

4-5-2019

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By Nick Luisetti*

Background

“The Great Divorce of 1876” is a colloquial phrase used to describe St. Louis City’s split from the County.¹ At that time, the St. Louis region covered nearly 600 square miles, with approximately 300,000 people living in the urban city and another 30,000 residents in the surrounding rural county.² The population imbalance convinced a majority of lawmakers that the City did not need to incorporate itself within the County.³ As a result, the Missouri Constitution was revised, allowing a “scheme and charter” to split the city and county via a public vote.⁴ The vote created a new City of St. Louis, comprised of 66 square miles while the remaining 520 square miles defined the new St. Louis County.⁵ Today, there remains a strong divide between the City and County. While St. Louis County has grown to be home to nearly one million people, St. Louis City is home to less than 315,000 residents.⁶

As a result of the City-County split, the St. Louis region now has a complex and fragmented style of government, unlike most comparable regions in the country.⁷ The combined region has 115 local governments, 91 municipalities, 81 municipal courts, 60 police departments and 43 fire protection districts.⁸ Collectively, the St. Louis region supports 684 elected officials and over 52,000 pages of ordinances.⁹ St. Louis spends nearly \$2.3

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¹ Better Together, St. Louis City-County Governance Task Force Report To The Community 2 (2019).

² *Id.*

³ Jason Rosenbaum, *Proposed City-County Merger Would Create St. Louis Metro Government and Police Department*, St. Louis Public Radio, Jan 28, 2019, <https://news.stlpublicradio.org/post/proposed-city-county-merger-would-create-st-louis-metro-government-and-police-department#stream/0>.

⁴ Better Together, *supra* note 1, at 2.

⁵ *Id.*

⁶ United States Census Data, St. Louis, Missouri (2018), <https://www.census.gov/quickfacts/stlouiscitymissouri>.

⁷ Better Together, *supra* note 1, at 4.

⁸ Better Together, *Why Does a region With World-Class Resources Struggle To Thrive 2* (2017).

⁹ Better Together, *supra* note 1, at 5.

billion annually to operate and administer these governments.¹⁰ The City's current debt obligations exceed 200% of total revenues.¹¹

Some local civic leaders decided that something must change to solve the many issues that accompany such fragmentation.¹² As a result, in 2013, the Better Together Coalition was formed to craft a solution to St. Louis's arguably inefficient style of governance.¹³ Last year, Better Together publicly released a proposal to merge the City-County and create one "metropolitan government."¹⁴ The proposal outlines a bold strategy to rid St. Louis of its "dysfunction and inequity in local government service."¹⁵ However, County leaders responded to the proposal with vigorous protest.¹⁶

The City-County Merger Proposal

The Better Together Coalition recommended the creation of a Metropolitan City ("Metro City"), which would encompass the current city-county geographic boundaries and unite a population of 1.3 million, making St. Louis the ninth most populated city in the United States.¹⁷ The new Metro City would be governed by an elected Metro Mayor and a Metro Council, comprised of thirty-three members, representing new districts drawn by a nonpartisan expert.¹⁸ The 21st and 22nd Judicial Circuits would be combined to form one judicial circuit, with one prosecuting attorney for the new Metro City.¹⁹ Further, while the ninety-one current municipalities in St. Louis would remain, the proposal seeks to create one unified municipal court system to service all municipal-level offenses throughout the new Metro City.²⁰ Similarly, the Metro City would also consolidate the fifty-five

¹⁰ Better Together, *supra* note 9, at 2.

¹¹ Patrick Tuohey, *Kansas City and St. Louis in Bad Financial Shape*, Show-Me Institute, Jan 10, 2017, <https://showmeinstitute.org/blog/budget/kansas-city-and-st-louis-bad-financial-shape>.

¹² Better Together, *supra* note 1, at 5.

¹³ *Id.*

¹⁴ *Id.* at 27.

¹⁵ *Id.* at 3.

¹⁶ Jacob Kim, *Merger mania: 7 burning questions about St. Louis' city-county consolidation*, St. Louis Business Journal, Jan 30, 2019, <https://www.bizjournals.com/stlouis/news/2019/01/30/merger-mania-7-burning-questions-about-st-louis.html>.

¹⁷ Better Together, *supra* note 1, at 39.

¹⁸ *Id.* at 27.

¹⁹ *Id.* at 10.

