC.

E. DRUNK DRIVING ENFORCEMENT PROJECTS

1. Those officers conducting standardized field sobriety testing must have 24 hours of Standardized Field Sobriety Test training to participate in grant funded enforcement efforts.
2. Agency should participate in quarterly enforcement efforts and the national impaired driving crackdowns held annually.

F. SOBRIETY CHECKPOINTS

Unless otherwise prohibited by state statute or appropriation,

1. The MHTC will fund enforcement agencies to conduct sobriety checkpoints in accordance with standards outlined in the Sobriety Checkpoint Reference Manual and the Sobriety Checkpoint Supervisor Training program.
2. Sobriety checkpoint enforcement efforts must be coupled with appropriate public information efforts to increase the perceived risk of arrest and to enhance the actual risk of arrest.
3. Enforcement statistics and the agency's sobriety checkpoint operations plan must be submitted with reimbursement vouchers.

G. PURSUIT POLICIES

Law enforcement agencies are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))

PROBLEM IDENTIFICATION

Aggressive driving can be any one of us, when we make the choice to drive over the speed limit; change lanes several times in a short distance and/or follow too closely. Aggressive driving is a costly decision, often made in an instant, but can have lifelong consequences. According to the National Highway Traffic Safety Administration, aggressive driving is when an individual commits a combination of moving traffic offenses so as to endanger other persons or property. During the last five years (2016-2020), the combination of aggressive driving behaviors contributed to 53 percent of fatalities and 44 percent of serious injuries in Missouri. Speed-related conditions, including exceeding the speed limit and too fast for conditions, accounted for the most fatalities of all aggressive driving behaviors. Thirty-seven percent of all Missouri fatalities over the last five years were speed related.

The City of Smithville is located in the northwest corner of Clay County and extends into Platte County to the west. The city is bordered to the north by Clinton County. US-169 Highway is the main thoroughfare running north and south the entire length of the city. US-169 highway is one of two main routes from downtown Kansas City to Saint Joseph. US-169 Highway is intersected by MO-92 Highway; which goes to Leavenworth, KS to the west and Excelsior Springs, MO to the east. The City of Smithville is near three major Interstates: I-435 is approximately 1 mile south of our city limits, I-35 is approximately 12 miles east of our city limits, and I-29 is approximately 12 miles west of our city limits. The City of Smithville is located next to Smithville Lake, which attracts millions of vehicles and visitors throughout the year. A high influx of traffic is experienced even more on holidays such as Memorial Day, July 4th and Labor Day, as many travel to the lake to take place in different holiday related events and recreational activities. This influx of vehicles brings with it an increased number of motorists who operate in a hazardous manner.

Based on available STARS data from calendar years 2020, 2021 and 2022 there were 400 traffic crashes within the Smithville city limits. Of these 400 crashes, 105 crashes (26%) resulted in 162 injures and 4 fatalities.

While investigating crashes in the city, 541 contributing factors were identified by officers. The top three contributing factors were failure to yield (21.4%), inattention (12%) and following too close (7.2.%). These three factors were present in 29% of all crashes. Speed, including too fast for conditions and exceeding the posted limit, were identified as probable contributing circumstances 53 times (9.8%).

Using available data from the Missouri State Highway Patrol from 2020-2021, there were a total of 14,028 motor vehicle crashes in Clay County, including the City of Smithville. Of those 14,028 crashes, 3,319 resulted in personal injury and 48 resulted in fatalities. Speed was involved in 1,947 of the 14,028 crashes and distracted driving was involved in 1,156 crashes.

The following shows comparative analysis of where Smithville, and Clay and Platte Counties rank.

Speed Involved Crashes

Smithville - 61
Clay County - 2,123
Platte County - 1,099

Fatal and Personal Injury Speed Involved Crashes:

Smithville - 19
Clay County - 592
Platte County - 314

Distraction Involved Crashes:

Smithville - 65
Clay County - 1,156
Platte County - 490

Fatal and Personal Injury Distraction Involved Crashes:

Smithville - 17
Clay County - 346
Platte County - 142

The top crash locations in Smithville involve the US 169 Highway Corridor and intersecting streets of the corridor that run through our jurisdiction, to include MO 92 Highway. Over 69% of all crashes in the city take place on US 169 Highway.

Over half (60%) of crashes occur in two blocks of time, 7:00-9:00am and 2:00-7:00pm. This time represents morning and afternoon rush hour, as well as school release times.

The Smithville Police Department has eight marked patrol cars, all of which are equipped with dash mounted radar units to allow all officers to conduct speed enforcement.

GOALS/OBJECTIVES

Core Performance Measure Goals

1. Based on our goal of 0 fatalities by 2030, Missouri is projecting a five-year average target of 362.4 speed related fatalities by December 31, 2023.

-Reduce the number of public roadway crashes occurring in the City of Smithville by 24%, bringing our number of crashes below 100.

-Reduce the number of injuries caused by crashes by 15% will bring the number of injuries below 50.

PROJECT DESCRIPTION

Officers will conduct hazardous moving violation (HMV) enforcement once a month, every month. The top crash locations in Smithville involve the US 169 Highway corridor and intersecting streets of the corridor that run through our jurisdiction, to include MO 92 Highway. Over 69% of all crashes in the city take place on US 169 Highway. Over half (60%) of crashes occur in two blocks of time, 7:00-9:00am and 2:00-7:00pm. This time represents morning and afternoon rush hour, as well as school release times. HMV enforcement will coincide with these top crash locations and times.

SUPPLEMENTAL INFORMATION

<u>Question</u>	<u>Answer</u>
You must answer the following questions.	
1 Does your agency have and enforce an internal safety belt policy for all personnel?	Yes
2 Does your agency have and enforce a policy restricting cell phone use while driving?	Yes
3 Does your agency report racial profiling data annually?	Yes
4 Does your agency report to STARS?	Yes
5 Does your agency report MIBRS information annually?	Yes
6 Please explain any NO answer(s) to questions 1-5:	
7 Have any of your officers/personnel been debarred and are therefore not eligible to receive federal funds for reimbursement of salary, fringe benefits, or overtime?	No
8 Does your agency have adequate manpower to fully expend the funds requested in this application?	Yes
9 If NO, please explain.	
10 Have any significant changes occurred with your agency within the last year that would affect performance, including personnel or system changes?	Yes
11 If YES, please explain.	
We have increased to full staffing and have officers completing field training in FY23.	
12 Are you aware of any fraud, waste or abuse on grant projects in your office/agency within the last 5 years?	No
13 If YES, please explain.	
14 If your agency received Highway Safety grant funding in the last three (3) fiscal years and there were unexpended balances, please explain why.	
Due to staffing shortages, we were unable to spend all HMV funds. We have since filled all allocated positions.	
15 Did your political entity receive more than 80% of its annual gross revenues in Federal Awards in your preceding fiscal year?	No
16 Did your political entity receive \$25,000,000 or more in Federal Awards in your preceding fiscal year?	No
17 If you answered NO to either question 15 and 16, DO NOT answer this question. If you answered YES to both question 15 and 16, and the public does not have access to this information, list the names and compensation amounts of the five most highly compensated employees in your business or organization (the legal entity to which the DUNS number it provided belongs).	

Please use the most current 12-months of data available for answering questions 18-23. INCLUDE ALL OF YOUR AGENCY'S STATISTICS, NOT JUST THOSE ISSUED DURING GRANT ACTIVITY.

18	Total number of DWI violations written by your agency.	82
19	Total number of speeding citations written by your agency.	427
20	Total number of HMV citations written by your agency.	471
21	Total number of child safety/booster seat citations written by your agency.	2
22	Total number of safety belt citations written by your agency.	3
23	Total number of warnings issued.	2245

Use the most current three years crash data from the Missouri State Highway Patrol (MSHP) or your internal record management system for questions 24-34.

