

**CITY OF BOONVILLE
SPECIAL COUNCIL MEETING
AGENDA
October 29, 2019
6:30 p.m.
City Council Chambers
525 E. Spring Street
Boonville, Missouri**

I. Call to Order – Pledge and Prayer (Susan Meadows)

II. Roll Call

III. New Business

A) Consider Resolution R2019-05 Approving and Authorizing Agreement with the Cooper County Clerk Regarding Collection of Taxes

VI. Adjourn

NOTICE: The City of Boonville will comply with the Americans with Disabilities Act (ADA). Individuals who require an accommodation due to disability to attend this meeting should contact our office at 660-882-2332 or Relay Missouri, 1-800-735-2966 TTY at least 48 hours in advance.

CITY OF BOONVILLE

NOTICE

The Mayor and City Council members are encouraged to attend the Cooper County Commissioner's Meeting that is scheduled for October 31, 2019 from 9:00 a.m. to 10:00 a.m. The meeting will be held at the Cooper County Courthouse, 200 Main Street, Room #24, Boonville, Missouri regarding the agreement for the City of Boonville's Ad Valorem Taxes between the Cooper County Clerk and the City of Boonville. The Boonville City Council will not have an agenda and is not taking any action.

October 24, 2019

To Mayor and City Council

From: Kate Fjell, City Administrator



Re: 2019 Real Estate and Personal Property Tax Collection

There is a hiccup in the collection of the City's real estate and personal property tax for 2019 that will require discussion and quick action by the Council. Below is a brief history of tax collection for some background of the current situation.

Up until the mid 80's, the City collected their own personal property and real estate taxes. The positions of City Collector, Clerk and Assessor were all created, and their job was to prepare and collect taxes for the City. We have abolished the positions of City Collector and Assessor.

Then we contracted with the County for tax collection and had an agreement with the County Clerk and the County Collector to compute and collect the taxes. In 2018, we terminated that contract and entered into a contract with the County Collector for real estate and property tax collection, as well as paying into the state mandated County assessment fund.

On Wednesday, October 9th, I was notified by Sarah Herman, County Clerk, that the State Auditor advised her that she did not have a contract and was therefore not authorized to extend the books to the County Collector. Unbeknownst to us, the way personal property and real estate taxes are completed takes three offices: The Assessor who places an assessed value on personal and real property; the clerk who calculates and certifies the various levies and then put them into the books (computer system) for the Collector; and finally the Collector who prints, mails and collects the taxes. Therefore, when we terminated the old agreement and only entered into an agreement with the Collector, we essentially bypassed the Clerk. This is not appropriate or legal by statute.

By law, the County Clerk is supposed to extend the book to the County Collector by the 31st of October. However, since there is not an agreement between the County Clerk and the City, the City's portion of the real estate and personal property taxes have not been extended. Sarah desires to enter into a contract with us on this matter.

Tonight, the draft agreement is before the Council for approval. Sarah will also be at the meeting and available to answer any questions. It is my recommendation that this agreement be approved to allow for collection of City real estate and personal property taxes. The Agreement is on the Commissioners' Agenda for Thursday, October 31st at 9AM. Any council member able to attend the Commissioner's meeting is encouraged to attend. Failure to have approval of the agreement by all parties will have a serious impact for the City.

RESOLUTION NO. R2019-05

A RESOLUTION OF THE CITY OF BOONVILLE, MISSOURI AUTHORIZING AND APPROVING A COOPERATIVE AGREEMENT BETWEEN THE COOPER COUNTY CLERK AND THE CITY OF BOONVILLE, MISSOURI REGARDING THE COLLECTION OF CITY AD VALOREM TAXES; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the City of Boonville, Missouri and the Cooper County Clerk desire to enter into a Cooperative Agreement authorized and permitted by Sections 50.322, 70.220 to 70.320 inclusive, and Sections 140.670 to 140.750 inclusive, of the Revised Statutes of Missouri, for the cooperative efforts of the parties to collect the taxes of the City of Boonville on property located within the boundaries of said City, which is located in Cooper County, Missouri; and

WHEREAS, the previous contract between the County Clerk and the City has expired and is no longer in effect, and a new agreement between the parties is required for the collection of 2019 taxes for the City.

NOW THEREFORE, be it resolved by the City Council of the City of Boonville, Missouri as follows:

SECTION 1: That a certain interim Cooperative Agreement between the Cooper County Clerk and the City of Boonville, Missouri, a copy of which is marked "**Exhibit A**" and is attached hereto and made a part hereof, is hereby approved.

SECTION 2: That the Mayor and the City Clerk be and are hereby authorized to execute, and attest said Agreement, in multiple counterparts, on behalf of the City of Boonville.

SECTION 3: That said Cooperative Agreement, including counterparts, which have been executed by the City, shall be delivered to the Cooper County Clerk, forthwith, for execution by the Clerk.

