Report to the
Joint Interim Committee on St. Louis Metropolitan Statistical Area Governance and Taxation on the
St. Louis County Boundary Commission

Paper #4 in the
Policy Analyses of St. Louis County Governance and Taxation Series
A project of the Applied Research Collaborative

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Introduction

The purpose of this research is to explore the history and impact of the St. Louis County Boundary Commission for the Joint Committee on St. Louis Metropolitan Statistical Area Governance and Taxation established by SS HCR 25. This study, undertaken by the Public Policy Research Center at the University of Missouri-St. Louis, will examine the origin, influence and legacy of the Boundary Commission and the role that it has played in municipal and county politics since its inception 25 years ago. This report also shows that the Boundary Commission has altered the institutional behavior of individual municipalities.

Prior to its inception, no supervisory entity existed to mediate municipal annexations and incorporations in St. Louis County. The absence of any regulatory agency allowed St. Louis County to develop and expand as a quilted patchwork of localities which, along with the County government, were responsible for delivering municipal services to residents in unincorporated areas. As a result of the schizophrenic nature of county growth, inefficiency, waste, and inequities were allowed to propagate in the tax structure and service delivery. In the past, reformers have attempted to correct the problems of unchecked annexations, incorporations, and the cost inefficiencies associated therewith. The Board of Freeholders, which existed in the 1980s, is the most recent example prior to the creation of the Boundary Commission.

After the Board of Freeholders failed to reorganize the size and borders of municipalities, reform the tax structure, and take County government out of municipal service provision, the Missouri Legislature passed a measure to allow St. Louis County to establish a Boundary Commission as a lesser substitute. The Boundary Commission has gone through four lives over 25 years and withstood several existential blows. In spite of years of legal challenges and periods of decommission, the Boundary Commission mitigated acts of liberal annexations on the part of municipalities associated with the patchwork nature of the County, and grew popular among policy leaders in St. Louis County.

History and Impact of the Boundary Commission

The origins of the Boundary Commission can be traced to the municipal reformers of the late 1980s. During this period, activists seeking to reform the system of governance, taxation and service provision in St. Louis County sought an institution with the broad authority to produce change. From its origins, St. Louis County had been diverse and fragmented. The fragmented nature of the County and its municipalities produced cumbersome inefficiencies in service delivery and the tax structure.1 Compounding this situation were cities which were allowed to expand or incorporate liberally.

As municipalities carved up unincorporated pieces of the County, localities brought in additional sources of revenue from new residents and business sales tax. Yet these municipalities benefited at the expense of the County which subsequently lost revenue from annexations or incorporations.2 On top of that, the unrestricted process of annexation produced several pockets of unincorporated land surrounded by incorporated cities. Despite the unincorporated status, the County still had to service these pockets no matter how cost ineffective it was to do so. The County had limited recourse to prevent the unmitigated behavior of municipalities other than campaigning against annexations or incorporations after proposals were filed with the Board of Elections.

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2 Cynthia W. Metcalfe, "Boundary Commission is not enough such a group could address only one of several problems in St. Louis County," St. Louis Post Dispatch, June 12, 1989.
Given the problem at hand, reforms put their efforts behind the Board of Freeholders. Enumerated in Article VI, Section 30 of the Missouri State constitution, The Board of Freeholders has the capability to address the structure of governance in St. Louis City and County. In 1987, it drafted a plan which envisioned the complete incorporation of the County along with a reduction in the number of municipalities and special purpose districts. The plan would remove County government from municipal service delivery and install a reportedly more equitable taxation plan. However, the existence of the Board was declared unconstitutional in 1989 by the United States Supreme Court.

Following the demise of the Board of Freeholders, the Missouri Legislature began considering legislation for a different approach to tackle St. Louis County’s municipal system of governance. Rather than seeking to incorporate the entire county and draw a distinct line between the responsibilities of the cities and county, the Legislature took a more piecemeal approach. The resulting compromise led to the passage of the Boundary Commission law in 1989 during the 85th General Assembly. The St. Louis County Council quickly passed a resolution after the law’s passage and County executive Gene McNary signed the measure on 5 October 1989.

In a 1987 task force report, municipal leaders envisioned the Boundary Commission as a choke value for municipal annexations and incorporations of cities under 10,000 residents which had the jurisdiction to encourage consolidation of inadequate municipalities. Yet the Commission produced by Legislature lacked the authority to incentivize consolidations and eventually fully incorporate the County. The Commission also possessed no command over reforming the inequitable structure of tax and service delivery which many proponents of the Board of Freeholders desired.

Moreover, detractors of the Boundary Commission opposed its existence for what they considered to be an anti-democratic institution. These opponents disagreed with the regionalist approach of the backers of the Board of Freeholders, and advocated instead in favor of fragmentation and public choice. Their rationale was that competition between municipalities would create incentives for them to be more efficient. Additionally, if the County wanted to oppose annexations or incorporations, it needed to vigorously campaign against them and let the people decide rather than routing proposals through a board of appointed commissioners. While not everyone received what they wanted out the Commission, it still went into law.