24	Total number of traffic crashes.	400
25	Total number of traffic crashes resulting in a fatality.	4
26	Total number of traffic crashes resulting in a serious injury.	105
27	Total number of speed-related traffic crashes.	53
28	Total number of speed-related traffic crashes resulting in a fatality.	1
29	Total number of speed-related traffic crashes resulting in a serious injury.	18
30	Total number of alcohol-related traffic crashes.	37
31	Total number of alcohol-related traffic crashes resulting in a fatality.	1
32	Total number of alcohol-related traffic crashes resulting in a serious injury.	16
33	Total number of unbuckled fatalities.	0
34	Total number of unbuckled serious injuries.	7

Enter your agency's information below.

35	Total number of commissioned law enforcement officers.	20
36	Total number of commissioned patrol and traffic officers.	14
37	Total number of commissioned law enforcement officers available for overtime enforcement.	6
38	Total number of vehicles available for enforcement.	8
39	Total number of radars/lasers.	11

40	Total number of in-car video cameras.	8
41	Total number of PBTs.	8
42	Total number of Breath Instruments.	2

The following information explains the strategies your agency will use to address the traffic crash problem . This information is considered to be the Project Description and should be specific to the crash problem.

43 Identify primary enforcement locations.

The primary enforcement locations will be the US 169 corridor, including major intersections of MO-92, NW 180th Street, NW 188th Street, Park Drive and South Commercial Avenue.

44 Enter the number of enforcement periods your agency will conduct each month. 1

45 Enter the months in which enforcement will be conducted.

Enforcement will be conducted all twelve months of the year.

46 Enter the days of the week in which enforcement will be conducted.

Enforcement of hazardous moving violations will be conducted during the week, Monday to Friday.

47 Enter the time of day in which enforcement will be conducted.

Enforcement will be conducted between 7:00am - 9:00am and 2:00pm - 7:00pm.

48 Enter the number of officers assigned during the enforcement period. 1

49 If equipment or supplies are requested to conduct this project, explain below why it is needed and how it will be used.

PROJECT EVALUATION

The MHTC will administratively evaluate this project. Evaluation will be based, at a minimum, upon the following:

1. Law enforcement compliance with state UCR, Racial Profiling, and STARS reporting requirements (law enforcement contracts only)
2. Timely submission of monthly reimbursement vouchers and appropriate documentation to support reimbursement for expenditures (i.e., personal services, equipment, materials)
3. Timely submission of periodic reports (i.e., monthly, quarterly, semi-annual) as required
4. Timely submission of the Year End Report of activity (due within 30 days after contract completion date)
5. Attaining the Goals set forth in this contract
6. Accomplishing the Objectives* established to meet the project Goals, such as:
 - Enforcement activities (planned activities compared with actual activities)
 - Programs (number and success of programs held compared to planned programs, evaluations if available)
 - Training (actual vs. anticipated enrollment, student evaluations of the class, student test scores on course examinations, location of classes, class cancellation information)
 - Equipment purchases (timely purchase of equipment utilized to support and enhance the traffic safety effort ; documentation of equipment use and frequency of use)
 - Public awareness activities (media releases, promotion events, or education materials produced or purchased)
 - Other (any other information or material that supports the Objectives)
7. The project will be evaluated by the Highway Safety and Traffic Division through annual crash analysis .

Evaluation results will be used to determine:

- The success of this type of activity in general and this particular project specifically ;
- Whether similar activities should be supported in the future; and
- Whether grantee will receive funding for future projects.

We will monitor enforcement and crash data in targeted areas to determine if increasing enforcement reduces the number of crashes caused by hazardous moving violations, adjusting enforcement days, times and locations to have the greatest impact.

ADDITIONAL FUNDING SOURCES

BUDGET

Category	Item	Description	Quantity	Cost	Total	Local	Total Requested
Personnel							
	Overtime and Fringe	HMV Enforcement Overtime	50.00	\$58.60	\$2,930.00	\$0.00	\$2,930.00
					\$2,930.00	\$0.00	\$2,930.00
Training							
	Professional Development	LETSAC Conference - Registration and Hotel	2.00	\$1,000.00	\$2,000.00	\$0.00	\$2,000.00
					\$2,000.00	\$0.00	\$2,000.00
Total Contract					\$4,930.00	\$0.00	\$4,930.00

ATTACHMENTS

<u>Document Type</u>	<u>Description</u>	<u>Original File Name</u>	<u>Date Added</u>
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Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Police Department

AGENDA ITEM: Resolution 1270, MoDOT Destination Safe Grant Agreement

RECOMMENDED ACTION:

A motion to approve Resolution 1270, authorizing the Mayor to sign the agreement with the Missouri Highways and Transportation Commission.

SUMMARY: Approval of these items will authorize the Mayor to sign a contract with the Missouri Highways and Transportation Commission for funding, in the amount of \$7,000 for the purchase of speed data collection equipment.

PREVIOUS ACTION:

This grant was previously used to purchase two speed data-collectors which have been installed in the school zone on South Commercial Avenue.

POLICY ISSUE:

This grant will allow for the purchase of two additional speed data-collection signs which will be installed in the school zone on Eagle Parkway.

FINANCIAL CONSIDERATIONS:

No financial impacts are projected.

ATTACHMENTS:

- ☐ Ordinance
- ☒ Resolution
- ☐ Staff Report
- ☐ Other:

- ☒ Contract
- ☐ Plans
- ☐ Minutes

RESOLUTION 1270

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING EQUIPMENT PURCHASES

WHEREAS, the City of Smithville recognizes the importance of traffic safety; and

WHEREAS, the City of Smithville wishes to participate in the Missouri Department of Transportation, Department of Highway Safety grant program.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE
CITY OF SMITHVILLE, MISSOURI:**

THAT the Mayor and Board of Aldermen hereby authorize the Mayor to sign an agreement with the Missouri Highways and Transportation Commission to fund additional speed data collection equipment.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 19th day of September, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

CCO Form: HS02
Approved: 01/05 (BDG)
Revised: 03/17 (AR)

Award name/number: **BPCKC-94Z**
Award year: **FY2024**

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION STRATEGIC HIGHWAY SAFETY PLAN PROGRAM AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the

City of **Smithville Police Department**, a municipal corporation in the State of Missouri (hereinafter, "City").

WITNESSETH:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) **PURPOSE**: The Commission has authorized State Road Funds to be used to support regional Strategic Highway Safety Plan activities. The purpose of this Agreement is to grant the use of such State Road Funds to the **City**.

(2) **ACTIVITY**: The State Road Funds, which are the subject of this Agreement, will support the following activity to further Missouri's Strategic Highway Safety Plan Program: **School Zone Speed Awareness**.

(3) **INDEMNIFICATION**: To the extent allowed or imposed by law, the **City** shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the **City's** wrongful or negligent performance of its obligations under this Agreement.

(4) **AMENDMENTS**: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the **City** and the Commission.

(5) **COMMISSION REPRESENTATIVE**: This Commission's District Engineer is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(6) **NONDISCRIMINATION CLAUSE:** The **City** shall also comply with all state and federal statutes applicable to the **City** relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101, *et seq.*).

(7) **ASSIGNMENT:** The **City** shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Commission.

(8) **LAW OF MISSOURI TO GOVERN:** This Agreement shall be construed according to the laws of the State of Missouri. The **City** shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(9) **CANCELLATION:** The Commission may cancel this Agreement at any time for a material breach of contractual obligations or for convenience by providing the **City** with written notice of cancellation. Should the Commission exercise its right to cancel the contract for such reasons, cancellation will become effective upon the date specified in the notice of cancellation sent to the **City**.

(10) **ACCESS TO RECORDS:** The **City** and its Contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the **City** receives reimbursement of their final invoice from the Commission.

(11) **REIMBURSEMENT:** With regard to work under this Agreement, the **City** agrees that funds to implement Missouri's Strategic Highway Safety Plan activities shall only be available for reimbursement of eligible costs which have been incurred by the **City**. The **City** shall supply to the Commission copies of all bid information; purchase orders; invoices; and name, date, hours worked, and rate of pay (on Program Agreements that include salaries). Any costs incurred by the **City** prior to authorization and notification to proceed from the Commission are **not** reimbursable costs. The Commission shall not be responsible for any costs associated with the activity herein unless specifically identified in this Agreement or subsequent written amendments. The Commission shall not provide more than **seven thousand**, dollars (**\$7,000.00**) for this Strategic Highway Safety Plan safety project.

