

RESOLUTION R-15-17

A RESOLUTION OPPOSING SENATE BILL NO. 5 WHICH RE-APPROPRIATES CITY REVENUES DERIVED FROM FINES, BOND FORFEITURES AND COURT COSTS FROM TRAFFIC VIOLATIONS.

WHEREAS, Senate Bill No. 5 has been introduced in the first regular session of the 98th General Assembly; and

WHEREAS, the Bill seeks to reduce the amount of revenue a city may receive from traffic fines, bond forfeitures, and court costs by re-appropriating the money to the schools operating within the county in which the city is located if, beginning January 1, 2016, the city receives more than twenty percent of its annual general operating revenue from traffic fines, and if, beginning January 1, 2017, the city receives more than ten percent of its annual general operating revenue from traffic fines; and

WHEREAS, the City Council opposes efforts by the state legislature to re-appropriate city revenues which are lawfully obtained; and

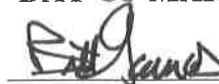
WHEREAS, the State of Missouri also receives revenue from traffic fines, bond forfeitures, and court costs but it is exempted from this bill.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the provisions of Senate Bill No. 5 are harmful to local government; and

FURTHER THAT, the City Clerk is directed to provide a copy of this Resolution to our legislators and to notify them that the City of Gladstone opposes Senate Bill 5 and other bills like it.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 9TH DAY OF MARCH, 2015.



Bill Garnos, Mayor Pro Tem

Attest:



Pam Smitka, Deputy City Clerk



All-America City

Gladstone



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OFFICE OF THE CITY COUNSELOR

TO: Mayor J. Brian Hill
Mayor Pro Tem Bill Garnos
Councilmember Carol Suter
Councilmember Jean Moore
Councilman R.D. Mallams
City Manager Kirk Davis

RE: Senate Bill #5

DATE: March 4, 2015

The current law provides that if a city or county receives more than 30% of its annual general operating revenue from fines and court costs for traffic violations then all revenues from fines over 30% are given to local school districts. This bill contains several amendments including a change in the percentage beginning 1/1/16 to 20% and 1/1/17 to 10%.

While I was a prosecuting attorney a similar legislative re-appropriation occurred involving forfeiture of property associated with criminal activity. The forfeiture law was passed which permitted law enforcement to keep forfeited property but then other interest groups were able to get the legislature to amend the law by requiring that any forfeited property had to go to the schools. Obviously forfeitures declined because there was no incentive for law enforcement and the United States Attorney also offered to start handling the forfeitures and to return a percentage of forfeitures to local law enforcement.

This bill is not intended to help schools. It is intended to diminish the authority of local governments and to take away revenue from local governments. If the legislature does not want local government to enforce traffic laws or to collect fines from enforcement then those are the laws they should amend but instead the legislature has chosen to simply take the revenue away.