The original Boundary Commission was comprised of 10 commissioners. The members included three residents from unincorporated St. Louis County, three residents from cities of greater than 20,000 residents, two residents from cities with between 10,000 and 20,000 residents and two from cities of less than 10,000 residents. The Commission established that any proposals it reviewed needed an absolute six affirmative votes to pass and not just a simple majority of a quorum. The Commission had nine months to respond to all proposals it received. Within the first few months, the com-

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3 Don Phares, “Planning for Regional Governance in the St. Louis Area: The Context, the Plans, the Outcomes,” in St. Louis Plans: The Ideal and the Real St. Louis, ed. Mark Tranel, (Missouri Historical Society Press, 2007), 77.
5 Cynthia W. Metcalfe, “Boundary Commission is not enough such a group could address only one of several problems in St. Louis County,” St. Louis Post Dispatch, June 12, 1989.
9 Tipton, “Boundary Panel a ‘Juggling Act.”
missioners were selected and they set criteria for any annexation request. Those criteria included:

- **Impact**—the proposal must describe the economic, regional, and fiscal impact of the proposal on the incorporated and unincorporated areas involved, other areas nearby and the rest of the county;
- **Area Description**—the proposal must contain a legal description of the area that would be annexed or incorporated;
- **Services Provided**—the proposal must describe police and fire protection and other services that would be provided;
- **Timing of Services**—the proposal had to contain a timeline indicating when the municipality doing the annexing could provide the services;
- **Tax Rates**—the proposal must identify the tax rates of the areas involved;
- **Revenue Sources**—the proposal must clarify where the municipality would get its revenue later and where it would get its revenue at the moment;
- **Effects on Taxes**—the proposal must describe the effect the boundary change would have on tax distribution in the rest of the county;
- **Zoning**—the proposal must describe how the municipality would zone the area that it would incorporate;
- **Size**—the proposal must indicate how compact the annexed area would be; and
- **Timing of Change**—the proposal must indicate when the boundary change would occur.  

The idea behind each criterion is relatively straightforward in the context of the time period. Prior to the establishment of the Boundary Commission, the then 90 municipalities of St. Louis County competed against one another to incorporate shared neighboring unincorporated land. The proposals rarely took into account factors other than revenue and expenditures for a locality which exacerbated the County government’s problem of lost revenue and increased the difficulty in servicing unincorporated land.

After beginning business in January of 1990, the Boundary Commission reached its first decision on four proposals in May of that same year. Three proposals came from the cities of Maryland Heights, Chesterfield and Town and Country. Each municipality was seeking to annex the same 15 square mile stretch of land between the three. Prior to the Boundary Commission, the municipal government that passed a resolution to incorporate an area first and presented it to the St. Louis County Board of Elections for a vote would have the best chance to annex the territory. However, the Commission deemed that none of the proposals were meritorious of approval.

With that decision, the Boundary Commission also threw out a proposal by the residents in that same unincorporated land to become the Town of Thornhill. Proponents for the town wanted to incorporate in the area sought after by Maryland Heights, Chesterfield and Town and Country. With a proposed population of roughly 16,000, the town passed the size requirement. However, the Commission deemed that Thornhill was unviable which demonstrated to proponents that the Commission could independently assess proposals and fulfill its existential purpose.

The Boundary Commission did not reject all the proposals that it received although it did decline several which could not stand up to the scrutiny of their standards. Prudent proposals did win
approval. The Commission awarded Black Jack its first approval in 1989 and gave the city the affirmative to place three annexation questions on the ballot to triple the city’s size. In their report, the commissioners hailed the example and model of Black Jack for its past performance and proposal.  

After six months in existence, the Boundary Commission began to have a noticeable influence on the behavior of localities and to bring a degree of planning to the process of annexation. In August of 1990, officials from the cities of Chesterfield and Clarkson Valley met to discuss divvying up shared unincorporated land. The next few years demonstrated that the presence of the Boundary Commission successfully changed municipal behavior and produced examples of planning and cooperation before municipalities considered annexation.

Despite the structure the Boundary Commission brought to the process, it did not operate without detractors. For one, County Executive Buzz Westfall felt that the institution did not do enough to help safeguard the County government’s revenue streams even though the Commission had put the brakes on several annexation proposals. The Commission also drew ire from residents seeking to incorporate cities deemed to be infeasible such as Sappington and Concord or Thornhill. Moreover, local elected officials and municipal leaders often derided the panel for denying proposals, as in the case of Creve Coeur where the municipal government sued to challenge the constitutionality of the Commission after multiple denials.

Despite the multiple sources of criticism, the Boundary Commission did garner appreciation for putting a damper on unplanned municipal annexations. Unfortunately, its support was not enough to prevent its opponents from challenging the Commission’s existential right in court. On 26 March 1993, the Missouri Supreme Court invalidated the law establishing the Commission on the grounds that the law only applied to St. Louis County, which was unconstitutional at the time, before sending it back to the lower courts. The Missouri legislature stepped in to amend the fault in the law; however, all past Commission decisions were retroactively voided.

As the status of the Boundary Commission fell into limbo in the court system, municipalities took advantage of its absence. At this time, city councils briefly reverted back to passing resolutions to annex land and filing the proposals with the Election Board before other localities could. Without the Boundary Commission’s structure, the shortsighted, land grab game resumed along with the issues associated with it. However, the window for land grabs was not open for long as Judge Kenneth Romines upheld the legality of the Commission in mid-July of 1993. After the County Council appointed new commissioners, business resumed in September of the same year.