(12) **USE OF FUNDS:** Any employee of the **City** whose salary or wages are paid in whole or in part with federal funds is prohibited from participating in certain partisan political activities, including, but not limited to, being a candidate for elective office pursuant to Title 5 United States Code (hereinafter, "U.S.C."), Sections 1501-1508. If an employee of the **City** participates in activities prohibited by the Hatch Act, the **City** shall no longer pay that employee's salary or wages with federal funds unless the requirements of 5 U.S.C. Sections 1501-1508 are not applicable to that employee pursuant to 5 U.S.C. Section 1502(c).

(13) INSPECTION OF IMPROVEMENTS AND RECORDS: The **City** shall assure that representatives of the Commission shall have the privilege of inspecting and reviewing the work being performed per this Agreement. The **City** shall also maintain all financial documents, reports, papers and other evidence pertaining to costs incurred in connection with this Program Agreement, and make such materials readily available for review at reasonable times and at no charge during this Agreement period and for three (3) years from the date of final payment under this Agreement, for inspection by the Commission or any authorized representatives of the State of Missouri; copies shall be furnished, upon request, to authorized representatives of the Commission or State.

(14) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(15) FINAL AUDIT: The Commission may, in its sole discretion, perform a final audit of project costs. The **City** shall refund any overpayments as determined by the final audit.

(16) SOLE BENEFICIARY: This Agreement is made for the sole benefit of the parties hereto and nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Commission and the **City**.

(17) AUTHORITY TO EXECUTE: The signers of this Agreement warrant that they are acting officially and properly on behalf of their respective institutions and have been duly authorized, directed and empowered to execute this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the **City** this _____ day of _____, 20____.

Executed by the MoDOT Commission this _____ day of _____, 20____.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

Vendor: **Smithville Police Department**

By _____

Title: District Engineer

Title _____

By _____

Title _____

By _____

Title _____

ATTEST:

By _____

Title _____

Approved as to Form:

Title _____

Ordinance No _____

Note: If a City or County has a commission form of government, three (3) signatures are required.



City Administrator's Report

September 14, 2023

Household Hazardous Waste Mobile Event

The City received a report from MARC with details regarding the recent Household Hazardous Waste Mobile event organized by the City of Smithville. A total of 258 vehicles participated in the event, 218 were Smithville residents. During this event, nearly 30,000 pounds of hazardous waste were appropriately disposed of, including approximately 15,000 pounds of latex paint and nearly 5,000 pounds of oil-based paint. Additionally, various other materials such as aerosol cans, antifreeze, batteries, acids, fluorescent bulbs, pesticides, used oil, oxidizers, mercury, and more were collected and managed.

We appreciate the participation of residents and volunteers that made this event possible.

Street Maintenance Project

The contractor has successfully completed this project, which includes crack sealing, micro-surfacing, and striping. This road treatment significantly extends the life of the roads.



180th Street after micro-surfacing and striping work.

Quincy Boulevard

The contractor is nearing completion of the installation of the new waterline along Quincy Boulevard. Water tie-ins are scheduled to start during the week of September 18.

4th Street & 4th Terrace Improvements project & Manzanola water line replacement

The water improvements phase of the project has been completed. Currently, the contractor is focused on sewer replacement, and once that is finished, they will proceed with the stormwater infrastructure work.



Manhole placement at 4th Street

Board Meeting Schedule

It has been the practice of the Board to move meetings which fall on election days in which city questions are on the ballot to move the meeting to the Monday evening prior to the election. At this time, there are no items scheduled for the November 7 agenda. There are two items which may be ready for Board review at that time. Staff will continue to keep the Board informed of the agenda items and status regarding the first meeting in November.

MEETING DATE: 9/19/2023

DEPARTMENT: Finance

AGENDA ITEM: Bill No. 3004-23, Setting the 2023 Property Tax Levy – 1st and 2nd Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3004-23, Setting the 2023 Property Tax Levy. Emergency Ordinance sponsored by Mayor Boley first and second reading.

SUMMARY:

The City of Smithville is required to hold a public hearing before the property tax levy for 2023 can be set. The public hearing allows citizens to offer public comment on setting the property tax levy. Holding the public hearing is required by Section 67.110, RSMo.

Final assessed valuations were received by the City from the County Clerks for Platte County on July 28, 2023, and for Clay County on September 12, 2023.

The City's *adjusted assessed valuation* rose 11.9665% (which does not include growth due to new construction and personal property tax). Total figures are provided to the State Auditor's Office, which prepares the tax rate computations for the City's 2022 tax rate ceiling. The computations determined a general tax rate ceiling of 0.3869 and the City does not levy a property tax to pay general obligation debt. The Debt Service Fund is supported through the Capital Improvement Sales Tax, and therefore no property tax revenue is necessary. Staff recommends adopting the maximum general tax rate of **0.3869**.

Staff posted a notice of public hearing in 3 separate locations around the City of Smithville: US Post Office, Porter's Ace Hardware, and Casey's General Store. These postings occurred on the afternoon of September 12, 2023. Section 67.110, RSMo states, "the governing body shall hold at least one public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The governing body shall determine the time and place for such a hearing. A notice stating the hour, date and place of hearing shall be published in at least one newspaper qualified under the laws of the state of Missouri of general circulation in the county within which all or the largest portion of the political subdivision is situated, **or such notice shall be posted in at least three public places within the political subdivision**. Such notice shall be published or posted at least seven days prior to the date of the hearing.

PREVIOUS ACTION:

The property tax levy is set on an annual basis by the Board of Aldermen.

POLICY ISSUE:

[Click or tap here to enter text.](#)

FINANCIAL CONSIDERATIONS:

Setting the property tax rate allows for collection of property tax which constitutes about 20% of General Fund total revenues.

ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Pro Forma, Notice of Property Tax Hearing | |

BILL NO. 3004-23

ORDINANCE NO. 32XX-22

AN ORDINANCE FIXING THE ANNUAL RATE OF LEVY ON ALL TAXABLE PROPERTY WITHIN THE CITY OF SMITHVILLE, MISSOURI, FOR THE YEAR 2023 PURSUANT TO 67.110 RSMo.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF SMITHVILLE, MISSOURI, AS FOLLOWS:

Section 1. The City of Smithville will require the following rates to be levied and collected on all taxable property with the City of Smithville, Missouri for the year, 2023:

General Revenue Tax Levy	0.3869	\$1,058,779
Debt Service Tax Levy	0.0000	\$0

Section 2. This tax shall be levied and collected in the manner and form required by law.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

Passed by the Board of Aldermen of Smithville, Missouri and approved by the Mayor of Smithville, Missouri this 19th day of September 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 09/19/2023

Second Reading: 09/19/2023



Scott Fitzpatrick
Missouri State Auditor

MEMORANDUM

September 12, 2023

TO: 09-024-0022 City of Smithville
RE: Setting of 2023 Property Tax Rates

The following are the tax rate computational forms that have been reviewed. Please follow the steps below to complete the process of setting your 2023 Property Tax Rate(s).

1. **Lines G - BB on the Summary Page should be completed** to show the actual tax rate(s) to levy.
2. Please **sign and date the Summary Page**.
3. Please **submit the finalized tax rate forms ready for certification to the County Clerk of each county** that your political subdivision resides in. The County Clerk must also sign the Summary Page and indicate the proposed tax rate to be entered on the tax books before submitting rate(s) to the State Auditor's Office for final review and certification.

If the attached pro forma calculation differs from the questionnaire submitted for review, please review the following line items for the reason(s) for the difference.

- **Form A, Line 2b - New Construction & Improvements - Personal Property**

Section 137.073.4, RSMo, states that the aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property.

- **Form A, Line 5 - Prior Year Assessed Valuation**

If the 2023 questionnaire has a different amount on Form A, Line 5 than was previously submitted, we had to revise the 2022 calculation for this change. The revised 2022 tax rate ceiling is listed on the 2023 Summary Page, Line A. A copy of the revised 2022 calculation is available on your menu screen; please keep this form for your files.

- **(SCHOOL DISTRICTS ONLY) Form A, Line 14**

We revised the information the school district submitted on Line 14 to the amount computed by the Department of Elementary and Secondary Education (DESE).