²⁰ *Id.* at 31.

police departments into one professional, accredited police department serving the entire area.²¹ The representatives from each of the thirty-three new districts would determine how police manpower is allocated to each of the municipalities.²²

Though the current St. Louis County municipalities would remain, they would hold more limited authority to deliver select services for their constituents.²³ For example, municipalities would no longer be able to operate independent police departments or municipal courts.²⁴ Further, general sales tax revenue would be collected on a Metro City-wide basis to help support regionally delivered services such as the unified police force and municipal court.²⁵ Municipalities would still hold the authority, but not the obligation, to offer services in the areas of fire protection, parks and recreation, trash and recycling, general administrative functions, and any other services desired by citizens but not provided by the Metro City government.²⁶ These operations would be funded through local property taxes, utility taxes and fees for services collected within the municipality.²⁷

The Better Together proposal has the support of St. Louis City Mayor Lyda Krewson and St. Louis County Executive Steve Stenger.²⁸ The plan seeks voter approval in November of 2020.²⁹ If successful, all local elections would be suspended for two years.³⁰ During this time, Krewson and Stenger would lead the transition, including using the 2020 Census data to help shape the thirty-three new legislative districts.³¹ The first Metro City elections would occur in November 2022, where citizens would vote on a Mayor, Council members, a prosecuting attorney, and a county assessor.³²

²¹ *Id.* at 30.

²² Jeremy Kohler, *Metro City: Better Together launches a two-year effort to meld St. Louis city and county*, St. Louis Post-Dispatch, Jan 29, 2019, https://www.stltoday.com/news/local/govt-and-politics/metro-city-better-together-launches-a-two-year-effort-to/article_c2f6dca1-c450-5aba-b837-9802da767f88.html.

²³ Better Together, *supra* note 1, at 27.

²⁴ *Id.* at 33.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Better Together, *supra* note 1, at 19.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

The Opposing View

Municipal leaders have been quick to protest the merger proposal.³³ One major concern is the potential transfer of debt from one municipality to another, a concern held in particular by St. Louis County residents who might be forced to incur this debt as a result of consolidation.³⁴ Better Together claims this will not occur as each municipality would still be responsible for outstanding debt.³⁵ However, the potential changes would place the financial burden on the residents in wealthy counties.³⁶

Webster Groves provides one example of a St. Louis County municipality opposing the proposed merger.³⁷ Under the current government structure, Webster Groves receives all sales taxes issued within the municipality and supplements this revenue with municipal court fines.³⁸ This revenue allows Webster Groves to maintain its own police force and levy a small property tax.³⁹ However, under the merger proposal, the Metro City would collect nearly all of the sales tax to fund the newly formed unified police force and court system.⁴⁰ With this lost revenue, Webster Groves could still face a \$21 million dollar deficit despite not funding its own local police force and municipal court.⁴¹ Webster Groves would have no choice but to raise property taxes to overcome the deficit and meet its current debt obligations.⁴² As property taxes for residents increases, the overall property values decline as the municipality no longer operates its own police force.⁴³ Further, the lost revenue jeopardizes the current Webster Groves police pensions, as those are now combined with the fifty-five other police pensions in completely different financial positions.⁴⁴

³³ Jacob Kirn, *supra* note 15.

³⁴ Better Together, *supra* note 1, at 34.

³⁵ *Id.*

³⁶ Jacob Kirn, *Tax increases, service cuts, pension headaches: Towns give dire warnings on city-county merger*, St. Louis Business Journal, Feb 22, 2019, <https://www.bizjournals.com/stlouis/news/2019/02/22/tax-increases-service-cuts-pension-headaches-towns.html>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Better Together, *supra* note 1, at 33.

⁴¹ Jacob Kirn, *supra* note 35.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

Other municipalities in St. Louis County similarly oppose the merger for various reasons. Crestwood believes the redistribution of its revenue would require reducing its parks and recreation operations and ceasing all fire department operations.⁴⁵ Chesterfield predicts the merger would cost the municipality \$19 million without cutting expenses.⁴⁶ To avoid a redistribution of this nature, Chesterfield is considering forming its own county separate from St. Louis or possibly merging with St. Charles County.⁴⁷

The Decision

Forming a Metropolitan City that retains existing municipalities as Municipal Districts requires a statewide vote to amend the Missouri Constitution.⁴⁸ Although the Missouri Constitution contains a narrow exception that would allow limiting the vote to only current St. Louis residents, the relevant provision does not reference municipalities and has never been interpreted by the courts.⁴⁹ As a result, a strictly local vote would be subject to immediate legal challenges.⁵⁰ Thus, Better Together plans to submit the proposal on all Missouri ballots in November 2020.⁵¹ A successful vote triggers the two-year transition period, suspending all local elections until the first Metro City elections in November 2022.⁵² An unsuccessful vote effectively abolishes any potential merger, and St. Louis would continue to operate in its currently divided form. The November 2020 vote represents one of the most consequential potential change to the St. Louis region in over a century. Unlike the Great Divorce, every Missouri voter can impact the decision. The question voters must answer is: does St. Louis need government reform or is the status quo better suited to serve the region's current 1.3 million residents?

Edited by Carter Gage

⁴⁵ *Id.*

⁴⁶ Jacob Kim, *supra* note 35.

⁴⁷ *Id.*

⁴⁸ Better Together, *supra* note 1, at 36.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* at 39.