The new life of the Boundary Commission was not to last for long. At the end of May 1994, the Missouri Supreme Court once again invalidated the Boundary Commission law on the same ground that it only applied to St. Louis County and not to other first class counties. Following the decision, the Boundary Commission ceased to exist until mid-May of 1995. During its second absence,

20 Ibid.
the County witnessed a return in earnest of the prior, competitive behavior of municipalities. Within weeks of the second invalidation, Chesterfield, Creve Coeur, Florissant, Hazelwood, Kirkwood and Valley Park all took long tabled annexation proposals off the shelf.24

Without the structure of the Boundary Commission, the County Council assumed its duties and took on the responsibility of reviewing and approving proposals.25 Witnessing a return to business-as-usual, municipal leaders rallied to revive the Commission. In a contribution to the St. Louis Post Dispatch, County Council Counselor John Ross explained that he, several other municipal leaders, and the Municipal League of St. Louis County approved of the Commission’s structure, handling of annexation proposals and performance.26 State leaders also took notice and began working to resurrect the Commission with Sen. Wayne Goode and Rep. May Scheve forming a review panel.27

On 14 May 1995, the Missouri Legislature quickly moved to pass Sen. Wayne Goode’s bill to revive the Boundary Commission. The action came after a constitutional amendment passed in the municipal election allowing the Legislature to make laws tailored specifically to one county.28 The Post-Dispatch welcomed the Commission’s return and noted that it is sorely needed for the incorporation and annexation proposals in West and South St. Louis County where there was population growth and an abundance of unincorporated land.29

The new Boundary Commission would consist of eleven commissioners, with six coming from municipalities of varying sizes and five coming from unincorporated County territory, thus giving unincorporated residents a stronger voice in the approval process. The Commission also considered adopting new rules for its third time in operation. For one, boundary changes between municipalities had to now go through the Commission and a municipality was no longer able to incorporate an area of more than half its size.30 The Commission under Administrator Carl Ramey also set new criteria stating that boundary changes should:

- Result in economically viable political units;
- Not diminish overall services provided in the area;
- Not result in the intentional creation of an unincorporated pocket;
- Be beneficial to the city and annexed territory;
- Result in a safe street network that allows for the safe, efficient delivery of services by the remaining political units;
- Establish boundaries that are not only logical for the resulting municipality but also for neighboring political units; and
- Make sense financially to the resulting municipality.31

For municipal incorporations, the Commission also decided to adopt a size criterion of 10,000 residents to prevent any unviable cities from forming. Since St. Louis County is riddled with examples of subdivision-sized municipalities which were previously neighborhoods that decided to incorporate even if without resources needed to cover municipal operations, the Commission decided it was necessary to once again concern itself with the economic and fiscal viability of an incorporating munic-
ipality. As before, the Commission had nine months to respond to all proposals it received. It began taking proposals again in early 1996.32

The Boundary Commission continued operations as expected until the Missouri Legislature placed a freeze on all boundary changes in St. Louis County in May of 1999. The freeze lasted until mid-April of 2001 and replaced the Commission once more with a new one.33 The reason behind the abolishment was an initiative by legislators to repurpose the Commission. Rather than accept annexations and adjudicate on the matter as they arrived, the legislators hoped to create a Boundary Commission which promoted long-term planning of growth.34

The new Boundary Commission set up by the County Council in July of 1999 is the same one in existence to this day. Under the changes, the Commission now operates under a 5/6 Year cycle.35 Municipalities under this structure now formulate 5 year plans to send to the Commission during the first year and quarter of a cycle. The localities or unincorporated areas sending proposals reserve the right to pursue annexations and establish unincorporated zones during this time. The jurisdictions may amend plans based on public feedback or Commission comments until the proposal phase ends.36

Once the proposal phase ends and the Boundary Commission makes its comments, a municipality may submit a plan of intent concurrent with the maps plans on file. The Commission then has nine months to review and approve the proposals before the proposals expire and the new five year planning cycle begins.37 The St. Louis County Boundary Commission is currently operating on a cycle which began early in January 2012 and will end on 1 July 2018.38 The following table on the next page illustrates the 5/6 cycle upon which the Boundary Commission conducts business.

Since the adoption of the new Boundary Commission over 15 years ago, annexations have declined, as expected from what was observed prior to the implementation of long range planning.39 As an institution, the Boundary Commission has succeeded in tempering the behaviors of municipalities and brought a degree of structure to the process of annexations. While it has accomplished these ends, it never had the ability to proactively direct municipalities to consolidate, incorporate or dissolve as many municipal leaders in the late 1980s and early 1990s would have liked to have witnessed. While it did not achieve the goals of the Board of Freeholders, the Commission did abate some of the problems associated with the tax structure, governance and municipal growth in St. Louis County.

32 Phil Sutin, “Cities may soon absorb unincorporated pockets,” St. Louis Post Dispatch, July 18, 1996.
34 Ibid.
37 Ibid.
38 Ibid.
### Boundary Commission, St. Louis County
#### Current Five-Year Planning Cycle and Map Plans (RSMo 72.423)

<table>
<thead>
<tr>
<th>Tasks</th>
<th>2012</th>
<th>2013</th>
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<tr>
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<td>8/1/12 to 12/31/12</td>
<td>8/1/12 to 4/15/13</td>
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<td>Commission Comments</td>
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<tr>
<td>(The Commission may make written comments about the merits or dismerits of a map plan by 4/1/13)</td>
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<td>Final Map Plan</td>
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<td>Submit Proposals</td>
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<td>(Proposals (plans of intent) consistent with map plans on files can be submitted)</td>
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<td>Proposals Expire</td>
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<td>Map Plan Submissions</td>
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<td>(Five-year planning cycle commences)</td>
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Source: *St. Louis County Boundary Commission*
About the Boundary Commission

A. Boundary Commission’s Role

The Boundary Commission is responsible for the review of proposals affecting the boundaries of incorporated and unincorporated areas in St. Louis County. It is required that most boundary changes be approved by the Commission. It is only under specific circumstances, however, that the Commission’s approval of a proposal is sufficient to enact a boundary change. In most cases, voters in affected areas must also approve such changes.

Once the members of the Commission are appointed they operate independently of any County or local jurisdiction. The Commission has the power to hire its own staff, set its budget, devise its rules and make its decisions.