If you have any questions about the enclosed forms, please contact the local government section at (573-751-4213.)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

9/12/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use
in Calculating
its Tax Rate

- A. **Prior year tax rate ceiling** as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year) 0.4126
- B. **Current year rate computed** pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18) 0.3869
- C. **Amount of rate increase authorized by voters for current year** if same purpose. (Form B, Line 7)
- D. **Rate to compare to maximum authorized levy to determine tax rate ceiling** (Line B if no election, otherwise Line C) 0.3869
- E. **Maximum authorized levy** the most recent voter approved rate 1.0000
- F. **Current year tax rate ceiling** maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E) 0.3869
- G1. **Less required sales tax reduction** taken from tax rate ceiling (Line F), if applicable
- G2. **Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies)** taken from tax rate ceiling (Line F)
- H. **Less voluntary reduction by political subdivision** taken from the tax rate ceiling (Line F)
WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.
- I. **Plus allowable recoupment rate** added to tax rate ceiling (Line F) If applicable, attach Form G or H.
- J. **Tax rate to be levied** (Line F - Line G1 - Line G2 - Line H + Line I)
- AA. **Rate to be levied for debt service**, if applicable (Form C, Line 10)
- BB. **Additional special purpose rate authorized by voters** after the prior year tax rates were set. (Form B, Line 7 if a different purpose)

Certification

I, the undersigned, _____ (Office) of _____ (Political Subdivision)
levying a rate in _____ (County(ies)) do hereby certify that the data set forth above and on the
accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)

Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines

J _____ AA _____ BB _____

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**

9/12/2023

Form A

(2023)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. (2023) Current year assessed valuation

Include the current state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

(a)	<u>228,142,007</u>	+	(b)	<u>45,515,032</u>	=	<u>273,657,039</u>
	(Real Estate)			(Personal Property)		(Total)

2. Assessed valuation of new construction & improvements

2(a) - Obtained from the county clerk or county assessor

2(b) - increase in personal property, use the formula listed under Line 2(b)

(a)	<u>7,753,140</u>	+	(b)	<u>0</u>	=	<u>7,753,140</u>
	(Real Estate)			Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)		(Total)
				If Line 2b is negative, enter zero		

3. Assessed value of newly added territory

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

4. Adjusted current year assessed valuation

(Line 1 total - Line 2 total - Line 3 total)

265,903,899**5. (2022) Prior year assessed valuation**

Include prior year state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

(a)	<u>191,601,005</u>	+	(b)	<u>45,884,172</u>	=	<u>237,485,177</u>
	(Real Estate)			(Personal Property)		(Total)

6. Assessed value of newly separated territory

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

7. Assessed value of property locally assessed in prior year, but state assessed in current year

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

8. Adjusted prior year assessed valuation

(Line 5 total - Line 6 total - Line 7 total)

237,485,177

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****9/12/2023****Form A****(2023)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its Tax
Rate

9. Percentage increase in adjusted valuation of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	11.9665%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	6.5000%
11. Adjusted prior year assessed valuation (Line 8)	237,485,177
12. (2022) Tax rate ceiling from prior year (Summary Page, Line A)	0.4126
13. Maximum prior year adjusted revenue from property that existed in both years (Line 11 x Line 12 / 100)	979,864
14. Permitted reassessment revenue growth The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10) or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0 or more than 5%.	5.0000%
15. Additional revenue permitted (Line 13 x Line 14)	48,993
16. Total revenue permitted in current year * from property that existed in both years (Line 13 + Line 15)	1,028,857
17. Adjusted current year assessed valuation (Line 4)	265,903,899
18. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo (Line 16 / Line 17 x 100) Round a fraction to the nearest one/one hundredth of a cent. Enter this rate on the Summary Page, Line B	0.3869

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****9/12/2023****Informational Data****(2023)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior
Year Tax Rate
Ceiling as if No
Voluntary
Reductions
were Taken

Informational Summary Page

A. Prior year tax rate ceiling (Prior year Informational Summary Page, Line F)	0.4126
B. Current year rate computed (Informational Form A, Line 18 below)	0.3869
C. Amount of increase authorized by voters for current year (Informational Form B, Line 7 below)	
D. Rate to compare to maximum authorized levy (Line B if no election, otherwise Line C)	0.3869
E. Maximum authorized levy most recent voter approved rate	1.0000
F. Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year (Lower of Line D or E)	0.3869

Informational Form A

9. Percentage increase in adjusted valuation (Form A, Line 4 - Line 8 / Line 8 x 100)	11.9665%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	6.5000%
11. Adjusted prior year assessed valuation (Form A, Line 8)	237,485,177
12. (2022) Tax rate ceiling from prior year (Informational Summary Page, Line A from above)	0.4126
13. Maximum prior year adjusted revenue from property that existed in both years (Line 11 x Line 12 / 100)	979,864
14. Permitted reassessment revenue growth The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.	5.0000%
15. Additional reassessment revenue permitted (Line 13 x Line 14)	48,993
16. Total revenue permitted in current year from property that existed in both years (Line 13 + Line 15)	1,028,857
17. Adjusted current year assessed valuation (Form A, Line 4)	265,903,899
18. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo, if no voluntary reduction was taken (Line 16 / Line 17 x 100)	0.3869

Informational Form B

6. Prior year tax rate ceiling to apply voter approved increase to (Informational Summary Page, Line A if increase to an existing rate, otherwise 0)	
7. Voter approved increased tax rate to adjust (If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)	



Scott Fitzpatrick
Missouri State Auditor

MEMORANDUM

September 12, 2023

TO: 09-024-0022 City of Smithville
RE: Setting of 2023 Property Tax Rates

The following are the tax rate computational forms that have been reviewed. Please follow the steps below to complete the process of setting your 2023 Property Tax Rate(s).

1. **Lines G - BB on the Summary Page should be completed** to show the actual tax rate(s) to levy.
2. Please **sign and date the Summary Page**.
3. Please **submit the finalized tax rate forms ready for certification to the County Clerk of each county** that your political subdivision resides in. The County Clerk must also sign the Summary Page and indicate the proposed tax rate to be entered on the tax books before submitting rate(s) to the State Auditor's Office for final review and certification.

If the attached pro forma calculation differs from the questionnaire submitted for review, please review the following line items for the reason(s) for the difference.

- **Form A, Line 2b - New Construction & Improvements - Personal Property**

Section 137.073.4, RSMo, states that the aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property.

- **Form A, Line 5 - Prior Year Assessed Valuation**

If the 2023 questionnaire has a different amount on Form A, Line 5 than was previously submitted, we had to revise the 2022 calculation for this change. The revised 2022 tax rate ceiling is listed on the 2023 Summary Page, Line A. A copy of the revised 2022 calculation is available on your menu screen; please keep this form for your files.

- **(SCHOOL DISTRICTS ONLY) Form A, Line 14**

We revised the information the school district submitted on Line 14 to the amount computed by the Department of Elementary and Secondary Education (DESE).

If you have any questions about the enclosed forms, please contact the local government section at (573-751-4213.)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

9/12/2023

Summary Page

(2023)

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

The information to complete the Summary Page is available from prior year forms, computed on the attached forms, or computed on this page. Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use
in Calculating
its Tax Rate

A. Prior year tax rate ceiling as defined in Chapter 137, RSMo, revised if the prior year data changed or a voluntary reduction was taken in a non-reassessment year (Prior year Summary Page, Line F minus Line H in odd numbered year or prior year Summary Page, Line F in even numbered year)	0.4126
B. Current year rate computed pursuant to Article X, Section 22, of the Missouri Constitution and Section 137.073, RSMo, if no voter approved increase (Form A, Line 18)	0.3869
C. Amount of rate increase authorized by voters for current year if same purpose. (Form B, Line 7)	
D. Rate to compare to maximum authorized levy to determine tax rate ceiling (Line B if no election, otherwise Line C)	0.3869
E. Maximum authorized levy the most recent voter approved rate	1.0000
F. Current year tax rate ceiling maximum legal rate to comply with Missouri laws Political subdivisions tax rate (Lower of Line D or E)	0.3869
G1. Less required sales tax reduction taken from tax rate ceiling (Line F), if applicable	0.0000
G2. Less 20% required reduction 1st class charter county political subdivision NOT submitting an estimated non-binding tax rate to the county(ies) taken from tax rate ceiling (Line F)	0.0000
H. Less voluntary reduction by political subdivision taken from the tax rate ceiling (Line F) WARNING: A voluntary reduction taken in an even numbered year will lower the tax rate ceiling for the following year.	0.0000
I. Plus allowable recoupment rate added to tax rate ceiling (Line F) If applicable, attach Form G or H.	0.0000
J. Tax rate to be levied (Line F - Line G1 - Line G2 - Line H + Line I)	0.3869
AA. Rate to be levied for debt service, if applicable (Form C, Line 10)	0.0000
BB. Additional special purpose rate authorized by voters after the prior year tax rates were set. (Form B, Line 7 if a different purpose)	0.0000

Certification

I, the undersigned, Mayor (Office) of City of Smithville (Political Subdivision) levying a rate in _____ (County(ies)) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the county clerk(s) for final certification.