SECTION 4: That the fully executed Agreement and counterparts be delivered to the Cooper County Commission for consideration and approval as soon as practicable, but in no event later than the County Commission's regular meeting scheduled for Thursday, October 31, 2019, at 9:00 a.m., and that an executed copy of this Resolution and the Agreement be forwarded to each County Commissioner by electronic transmission immediately following its full execution by the City and the County Clerk, together with a request by the City that the Agreement be approved by the County Commission no later than October 31, 2019.

SECTION 5: This resolution shall take effect and be in full force from and after its passage and approval.

Passed this 29TH Day of October 2019, by the City Council of Boonville, Missouri

Ned Beach, Mayor

ATTEST:

Teresa Studley, City Clerk

COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered in this ____ day of October, 2019, by and between the City of Boonville, Missouri, a municipal corporation, and hereinafter referred to as the "City", and Sarah Herman, duly elected County Clerk of Cooper County, Missouri, and hereinafter referred to as the "Clerk."

WHEREAS, statutory provisions set out in Sections 50.332 and 70.220, RSMo., allow county officials to contract with municipalities of the third class to perform services for such municipality of the same type the county official performs for the county; and

WHEREAS, the parties are not currently under a contractual arrangement for the Clerk to perform services which have been customarily performed by her office for the City in past years relating to the collection of City taxes, including but not by way of limitation, extending the tax books and certifying or authenticating such tax books to the Cooper County Collector; and

WHEREAS, the State Auditor has advised the Clerk that in order to perform the contemplated services and certify information to the County Collector, there must be a written agreement between the City and the Clerk; and

WHEREAS, the parties wish to enter into an agreement for the Clerk to perform such services as are necessary for extending the 2019 City tax books as generally described in Section 137.290, RSMo., and certifying or authenticating such information to the County Collector for collection on property located within the boundaries of said City pursuant to a separate contractual arrangement between the City and the Cooper County Collector

NOW, THEREFORE, it is hereby mutually agreed as follows:

1. **Term and Extent of Services to be Provided by Clerk.** It is understood and agreed that the Clerk shall perform the services necessary to extend the City's Tax Books for the 2019 tax year and certify or authenticate such records to the Cooper County Collector as provided in the Revised Statutes of Missouri, no later than October 31, 2019. The Clerk shall also provide to the City, a copy of the final tax printouts, for the current year, including a list of tax payers, valuations, assessments, amount of taxes due and other pertinent information vital to the tax billing service not later than November 10th, 2019. The Clerk shall further perform any additional or incidental services necessary to allow for the collection of the City's taxes for 2019. Such services shall be performed in a professional and diligent manner as contemplated by applicable statutory law. This Agreement covers only those services required to collect the City's 2019 taxes and records and shall be in force and effect only during the period of time reasonably necessary to accomplish the purposes of the Agreement, and in no event past February 28, 2020.
2. **Compensation to be Paid by the City.** The City shall compensate the Clerk for such services during the 2019 tax year in the total amount of \$7,500.00 (Seven thousand five hundred dollars), to be paid to the Clerk within 30 days of the approval of this Agreement by the Cooper County Commission and upon receipt from the Clerk of an invoice for such amount. Such compensation shall be paid directly to the Clerk, in addition to any other salary or compensation received by the Clerk for her official duties, and the City shall issue a Form 1099 in a timely manner, evidencing such payment. It is further understood and agreed that such compensation shall not constitute additional salary for the position of County Clerk and shall not be subject to the County's payroll benefits and withholding.
3. **Accounting and Reconciliation.** It is mutually understood and agreed that the Clerk shall provide any necessary accounting and reconciliation records to the City as may be necessary to achieve the results contemplated in this Agreement for the collection of the City's 2019 taxes.
4. **Limitation of Services.** This Agreement covers only those services required to collect the City's 2019 taxes and records and does not extend to any other tax years.

5. **Records Transfer to City.** Upon the termination of this Agreement the Clerk shall make available to the City any existing records under her control as may be necessary to enable the City to undertake the collection of taxes assessed on City property in the City of Boonville, Missouri, for the year after termination.
6. **Services to be Consistent With Collector.** It is contemplated by this Agreement and understood by the parties that the City taxes shall be added to and included on the County tax statements by the County Collector as an additional political subdivision, and the Clerk shall perform her services in such a manner as shall be consistent therewith.
7. **Agreement Subject to Approval.** It is further understood and agreed that this Agreement must be approved by the Cooper County Commission under the provisions of Section 137.290, RSMo., in order to become effective and the parties hereby agree to execute and submit the Agreement for approval and further hereby request the County Commission to approve the Agreement.
8. **Facsimile and Electronic Signatures Binding.** It is understood and agreed that facsimile and electronic copies of the original signatures on this Agreement shall have the same effect and be binding on the parties as if they were the original signatures.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their official seals as of the ____ day of October, 2019.

CITY OF BOONVILLE, MISSOURI

ATTEST:

By: _____
Mayor

By: _____
City Clerk

ATTEST:

By: _____
County Clerk

By: _____
Deputy County Clerk

APPROVED BY:
COOPER COUNTY COMMISSION

By: _____
Presiding Commissioner

By: _____
Eastern Commissioner

By: _____
Western Commissioner