B. The 5/6 Year Cycle

Sections 72.400-72.423 of the Revised Missouri Statutes dictate the authority and activities of the Boundary Commission. The statute calls for a six-year cycle divided between the map plan phase and the proposal phase. During the map plan phase, which includes the first year-and-a-quarter of the six years, local jurisdictions submit maps to the Commission. Local jurisdictions’ map plans serve to reserve the right to pursue annexation and established unincorporated area proposals during the proposal phase.

C. Map Plans

Each municipality located in St. Louis County, the chief elected officials of St. Louis County, and any citizen group may present general maps of proposed boundary changes and proposed established unincorporated areas to the Commission for map plan review. Any map plan which contemplates the incorporation of a municipality or the establishment of an unincorporated area shall be submitted by the chief elected official of St. Louis County or by a citizen group, by means of a petition signed by not less than five percent (5%) of the registered voters in the proposed municipality or proposed established unincorporated area. No jurisdiction can pursue annexation or established unincorporated area proposals unless the proposal(s) are within the map plan boundaries.

The next opportunity to submit map plans will take place between January 1, 2018 and July 1, 2018.

D. Proposals

The Commission reviews a number of different types of proposals, which are on file at the Boundary Commission office and at the city hall of the proposing agent. Again, no jurisdiction can pursue annexation or established unincorporated area proposals unless the proposal(s) are within the map plan boundaries.

i. Annexation

An annexation is the means by which a city proposes to enlarge its boundaries by adding an unincorporated area. The Commission has nine (9) months to review the proposal. If the Commission approves the proposal, separate elections are held in both the city and unincorporated area. For the annexation to occur, a simple majority in both areas must vote in favor.
ii. Simplified Boundary Change - Petition

Generally, this has the same procedures as a regular annexation. A simplified annexation proposal, however, includes a petition of seventy-five percent of registered voters in the unincorporated area. By including the petition, the Commission only has four (4) months to approve or disapprove the proposal, and the Commission may approve the proposal without an election being required.

iii. Simplified Boundary Change – Transfer of Jurisdiction

A transfer of jurisdiction proposal is submitted by two jurisdictions, either two cities or a city and the County. In this kind of proposal, two jurisdictions support annexation. (They are required to pass ordinances in support of annexation, included within the proposal). The Commission has four months to approve or disapprove the proposal. The Commission has the authority to approve the proposal without an election, if it so desires.

iv. Established Unincorporated Areas

The County can submit proposals to have areas designated off limits for annexation proposals for a period of five years. The Commission has nine (9) months to approve or disapprove these proposals. The proposal can only take effect if a simple majority in the unincorporated area votes in favor of an election.

v. Consolidation

Two cities propose to become one city. The Commission has nine (9) months to approve or disapprove a proposal. The proposal only takes effect if a simple majority in both cities votes in favor in separate elections.

vi. Incorporation

The initiation of incorporation proposals must occur in the map plan phase. Incorporation map plans must include a petition signed by at least five (5) percent of registered voters. The Commission has nine (9) months to approve or disapprove these proposals. Incorporations take effect if a simple majority in the unincorporated area votes in favor in an election. The filing period for the current cycle ended July 1, 2010. For the next 5/6 year cycle, proposals will be accepted from April 15, 2013 through July 1, 2016.

E. Boundary Commission Rules

The statute calls for the creation of Rules, which the Commission initially approved in May 2000. The Commission made a minor revision to the Rules in October 2001 and December 2005 and June 2013. The Rules mirror the content of the statute and provide the detail necessary for efficient operation of the Commission. Article V of the Rules details the material required to submit a proposal to the Commission.

F. Boundary Commission By-Laws

The Boundary Commission By-Laws dictate the internal workings of the organization. The initial approval of the By-Laws was in February 2000 with revisions in September 2001 and July 2007. Portions of the By-Laws of particular importance address the election and duty of officers, the conduct of meetings, attendance policy and the rules.

G. Budget
The Commission sets its own budget, which is funded by St. Louis County.

H. Map Plans

The following jurisdictions submitted map plans from January 1, 2012 – July 1, 2012:

- St. Louis County
- Ballwin
- Bellefontaine Neighbors
- Black Jack
- Creve Coeur
- Des Peres
- Ellisville
- Eureka
- Ferguson
- Florissant
- Green Park
- Hazelwood
- Maryland Heights
- Olivette
- Pacific
- St. Ann
- Sunset Hills
- Town & Country
- Twin Oaks
- Valley Park
- Wildwood

I. Proposals

The following proposals were submitted to the Boundary Commission between April 15, 2007 and July 1, 2010:

April 07 – Ellisville – Old State Road Annexation Area – Approved – Passed by voters.
July 08 – Florissant – Paddock Estates Annexation – Approved – Passed by voters.
June 10 – Valley Park – Southwest Equestrian Area – Approved – Passed by voters
June 10 – Florissant – Area 13 Annexation – Approved - Election April 2012
July 10 – Grantwood Village – Area B Annexation – Not Approved.40

## BOUNDARY COMMISSION, ST. LOUIS COUNTY 2013

<table>
<thead>
<tr>
<th>COMMISSIONER</th>
<th>APPOINTING AUTHORITY</th>
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<tr>
<td>Bill Bergfeld</td>
<td>Joint Appointment Committee</td>
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<td>T. R. Carr</td>
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<td>Rick Dorsey</td>
<td>County Executive, as one his 3 Unincorporated Appointments</td>
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<td>VACANT</td>
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<td>Frank Ollendorff</td>
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<tr>
<td>Carmen Wilkerson</td>
<td>County Executive, as one his 3 Unincorporated Appointments</td>
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St. Louis County Boundary Commission Process for Map Plans

There is a five-step process for the consideration of proposals. It reads as follows:

1. **Map Plan Submittal**
   Between January 1, 2012 to July 1, 2012, the Boundary Commission will begin accepting map plans. The Commission may request additional information from the proposing agent.