		<u>Damien Boley</u>	<u>816-532-3897</u>
(Date)	(Signature)	(Print Name)	(Telephone)

Proposed rate to be entered on tax books by county clerk

based on certification from the political subdivision: Lines

J 0.3869 AA 0.0000 BB 0.0000

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****9/12/2023****Form A****(2023)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

1. (2023) Current year assessed valuation

Include the current state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

(a)	<u>228,142,007</u>	+	(b)	<u>45,515,032</u>	=	<u>273,657,039</u>
	(Real Estate)			(Personal Property)		(Total)

2. Assessed valuation of new construction & improvements

2(a) - Obtained from the county clerk or county assessor

2(b) - increase in personal property, use the formula listed under Line 2(b)

(a)	<u>7,753,140</u>	+	(b)	<u>0</u>	=	<u>7,753,140</u>
	(Real Estate)			Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)		(Total)
				If Line 2b is negative, enter zero		

3. Assessed value of newly added territory

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

4. Adjusted current year assessed valuation

(Line 1 total - Line 2 total - Line 3 total)

265,903,899**5. (2022) Prior year assessed valuation**

Include prior year state and locally assessed valuation obtained from the county clerk, county assessor, or comparable office finalized by the local board of equalization.

NOTE: If this is different than the amount on the prior year Form A, Line 1, then revise the prior year tax rate form to recalculate the prior year tax rate ceiling. Enter the revised prior year tax rate ceiling on this year's Summary Page, Line A.

(a)	<u>191,601,005</u>	+	(b)	<u>45,884,172</u>	=	<u>237,485,177</u>
	(Real Estate)			(Personal Property)		(Total)

6. Assessed value of newly separated territory

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

7. Assessed value of property locally assessed in prior year, but state assessed in current year

obtained from the county clerk or county assessor

(a)	<u>0</u>	+	(b)	<u>0</u>	=	<u>0</u>
	(Real Estate)			(Personal Property)		(Total)

8. Adjusted prior year assessed valuation

(Line 5 total - Line 6 total - Line 7 total)

237,485,177

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****9/12/2023****Form A****(2023)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the county clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22, and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information in the Informational Data, at the end of these forms, provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its Tax
Rate

9. Percentage increase in adjusted valuation of existing property in the current year over the prior year's assessed valuation (Line 4 - Line 8 / Line 8 x 100)	11.9665%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	6.5000%
11. Adjusted prior year assessed valuation (Line 8)	237,485,177
12. (2022) Tax rate ceiling from prior year (Summary Page, Line A)	0.4126
13. Maximum prior year adjusted revenue from property that existed in both years (Line 11 x Line 12 / 100)	979,864
14. Permitted reassessment revenue growth The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10) or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0 or more than 5%.	5.0000%
15. Additional revenue permitted (Line 13 x Line 14)	48,993
16. Total revenue permitted in current year * from property that existed in both years (Line 13 + Line 15)	1,028,857
17. Adjusted current year assessed valuation (Line 4)	265,903,899
18. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo (Line 16 / Line 17 x 100) Round a fraction to the nearest one/one hundredth of a cent. Enter this rate on the Summary Page, Line B	0.3869

* To compute the total property tax revenues billed for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues billed would be used in estimating budgeted revenues.

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****9/12/2023****Informational Data****(2023)****For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property**

City of Smithville

09-024-0022

General Revenue

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary Page, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

Based on Prior
Year Tax Rate
Ceiling as if No
Voluntary
Reductions
were Taken

Informational Summary Page

A. Prior year tax rate ceiling (Prior year Informational Summary Page, Line F)	0.4126
B. Current year rate computed (Informational Form A, Line 18 below)	0.3869
C. Amount of increase authorized by voters for current year (Informational Form B, Line 7 below)	
D. Rate to compare to maximum authorized levy (Line B if no election, otherwise Line C)	0.3869
E. Maximum authorized levy most recent voter approved rate	1.0000
F. Tax rate ceiling if no voluntary reductions were taken in a prior even numbered year (Lower of Line D or E)	0.3869

Informational Form A

9. Percentage increase in adjusted valuation (Form A, Line 4 - Line 8 / Line 8 x 100)	11.9665%
10. Increase in Consumer Price Index (CPI) certified by the State Tax Commission	6.5000%
11. Adjusted prior year assessed valuation (Form A, Line 8)	237,485,177
12. (2022) Tax rate ceiling from prior year (Informational Summary Page, Line A from above)	0.4126
13. Maximum prior year adjusted revenue from property that existed in both years (Line 11 x Line 12 / 100)	979,864
14. Permitted reassessment revenue growth The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a 0 for Line 14 purposes. Do not enter less than 0, nor more than 5%.	5.0000%
15. Additional reassessment revenue permitted (Line 13 x Line 14)	48,993
16. Total revenue permitted in current year from property that existed in both years (Line 13 + Line 15)	1,028,857
17. Adjusted current year assessed valuation (Form A, Line 4)	265,903,899
18. Maximum tax rate permitted by Article X, Section 22, and Section 137.073, RSMo , if no voluntary reduction was taken (Line 16 / Line 17 x 100)	0.3869

Informational Form B

6. Prior year tax rate ceiling to apply voter approved increase to (Informational Summary Page, Line A if increase to an existing rate, otherwise 0)	
7. Voter approved increased tax rate to adjust (If an "increase of/by" ballot, Form B, Line 5a + Line 6, if an "increase to" ballot, Form B, Line 5b)	

Smithville

Aggregate Valuation

<u>Real Estate</u>	
Real Estate, Residential	\$ 184,447,370
Real Estate, Agricultural	811,510
Real Estate, Commercial	<u>42,457,350</u>
Total Real Estate	\$ 227,716,230
 <u>Personal Property</u>	 \$ 44,707,165
 <u>Railroad & Utility</u>	
Local Real Estate	\$ 31,344
Local Personal	30,782
State Real Estate	6,404,402
State Personal	<u>763,583</u>
Total Railroad & Utility	\$ 7,230,111
 Total Current Valuation	 \$ 279,653,506
TIF as provided by the Clay County Assessor	<u>(6,075,540)</u>
ADJUSTED VALUATION	<u>\$ 273,577,966</u>
 <u>New Construction</u>	
Residential	\$ 2,618,960
Agricultural	12,420
Commercial	5,121,760
Total New Construction	<u>\$ 7,753,140</u>

This information is provided in order to assist you in complying with Section 67.110 of the Revised Statutes of the State of Missouri.

In witness whereof, I have hereunto set my hand and affixed the seal of the County Commission of Clay County, at my office in Liberty, September-23.



JERA PRUITT

Clerk of the Commission - Platte County, Missouri

NOTICE OF AGGREGATE ASSESSED

POST-BOE

VALUATION

Smithville

AS OF JULY 26, 2023

REAL ESTATE

Residential	52,602
Agricultural	3,747
Commercial	2,408

Real Estate Total	<hr/>	58,757
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<u>PERSONAL PROPERTY</u>	8,070
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RAILROAD AND UTILITY (Real Property)

Locally Assessed	35
State Assessed	6,779

RAILROAD AND UTILITY (Personal Property)

Locally Assessed	36
State Assessed	5,396

GRAND TOTAL	<hr/>	79,073
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New Construction (Included in Real Estate Above)	0
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CWIP (Included in Local RR&U Real Estate Above)	35
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CWIP (Included in Local RR&U Personal Above)	36
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Tax Increment Financing (TIF)	0
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This information is transmitted to assist you in complying with Section 67.110 RSMO, which requires that notice be given and public hearings held before tax rates are set.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the Official Seal of Platte County, Missouri at my office in Platte City, Missouri, on JULY 26, 2023.





NOTICE OF PROPERTY TAX LEVY HEARING

A hearing will be held at 7:00 p.m., Tuesday, September 19, 2023, at Smithville City Hall, 107 West Main Street, at which citizens may be heard on the property tax rates proposed to be set by the City of Smithville, Missouri, a political subdivision.

NOTICE: *Due to concerns for safety, public meetings and public comment during public meetings require modification. The City of Smithville is committed to transparent public meetings and will continue this commitment. Anyone who wishes to view the meeting may do so in real time as it will be streamed live on the city's Facebook page.

Assessed Valuation	Current Tax Year 2023	Previous Tax Year 2022
Real Estate	\$228,142,007	\$191,601,005
Personal Property	\$45,515,032	\$45,884,172
Total	\$273,657,039	\$237,485,177

Fund	Property Tax Revenues Billed	Proposed 2023 Tax Levy*	2022 Tax Levy*
General Fund	\$1,058,779	0.3869	0.4126
Debt Service	None	None	None

* Per \$100 Assessed Valuation

The above tax rate calculations are subject to change based on final aggregate assessed valuation data submitted by the Board of Equalization from Clay and Platte Counties.

TAX LEVY REPORT OF CITY CLERK TO THE COUNTY CLERK

CITY OF Smithville TAX RATE 2023

I, CITY CLERK, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE LIST OF ALL RATES OF LEVY FOR GENERAL AND ALL OTHER PURPOSES CONTAINED IN TAX LEVY ORDINANCE NO. _____ PASSED ON _____.

GENERAL & MAINTENANCE PURPOSES ONLY	RATE
CITY GENERAL FUND	0.3869
ADDITIONAL GENERAL RATE VOTED*	
LIBRARY	
PARK	
BOND	
STREET LIGHTS	
WATER	
SEWER	
PENSION FUND	
TOTAL	0.3869

BOND SINKING AND INTEREST	RATE
WATER	
LIGHT	
PARK	
STREET	
SEWER	
TOTAL	0.3869

TOTAL RATE FOR ALL PURPOSES \$ _____

*ADDITIONAL GENERAL RATE VOTED AT ELECTION ON _____ YEARS VOTED _____

CERTIFIED THIS 20th DAY OF September 2023


CITY CLERK/FINANCE DIRECTOR

THIS INFORMATION IS RESPECTFULLY REQUESTED AND IS A STATUTORY REQUIREMENT UNDER SECTION 67.110 RSMo.1978

THIS MUST BE COMPLETED AND RETURNED BEFORE OCTOBER 1ST IN ORDER THAT THE STATUTORY REQUIREMENT MAY BE COMPLIED WITH; OTHERWISE IT WILL NOT BE VALID.

THIS CERTIFICATE IS USED BY THE COUNTY CLERK AS AUTHORITY FOR EXTENDING CITY TAX LEVIES.

 Stacey Tingle, CLAY COUNTY CLERK



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Public Works

AGENDA ITEM: Approve Bill No. 3005-23, Amendment to Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges – 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3005-23, approving Amendment to Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges First reading by title only.

SUMMARY:

The City of Smithville holds a Municipal Separate Storm Sewer System (MS4) permit issued by the Missouri Department of Natural Resources (DNR). Among the obligations set forth in this permit is the implementation of an Illicit Discharge Detection and Elimination (IDDE) plan. An IDDE plan serves as a strategic framework for identifying, reporting, investigating, and eliminating illicit discharges within the City's stormwater system.

As a proactive measure within the IDDE plan, it is suggested to amend the current City ordinance to incorporate a provision requiring facility owners or responsible individuals to promptly report any instances of known or suspected illicit discharges originating from their properties to the City.

This revision to our City Code will allow for us to educate the public about illicit discharges and stormwater pollution, and the authority to issue a violation if necessary. The goal of the program is to educate the individual or property owner before issuing any type of citation.

PREVIOUS ACTION:

The Board of Aldermen approved Resolution 2966-22 amending Section 520.110 including Illicit Discharge

The Board of Aldermen approved Resolution 1006 adopting the Stormwater Management Plan for the 2021 -2026 MS4 Permit

POLICY ISSUE:

Amend Section 520.110 Dumping Or Depositing Dirt, Rock, Other Material, Or Illicit Discharges.

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

- ☒ Ordinance
- ☐ Resolution
- ☐ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

ORDINANCE AMENDING SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OR OTHER MATERIALS AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 520.110 DUMPING OR DEPOSITING DIRT, ROCK, OTHER MATERIALS, OR ILLICIT DISCHARGES

WHEREAS Section 520.110 Dumping Or Depositing Dirt, Rock, Other Materials, Or Illicit Discharges currently reads as follows:

Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way, public place, or waterway, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way, or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.
- B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk, public place or waterway in the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk, public place or waterway. Any work on private property adjacent to any such street, alley, sidewalk, public place or waterway shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property and obtaining an required permits City for the work involved.
- C. No person shall discharge or cause to be discharged into a natural or man-made stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
- D. No person shall allow any water to accumulate and/or remain, or stagnate upon, in or about any lot, tract or piece of ground, with the exception of natural streams and waterways; or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or

insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.

WHEREAS the City of Smithville wishes to amend this section to include waterways.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

Effective immediately Smithville City Ordinance Section 520.110. Dumping Or Depositing Dirt, Rock Or Other Materials, and a new Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges. is adopted which shall read as follow:

Section 520.110. Dumping Or Depositing Dirt, Rock, Other Materials, or Illicit Discharges.

- A. No person shall dump or deposit or cause to be deposited or dumped, on any street, alley, sidewalk, right-of-way, public place, or waterway, any dirt, earth, rock, clay, sand, shale, building material, debris or rubbish or any other material. Nothing contained herein shall prevent anyone performing the work of grading streets, alleys, sidewalks, rights-of-way, or public places or making improvements thereto from putting necessary materials at such places as may be necessary to perform the contracted work.
- B. No owner, his/her agent or occupant of any land abutting upon any street, alley, sidewalk, public place or waterway in the City shall allow earth or any rubbish from such land to fall or wash upon any part of such street, alley, sidewalk, public place or waterway. Any work on private property adjacent to any such street, alley, sidewalk, public place or waterway shall be responsible for placing protective measures such as silt fences or other erosion control devices to protect such earth or rubbish leaving the private property and obtaining an required permits City for the work involved.
- C. No person shall discharge or cause to be discharged into a natural or man-made stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
- D. No person shall allow any water to accumulate and/or remain, or stagnate upon, in or about any lot, tract or piece of ground, with the exception of natural streams and waterways; or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, to be

placed or to remain upon any lot, property or grounds in the City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.

- E. Regardless of any legal requirements, once an individual responsible for overseeing a facility or operation, or managing emergency responses for such, becomes aware of a known or suspected release of materials leading to illegal discharges or the discharge of pollutants into stormwater, storm drain systems, or U.S. water bodies, that person must promptly undertake all necessary actions to ensure the identification, containment, and cleanup of the said release. In instances involving hazardous materials, the responsible individual must immediately inform emergency response agencies of the occurrence through emergency dispatch services. Similarly, for releases of non-hazardous materials, the responsible party is obliged to notify the authorized enforcement agency in person, via telephone, or by facsimile no later than the following business day. Notifications conveyed through personal visits or telephone must be confirmed with written notices, duly addressed and mailed to the Public Works Department within three (3) business days from the initial phone notification. If the release of prohibited materials originates from a commercial or industrial establishment, the owner or operator of the said establishment must also maintain an on-site written record of the discharge incident and the measures undertaken to prevent its recurrence. These records must be maintained for a minimum of three (3) years.