2. **Public Comment and Hearings**
   From August 1, 2012 to December 31, 2012, and each sixth year thereafter, the Commission will solicit written comments on all map plans and will hold informational public hearings in or near affected areas.

3. **Commission Comment**
   By April 1, 2013, the Commission may issue written comments regarding each proposed map plan. The comments are designed to notify the proponents and opponents of any proposed map plan of the Commission’s view of the merits or demerits of the map plan based upon public policy considerations.

4. **Amendments**
   Not later than April 15, 2013, the submitting party may amend its Map Plan based on the public hearings or other comment. However, no such amendment can enlarge the area originally submitted, except for minor technical amendments necessary to address boundary issues.

5. **Binding Effect of Map Plan**
   The map plan as submitted or as amended by April 15, 2013 will remain on file with the Commission, and will be the limit of permissible boundary changes and established unincorporated area proposals until a new five-year planning cycle begins.41

St. Louis County Boundary Commission Process for Proposals

There is a five-step process for the consideration of proposals:

1. **Completeness Review**
   Commission staff determines if all required information is presented.

2. **Publication of Notification of Proposal and Public Hearing**
   Publication of Notification of Proposals has to occur within twenty-one (21) days of the Commission’s receipt of the proposal.

3. **Public Hearings**
   Public Hearings must occur between fourteen (14) and sixty (60) days after the “Publication of Notification of Proposal.” A copy of the “Notice” is also sent to the County Clerk, each municipality bordering an area subject to a proposal and all other government entities with taxing authority in the area subject to the proposal. The Commission also sends out a postcard to registered voters living in the proposed area, informing them of the date, time and location of the hearing.

4. **Deliberation/Decision**

A Commission vote to approve or deny a proposal must take place within nine (9) months of official submittal for an annexation, consolidation or incorporation, or, within four (4) months for a Simplified Boundary Change.

5. **Election**

If the Commission approves an annexation, incorporation or established unincorporated proposal, it goes to the voters for an election. With the exception of established unincorporated areas, separate elections are held in the jurisdiction making the proposal and the area that would be subject to the proposal. A majority must vote in favor of each area for the item to become the law. It is the Commission’s discretion whether or not Simplified Boundary Changes are voted on by the public.42

### Chronology of the Boundary Commission

**First Period May 1989 to March 1993**

**Summary:** Prior to the creation of a boundary commission, there was no ordered approach to annexations by municipalities in the County. This absence had several ramifications. In the competition to absorb unincorporated land, cities would make competing, sometimes overlapping proposals to send to the Election Board to be put on the ballot. With 90 municipal players, this situation drained the County of tax revenue.43 The Boundary Commission, although originally met with skepticism, did change the behavior of municipalities seeking land grabs. It brought a degree of stability and rationality to the process of annexation and made municipalities cooperate in some cases. During this first period of its existence, many of the proposals for annexation came from West County. A few proposals came from North County and from South County.

1989, May – The Missouri Legislature gives St. Louis County the authority to establish a boundary commission to “approve all proposals for consolidations, annexations and incorporations in the county. The County Council would have to adopt an ordinance setting up the commission. Boundary changes could be proposed by the County Council or municipalities or by initiative petition.”44 The Boundary Commission is cited in an editorial by Cynthia Metcalfe, author of the 1987 report “Too Many Governments,” as being less ideal than the Board of Freeholders, yet potentially useful. She cites its ability to stop the incorporation of cities of less than 10,000 residents, rationalize the process of annexations, and have a positive effect on tax revenue distribution. However, it seems to disappoint the faction that wants the full incorporation of the Country as it cannot force incorporation or incentivize inadequate municipalities to merge.45

1989, 4 August – St. Louis County Council voted unanimously to establish the first boundary commission after Governor Ashcroft signed legislation in July.

1989, 5 October – County Executive McNary signed the measure to establish the Boundary Commission with 10 commissioners; three lived in unincorporated county, three lived in cities

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42 Ibid.
45 Cynthia W. Metcalfe, “Boundary Commission is not enough such a group could address only one of several problems in St. Louis County,” *St. Louis Post Dispatch*, 12 June 1989.
of greater than 20,000 residents, two from cities of 10,000 to 20,000 residents and two from cities of less than 10,000 residents. Any proposal must be approved by 6 members, not just a majority of those present.  

1990, 21 January – The Boundary Commission has its first annexation plan to review. The cities of Town and County, Chesterfield, and Maryland Heights are fighting over annexation of the same territory where residents want to become the city of Thornhill. The Commission establishes ten criteria for approval: Impact, the impact of the proposal on the incorporated and unincorporated areas involved, other areas nearly and the rest of the county; Area Description, a legal description of the area that would be annexed or incorporated; Services Provided, police and fire protection and other services that would be provided; Timing of Services, when the municipality doing the annexing could provide the services; Tax Rates, the tax rates of the areas involved; Revenue Sources, where the municipality would get its money later and where it gets the money now; Effect on Taxes, what effect the boundary change would have on tax distribution in the rest of the county; Zoning, how the municipality would zone the area that it would incorporate; Size, how compact would the area annexed be; and Timing of Change, when the boundary change would take place.

1990, 21 April – Missouri Supreme Court rules that cities cannot annex unoccupied tracts of land, which puts into question whether the Boundary Commission can approve such annexations. Also in the courts, whether the Boundary Commission must approve simple annexations before they can be put on the ballot.