**INTRODUCED, READ, PASSED AND ADOPTED BY THE BOARD OF ALDERMEN
OF THE CITY OF SMITHVILLE THIS 19th DAY OF SEPTEMBER 2023.**

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

1st reading 09/19/2023

2nd reading 10/03/2023



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3006-23, Amendment to the Subdivision Ordinance Stormwater Regulations – 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3006-323, approving amendment to the Subdivision Ordinance Stormwater Regulations. First reading by title only.

SUMMARY:

The subdivision ordinance amendment is prompted by a recent audit of the City's relatively new Municipal Separate Storm Sewer System (MS4) permit. The city was required to obtain a general permit in 2013 and following the 2020 Census' population over 10,000 triggered an individual permit instead of the general permit. This new individual permit brings forward several new requirements for the city related to our storm sewer system. One of these new requirements includes requiring perpetual maintenance agreements on all new stormwater basins with the owners or future lot owners through a covenant document to be recorded simultaneously with the final plat.

This covenant document is specifically required by DNR. In addition to this stormwater maintenance provision, the original ordinance included a similar provision for green space maintenance. Amendments include some changes to this provision to highlight the difference between green spaces and stormwater management areas, and also continues the covenant method to identify areas of natural, undisturbed areas that will not need maintenance.

During the work session held on September 5, staff presented the Illicit Discharge Plan to the Board, along with a summary of the proposed best management practices maintenance program. Following this, on September 12, the Planning and Zoning Commission met to review the ordinance and covenant, subsequently recommending approval for the proposed changes.

Once the program is ready, HOAs & BMPs owners will receive more information about a recommended maintenance schedule and the assessment process. In the next couple of months, the City will schedule an initial "informal" assessment with HOAs/owners to identify areas that may require attention or improvement. During both this informal assessment and subsequent inspections, inspectors will focus on aspects such as trash, debris, inlet/outlet blockages, erosion control (reseeding if needed), basin structural integrity, vegetation maintenance, and overall basin condition.

PREVIOUS ACTION:

The Board of Aldermen approved Resolution 1006 adopting the Stormwater Management Plan for the 2021 -2026 MS4 Permit

POLICY ISSUE:

Amendment to the Subdivision Ordinance Stormwater Regulations

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

☒ Ordinance

☐ Resolution

☐ Staff Report

☐ Other:

☐ Contract

☐ Plans

☐ Minutes

**AN ORDINANCE REPEALING SECTION 425.180. SUBDIVISION
MAINTENANCE PROVISIONS OF THE SUBDIVISION REGULATIONS OF THE
SMITHVILLE MUNICIPAL CODE AND RE-ENACTING A NEW SECTION 425.180
FOR THE CITY OF SMITHVILLE, MISSOURI**

WHEREAS, the Planning and Zoning Commission held a public hearing on September 12, 2023 concerning revisions to Section 425.180 concerning subdivision maintenance provisions and recommended the approval of this ordinance; and

WHEREAS, the City's Municipal Separate Storm Sewer System (MS4) Permit with DNR requires certain additional standards be put in place by the city to preserve and protect the stormwater infrastructure and quality to be in compliance with the state standards; and

WHEREAS, the purpose of this ordinance is to enact a legal requirement for development owners to enter into an agreement with the City ensuring future maintenance be made to the standards that the DNR sets, including maintaining all stormwater infrastructure;

WHEREAS, the Smithville Board of Aldermen deems it to be in the best interest of the City of Smithville to adopt said regulations.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE
CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

SECTION 1 – REPEALING AND RE-ENACTING: Section 425.180 of the Smithville Municipal Code of Ordinances is hereby repealed in its entirety and a new Section 425.180 is enacted to be read and numbered as follows:
Section 425.180. Subdivision Maintenance Provisions.

The City of Smithville shall require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all stormwater management systems located within any final plat. Such Covenant shall run with the land, tracts and lots included in such plat and all owners of such land, lots or tracts shall be responsible for such maintenance and the costs thereof in perpetuity.

The City may require the submittal and subsequent recording of covenants to run with the land that ensures continuous maintenance of all private green space not otherwise considered part of the stormwater management system located within any final plat. Private green space areas intended to be natural, undisturbed resource areas shall be identified in such covenants as such.

SECTION 2 – REPEAL OF ORDINANCES IN CONFLICT: All ordinances or part of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3 – SEVERABILITY CLAUSE: The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 4 – EFFECTIVE DATE: This ordinance shall be in full force from and after the date of its passage and approval.

Damien Boley, Mayor

ATTEST

Linda Drummond, City Clerk

First Reading: 9/19/2023

Second Reading 10/03/2023



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Finance

AGENDA ITEM: Approve Bill No. 3007-23, Revisions to the City's Purchasing Policy – 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3007-23, approving revisions to the City's Purchasing Policy. First reading by title only.

SUMMARY:

At the July 18, 2023, Work Session, the Board of Aldermen directed staff to research whether an increase to City Administrator spending authority is warranted.

The City's Code of Ordinances provides a comprehensive overview of spending authority. Section 150.040 of the City of Smithville Code of Ordinances, which describes Competitive Bidding processes, outlines the City Administrator's spending authority in detail. For purchases \$7,500 or above, the purchasing policy requires Board of Aldermen approval to complete the purchase.

Staff performed research on surrounding communities and presented the results to the Board. During the August 28, 2023, Work Session, the Board of Aldermen directed staff to increase the City Administrator's spending authority from \$7,500 to \$15,000. This requires a change to the City's Code of Ordinances, including Section 150.030 and 150.040.

PREVIOUS ACTION:

The Board of Aldermen has taken no previous action on the City Administrator's spending authority.

POLICY ISSUE:

Increase the City Administrator's spending authority.

FINANCIAL CONSIDERATIONS:

This allows for greater latitude to make emergency purchases as needed.

ATTACHMENTS:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Other: | |

AN ORDINANCE REPEALING ORDINANCE SECTION 150.030 APPROVAL AND SECTION 150.040 COMPETITIVE BIDDING AND ENACTING IN ITS PLACE A NEW ORDINANCE SECTION 150.030 APPROVAL AND SECTION 150.040 COMPETITIVE BIDDING

WHEREAS, SECTION 150.030 APPROVAL currently reads as follows:

Department level approval for purchases of less than three thousand five hundred dollars (\$3,500.00) requires only the authorization of the department head or his/her designee to be valid. Approval for purchases at least three thousand five hundred dollars (\$3,500.00) but less than seven thousand five hundred dollars (\$7,500.00) requires the authorization of the purchasing agent to be valid. Approval for purchases of seven thousand five hundred dollars (\$7,500.00) and above requires the authorization of the Board of Aldermen to be valid.

WHEREAS, SECTION 150.040 COMPETITIVE BIDDING currently reads as follows:

- A. When the City negotiates any purchase, sale, or contract, there shall be ample opportunity for competitive bidding in the following manner:
 1. Department Head Purchases. If the consideration is less than three thousand five hundred dollars (\$3,500.00), bids shall be solicited in the most expedient manner with due regard for competitive prices and quality, and the purchase shall be made at the discretion of, and by the department head or his/her designee.
 2. Semiformal Bid Purchases. If the consideration is for three thousand five hundred dollars (\$3,500.00) but less than seven thousand five hundred dollars (\$7,500.00), three (3) written bids shall be solicited in a manner and format established by the purchasing agent.
 3. Formal Bid Purchases. If the consideration is for seven thousand five hundred dollars (\$7,500.00) or more, shall be purchased by formal, written contract, to be approved by the Board of Aldermen.

WHEREAS, at the August 28, 2023, Work Session, the City of Smithville Board of Aldermen directed staff to increase the City's purchasing agent's spending authority (the City Administrator) from \$7,500.00 to \$15,000.00. This directive results in edits to Section 150.030 Approval and Section 150.040 Competitive Bidding, both located in Chapter 150 Purchasing Policy of the City of Smithville Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:

SECTION 150.030 APPROVAL

Department level approval for purchases of less than three thousand five hundred dollars (\$3,500.00) requires only the authorization of the department head of his/her designee to be valid. Approval for purchases at least three thousand five hundred dollars (\$3,500.00) but less than fifteen seven thousand five hundred dollars (\$15,000.00 ~~\$7,500.00~~) requires the authorization of the purchasing agent to be valid. Approval for purchases of fifteen seven thousand five hundred dollars (\$15,000 ~~\$7,500.00~~) and above requires the authorization of the Board of Aldermen to be valid.