1990, 24 May – Boundary Commission makes its first decision on an annexation by rejecting three requests from Chesterfield, Town and Country and Creve Coeur to annex the same 15 square mile stretch and throws out Thornhill proponents’ request to incorporate that area.

1990, 28 June – Boundary Commission approves Black Jack’s request to triple its size through three annexations.

1990, 13 August – Cities begin to coordinate with each other before sending annexation proposals to the Boundary Commission. Chesterfield and Clarkson Valley meet to divide shared nearby unincorporated land between the cities.

1990, 27 August – Boundary Commission rejects Valley Park’s plan to annex three tracts of land.

1990, 11 October – Boundary Commission approves Valley Park’s plan to annex three tracts of land after revisions.

1990, 25 October – Boundary Commission rejects Bridgeton’s plan to annex unpopulated Earth City and Hazelwood’s request to annex shared neighboring unincorporated land between it and Bridgeton.

1991, 15 May – Boundary Commission approves two plans for Chesterfield and Town and County but it rejects an annexation plan from Creve Coeur after residents of the proposed annexed

area voiced concern.  

1991, 28 June – Creve Coeur sues to challenge the constitutionality of the Boundary Commission. The suit rests on the claim that the Boundary Commission only applied to St. Louis County and is therefore unconstitutional.  

1991, 14 August – Buzz Westfall voices concern over the Boundary Commission and its decisions to approve annexations that would affect County revenue streams. He also voiced concern over the law, which established the Commission and the provision that talks about incorporating residents in isolated unincorporated pockets or places a special tax on residents in unincorporated areas pending a countywide vote to pay for municipal services if they remain unincorporated.  


1991, 28 November – South County residents petition the Boundary Commission to incorporate Sappington and Concord, an area bounded by the Meramec River, Gravois and Sappington Barracks Roads, Fairlind Drive, Geyer, Eddie & Park, Pardee, Grant, Gravois and Tesson Ferry Roads, Lindbergh Boulevard and Interstate 55.  

1992, 27 January – Boundary Commission approves Sunset Hills plan for annexation, which overlapped areas of the proposed city of Sappington and Concord.  

1992, 17 May – Missouri Legislature passes a bill to remove the provisions of incorporating isolated pockets of the County or face higher taxes.  

1992, 10 August – Ellisville and Ballwin submit two plans to annex after hammering out the details before going to the Boundary Commission.  

1992, 16 November – Boundary Commission rejects Crestwood plan to annex over the issue of competing fire districts to serve the area.  

1993, 14 January – Circuit Court rules that residents in an unincorporated tract who are annexed and served by a different fire district may choose which one to use for service.  

1993, 1 March – Boundary Commission votes to block Creve Coeur’s annexation proposal of St. Louis Priory and St. Anselm Catholic Church.  

1993, 15 March – Boundary Commission votes to block Ballwin’s annexation proposal.  

1993, 26 March – The Missouri Supreme Court invalidated the Boundary Commission as the law that allowed its existence applied only to St. Louis County. In anticipation of the nullification, the Missouri Legislature amended the Boundary Commission law in 1992 to apply to any county that reaches first class status and valuation of St. Louis County, yet decisions made by the Boundary Com-

57 Joe Holleman, “Plan to annex Keys Summit is rejected,” St. Louis Post Dispatch, 14 November 1991.  
58 Leo Fitzmaurice, “A petition that could lead to an election,” St. Louis Post Dispatch, 28 November 1991.  
60 Fred Lindecke, “City, County win dollars from legislative session,” St. Louis Post Dispatch, 17 May 1992.  
64 Benjamin Israel, “Annexation proposal is blocked,” St. Louis Post Dispatch, 1 March 1993.  
mission were retroactively voided.66

Second Period from 8 April 1993 to 24 May 1994

**Summary:** Though the Boundary Commission was only in action for a few months in late 1993 and early 1994, we see annexation activity primarily in West County again. North County does see a few more proposals, but activity again is mostly in the western part of the County. We also see that without the Boundary Commission, cities reverted back to previous habits of land grabbing.

1993, 8 April – Cities begin to annex land the old fashioned way of adopting a resolution and sending the proposal to the Election Board. The Boundary Commission remains in limbo due to the Court’s ruling but claims it is still valid after the Legislature changed the law in 1992.67

1993, 17 May – Boundary Commission approves a simple annexation for Ellisville, but rejected one for Town and County, which sought to incorporate affluent homes in an unincorporated pocket while also seeking to leave behind the smaller homes.68

1993, 20 May – The Missouri Legislature passed a bill removing fire districts from annexations and prohibited newly incorporated cities from creating their own fire district.69

1993, 14 July – Judge Kenneth Romines upheld the legality of the Boundary Commission and took it out of limbo. Yet Romines ordered the County Council to change the composition of the panel. Only three commissions had been approved since the County adopted a new ordinance establishing the Boundary Commission under the 1992 change in the law. Romines ruled they were procedurally out of order and that seven commissioners were illegally appointed.70

1993, 20 September – The Boundary Commission has a quorum again. The commission sets out to reconsider annexations it gave approval to when it was in limbo.71

1993, 18 October – The Boundary Commission releases a report that states that the proponents of the new city of Wildwood are unrealistic about the cost of running a city. The Wildwood-backers want to incorporate to protect natural land from development by homebuilders.72

1993, 29 November – The Boundary Commission approves a plan by Manchester to double its size.73

1993, 16 December – The Boundary Commission approves Bel-Ridge’s plan to annex Carsonville.74

1994, 13 January – The Boundary Commission approves Chesterfield’s plan to annex 3.2 square miles.75

1994, 31 January – The Boundary Commission reapproves Hazelwood’s second attempt to annex Burke City after it was invalidated with other annexations approved by the Boundary Commission.

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between 1989 and 1992 by the Missouri Supreme Court.76

1994, 31 January – Wildwood backers file suit against the Boundary Commission and say it is invalid because it applies only to St. Louis County and no other counties with home-rule charters.77

1994, 10 February – The Boundary Commission rejects Hazelwood’s proposal to annex 7,500 acres to the north and west of the city.78

1994, 21 April – The Boundary Commission approves a Ballwin annexation plan while rejecting one by Chesterfield.79

1994, 19 May – The Boundary Commission approves an annexation plan by Manchester to incorporate a subdivision north and west of the city.80

1994, 27 May – The Missouri Supreme Court invalidated the Boundary Commission a second time saying that it only applied to St. Louis County and no other first class counties. The decision put annexations approved and implemented into question.81

Third Period from 6 June 1994 to 15 May 1995

Summary: Although the third period of the Boundary Commission is marked by it being out of business for almost a year during 1994 and 1995, County officials and legislators recognized the importance of its existence. They viewed the Commission as handling annexations and incorporations in an orderly fashion. Without it, the County Council had to retake the responsibility of dealing with such proposals. In its absence, cities scrambled to expand their size and revive proposals rejected by the Commission. The trend in the early 1990s seemed to point to annexation activity in growing cities in near-West County and far-West County. Additionally, momentum for incorporation or annexation in South County begins to grow around this time. This activity most likely followed the growth patterns of the County at the time. The main annexation activity in North County took place around Hazelwood and Florissant, which would have been losing residents at the time, and those cities might have sought annexation to compensate. With the exception of Wildwood, the majority of incorporation proposals came from South County, which remains largely unincorporated to this day. Some proposed cities included Green Park, South Pointe and Sappington-Concord.

1994, 11 July – The County Council prepares to assume the duties of the Boundary Commission after it went out of business on June 29. The Council Counselor John Ross explained that he, along with most everyone, liked the Commission for handling annexations and for the order it brought to the process. “The only people who did not [like it] were those whose proposals were turned down,” Ross said. Given the downfall of the Commission, the proponents of Sappington-Concord brought an incorporation petition to Council for review.82

1994, 14 July – Six municipalities -- Hazelwood, Florissant, Chesterfield, Creve Coeur, Valley Park and Kirkwood -- all moved to take advantage of the absence of the Boundary Commission to pursue long-shelved annexation proposals.83

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1994, 28 July – County Council votes to put an annexation proposal from Creve Coeur on the November ballot.84

1994, 12 September – State lawmakers form a panel to resurrect the Boundary Commission. Sen. Wayne Goode and Rep. May Scheve cite the importance of order in the annexation process.85

1994, 14 September – The County Council now has to decide if municipal incorporations should be put on the ballot. At hand were the proposals for Wildwood and Sappington-Concord. On September 19th, a Circuit Court order cleared the way for Wildwood to go on the November 8th ballot. Ellisville vowed to fight the decision, saying that it had already annexed an area to be included in the new city, though the annexation was voided by Judge Romines. The County Council and Executive Buzz Westfall were concerned about the tax loss the County would experience if the incorporation went through, which was one of the reasons the Boundary Commission had rejected the proposal previously.86

1994, 7 November – The Municipal League of St. Louis County debated and eventually supported the idea of a new Boundary Commission, and concurred that the total incorporation of the County remained as their goal.87

1995, 18 April – After a long journey, the Missouri Legislature seemed ready to revive the Boundary Commission, and did so on 14 May 1995. Sen. Wayne Goode filed the bill in the Senate on January 5th. Proponents had to wait though for a constitutional amendment to pass in the April election allowing the Legislature to make bills that pertain to only one county. Once that amendment passed, the Legislature was free to revive the Commission without fear of the Supreme Court invalidating it for a third time. The Post Dispatch noted that the Commission is sorely needed for the proposals and annexations taking place in West and South County where there was a lot of unincorporated land and cities ready to expand or incorporate.88

Fourth Period from 16 May 1995 to 16 June 1999

Summary: After being reconstituted a third time, the Boundary Commission enjoyed a few solid years of operation without interruption. Yet in 1998-89, the Boundary Commission was abolished a fourth time and restructured under a freeze in annexations to allow cities to plan out their long-term growth. The pattern of annexation activity seemed to barely change although there appeared to be more activity going on in North County. Proposals for incorporating South County failed with the voters and the Boundary Commission put a damper on the rest. With a new law to create unincorporated zones which couldn’t be annexed for five years, many residents in South County expressed their desire to make most of that area of the County an unincorporated protection zone. Overall, it the number of actions taken by the Commission appeared in the Post-Dispatch less often than they did before 1995.

1995, 18 May – The Missouri Legislature put several exceptions in the bill for the Boundary Commission to allow proposals like South Pointe and Wildwood to go on the ballot without Commis-

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sion approval. The new Boundary Commission would have eleven members: six from incorporated areas and five from unincorporated areas. The six members from municipalities would be appointed by caucuses of mayors from municipalities with 10,000 or less, 10,001-20,000 and 20,000 or more residents. The number selected by each caucus would depend on the caucus’ share of the municipal population. Small municipalities would get to select one, medium size would select two and large municipalities would select three. The County Executive would select two from unincorporated areas. The County Council members with the most unincorporated land would nominate two and the County Executive would select one. The Commission would be independent of the County. A sunset clause would put the Commission out of business again in 2002 if lawmakers failed to reauthorize it. By state law, it would have nine months to act on proposals.  