SECTION 150.040 COMPETITIVE BIDDING

- A. When the City negotiates any purchase, sale, or contract, there shall be ample opportunity for competitive bidding in the following manner:
1. Department Head Purchases. If the consideration is less than three thousand five hundred dollars (\$3,500.00), bids shall be solicited in the most expedient manner with due regard for competitive prices and quality, and the purchase shall be made at the discretion of, and by the department head or his/her designee.
 2. Semiformal Bid Purchases. If the consideration is for three thousand five hundred dollars (\$3,500.00) but less than fifteen seven thousand five hundred dollars (\$15,000.00 ~~\$7,500.00~~), three (3) written bids shall be solicited in a manner and format established by the purchasing agent.
 3. Formal Bid Purchases. If the consideration is for seven thousand five hundred dollars (\$15,000.00 ~~\$7,500.00~~) or more, shall be purchased by formal, written contract, to be approved by the Board of Aldermen.

PASSED by the Board of Aldermen, and **APPROVED** by the Mayor, of the City of Smithville, Missouri, this 3rd day of October, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 9/19/2023

Second Reading: 10/03/2023



Board of Aldermen Request for Action

MEETING DATE: 9/19/2023

DEPARTMENT: Parks and Recreation

AGENDA ITEM: RES 1271 – Main Street Trail Water Fountain Expense

REQUESTED BOARD ACTION:

A motion to approve Resolution 1271, authorizing the expenditure for Main Street Water Fountain Expense.

SUMMARY:

The Main Street Trail project was successfully completed in March 2019, thanks to an RTP grant of \$250,000 awarded to the City for enhancing trail amenities. Among the improvements, two water fountains were installed, one at Heritage Park and the other at Smith's Fork Park, both conveniently situated along the trail.

In the ensuing two years, our Parks Maintenance team has grappled with recurring reports of malfunctioning water fountains along the Main Street Trail, as they have failed to shut off properly. In our pursuit of resolving this issue, we collaborated closely with Lexington Plumbing. Earlier this summer, we were informed that a total of six valves, three in each fountain, had failed and required replacement, incurring a total cost of \$9,000 inclusive of parts and labor.

Over the past couple of months, our staff has explored alternative solutions to address this persisting concern. After extensive consultations with Lexington Plumbing and other municipal parks departments, it has become evident that the most prudent course of action is to invest in new water fountains that are highly recommended for their reliability by our peers.

Murdock Drinking Fountains offers fountains with the same desirable features as our existing ones, including a water bottle filler, a dog bowl, and a side bubbler, all at a significantly lower cost. It's worth noting that we already have Murdock Drinking Fountains installed at Heritage Park, positioned between the ball fields, and have experienced no issues with them. We have received a quote of \$9,339.11 for the purchase of two Murdock Drinking Fountains, which we believe is a cost-effective solution to our current fountain dilemma.

PREVIOUS ACTION:

N/A

POLICY OBJECTIVE:

Click or tap here to enter text.

RESOLUTION 1271

RESOLUTION ACKNOWLEDGING AND APPROVING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF TWO MAIN STREET TRAIL WATER FOUNTAINS

WHEREAS, the City has been experiencing recurring malfunctions of the current water fountains along Main Street Trail; and

WHEREAS, staff has explored alternative solutions to address the persisting concern with Lexington Plumbing and other municipal parks departments; and

WHEREAS, staff recommends that the prudent course of action is to invest in new water fountains with the same desirable features as our existing ones; and

WHEREAS, the total cost for the two water fountains is \$9,339.11.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT the Board acknowledges and approves the expenditure of funds
for the purchase of two main street trail water fountains in the amount
of \$9,339.11.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, on the 19th day of September 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

FINANCIAL CONSIDERATIONS:

The FY23 Parks and Recreation General Fund has savings for this expense.

ATTACHMENTS:

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: Quote

☐ Contract

☐ Plans

☐ Minutes



Murdock Super Secure Quotation

QT# Q-31960
Net Price

Net Prices Cannot Be Discounted

15125 Proctor Ave.
City of Industry, CA 91746
P. (626) 336-4561 F. (626) 961-2200
quotes@acorneng.com
www.morrisgroup.co/divisions

Job Name: Smithville MO Fountain
Job City: Smithville
Job State: MO
Job Country: United States
Quote Valid: - Sep 10, 2023

Customer: City of Smithville - Smithville, MO
Address: 107 W Main St, Smithville
Missouri, 64089

Contact Name: Matthew Denton
Contact Phone# +1 816-532-3897
Contact Email: mdenton@smithvillemo.org

Murdock						
Line	Tag	Product	Description	Net Price	Qty	Total Price
1		GYM74-PF Stainless finish Outdoor fountain/bottle filler with pet bowl	Stainless finish Outdoor fountain/bottle filler with pet bowl Link: - Lead-Time: 28 days	\$4,421.00	2	\$8,842.00
Murdock Total:					2	\$8,842.00

Taxes	\$0.00
Shipping and Handling	\$497.11
Grand Total	\$9,339.11

Quote Comments:



FY23 Planning Calendar

October 3, 2023 Work Session

October 3, 2023 Regular Session 7:00 p.m.

- Ordinance - Stormwater Plan – Illicit Discharge – 2nd Reading
- Ordinance – Subdivision Maintenance Obligation – 2nd Reading
- Ordinance – City Administrator’s Spending Authority – 2nd Reading
- Ordinance – FY2024 Operating Budget – 1st Reading
- Ordinance - 110 Smithville Tax Increment Financing Fund – 1st Reading
- Ordinance – Amending Utility Rates for Non-Residents – 1st Reading

October 17, 2023 Work Session 6:30 p.m.

- Discussion of City Website Platform

October 17, 2023 Regular Session 7:00 p.m.

- Public Hearing – Sewer Rates
- Ordinance – FY2024 Operating Budget – 2nd Reading
- Ordinance - 110 Smithville Tax Increment Financing Fund 2nd Reading
- Ordinance – Amending Utility Rates for Non-Residents – 2nd Reading
- Resolution – Amending the Schedule of Fees
- Resolution – Employee Compensation Plan
- Resolution - Employee Handbook
- Resolution – Changes to the Policy Manual
- Resolution – Agreement with Chamber of Commerce
- Resolution – Award Bid – Streetscape Phase III
- Appointment – Economic Development Committee
- Appointment – Planning and Zoning Commission
- Executive Session Pursuant to Section 610.021(3)RSMo.

November 6, 2023 Work Session (Moved to Monday due to the Election)

November 6, 2023 Regular Session 7:00 p.m. (Moved to Monday due to the Election)

- Resolution – “Go To Market” Authorization for COP

November 21, 2023 Work Session 6:00 p.m.

November 21, 2023 Regular Session 7:00 p.m.

- Resolution – Award Bid 144th Street Lift Station and West Bypass
- Resolution – Award Bid #23-11 - WTP Residuals

December 5, 2023 Work Session

- Discussion FY2023 Year End Budget Review

December 5, 2023 Regular Session 7:00 p.m.

Ordinance – Approval of Financing – COP for Utility Projects – 1st Reading
Resolution – Award Bid for construction of River Crossing
Resolution – Award Bid for Smith's Fork Force Main
Resolution – Water Treatment Plant Improvements

December 19, 2023 Work Session 6:00 p.m.

December 19, 2023 Regular Session 7:00 p.m.

Ordinance – Approval of Financing – COP for Utility Projects – 2nd Reading

Unscheduled:

City/County Shared Roads – Clay and Platte
Contract with PWSD #8
ADU's (Accessory Dwelling Units) on Existing Properties
Courtyard Park Alleyway Safety

*******Items on the planning calendar are subject to change*******

Past Planning Calendars can be found on the City's website in each Board of Aldermen Regular session meeting under more....additional documents.