1995, 3 June – Carnahan signed the bill authorizing the return of the Boundary Commission. The County Council passed an ordinance within a month of the new law to establish the Commission.


1995, 11 September – The Boundary Commission began again with all Commissioners selected. It requested $87,115 to cover expenses through the end of 1995.

1996, 18 January – The Commission considered adopting rules to prohibit the incorporation of cities with less than 10,000 residents. The new rules would also require two or more municipalities that want to adjust boundaries to seek Commission approval as well. The rule stopped the incorporation proposal for Green Park (pop. 2,400) but allowed Sappington-Concord and Affton incorporation proposals to be considered. South Pointe was rejected by voters in November 1995. It also stated that cities couldn’t incorporate an area of more than half the size of the current size of the city, which put the brakes on Bella Villa’s attempt to annex much of the Lemay area. The rules in question were debated specifically to deal with South County.

1996, 18 July – The Boundary Commission, having adopted all rules needed to begin operations in mid-March 1996, was asked by Florissant and Hazelwood to approve annexations of unincorporated pockets. Under the new Boundary Commission law, votes from residents in pockets of unincorporated county in cities would be combined with the votes from residents in the municipality. Under the new law, a pocket was defined as having: a population of less than 5,000, a density of more than a unit per three acres and access from only a municipality or other county.

1996, 30 September – The Boundary Commission’s Administrator, Carl Ramey, outlined seven principles for considering annexations or incorporations. Per these principles, boundary changes should result in economically viable political units; not diminish overall services provided in the area; not result in the intentional creation of an unincorporated pocket; be beneficial to the city and annexed territory; result in a safe street network that allow for the safe, efficient delivery of services by the remaining political units; establish boundaries that are not only logical for the resulting municipalities but also for neighboring political units; and make sense financially to the resulting municipality.

93 Phil Sutin, “Panel seeks minimum size to incorporate new cities,” St. Louis Post Dispatch, 18 January 1996.
94 Phil Sutin, “Cities may soon absorb unincorporated pockets,” St. Louis Post Dispatch, 18 July 1996.
95 “Ramey’s guidelines involves 7 principles,” St. Louis Post Dispatch, 30 September 1996.
1997, 10 February – the Boundary Commission allowed Crestwood to annex an area east of the city.96

1997, 7 August – Residents in pocket areas of unincorporated county filed suit to overturn Boundary Commission law, claiming the lumped elections deny them their 14th Amendment right.97

1998, 3 June – Boundary Commission approved two simplified annexations in Fenton and Eureka respectively, where 75% of residents in the municipalities and annexed area approved of the annexation.98

1998, 3 July – Governor Carnahan signed a measure to allow unincorporated areas with 2,500 or more residents to vote to keep their territory from being considered for annexation for five years.99

1999, 4 February – the Boundary Commission allowed a no-annex zone east of Florissant to go to a vote.100

1999, 18 February – the Boundary Commission approved the annexation of Greenbriar estates by Des Peres.101

1999, 20 May – The Missouri Legislature ordered a freeze on county boundary changes. The freeze would last until April 15, 2001 while the Boundary Commission was replaced with a new Commission and composition and membership of the Commission was restructured. The Commission would put a damper on annexations and force municipalities to focus on more long-term planning.102

1999, 3 June – The Boundary Commission approved three simple annexations in Des Peres.103

1999, 14 June – Valley Park board ok-ed a plan a to annex Peerless Park despite the freeze on annexations, saying that the bill which implemented the freeze was unconstitutional because it violated the single subject principle.104

1999, 16 June – The Boundary Commission tabled proposals to annex areas in Peerless Park and Lemay when Carnahan signed the bill abolishing the Boundary Commission.105

Fifth Period from 15 July 1999 to Present Day

Summary: The fourth Boundary Commission established in St. Louis County is the one that operates today. The Missouri Legislature put an extra step in annexations by changing the mission of the Commission. While the existing Commission deals with proposals, the emphasis has changed to long-range planning through the 5/6 Year Cycle. The Commission now operates on a six year cycle divided into a Map Plan phase and a Proposal phase rather than accepting annexation proposals to review when approved by a municipality.106 During the first year and a quarter of a cycle, municipal-

96 "Boundary Panel oks vote on annexation of 290-acre plot," St. Louis Post Dispatch, 10 February 1997.
98 Joan Little, “Panel oks annexations with no vote by residents,” St. Louis Post Dispatch, 3 June 1998.
100 “Metrowatch,” St. Louis Post Dispatch, 4 February 1999.
ities or unincorporated zones can submit plans to the Commission. The proposals submitted reserve the right to pursue annexations and establish unincorporated area proposals during the Proposal phase.\textsuperscript{107} Municipalities have until this period ends to amend plans based on public feedback or Commission comments.\textsuperscript{108} During the Proposal phase, the Commission will hold public meetings on the plans and deliberate before reaching a decision to either reject the proposal or, as is most often the case, sending it to a vote. The current cycle began with the Map Plan phase on 1 January 2012 and closed 15 April 2013.\textsuperscript{109} The current cycle ends 1 July 2018.

1999, 15 July – The County Council passed an ordinance to set up the 4th Boundary Commission under the new state law. The new Commission will have four members selected by municipal officials, four chosen by the county executive and three by a new committee of municipal and county officials. County Council members lost the ability to appoint members.\textsuperscript{110}

1999, 23 September – The new Boundary Commission announced that it has its new members but did not announce any planned meetings given the freeze in effect. The law requires organizations wanting boundary changes to submit maps of their long-range plans to the commission while the freeze is in effect. The new chairman of the organization is Don Wojtkowski.\textsuperscript{111}

2000, 19 June – The Boundary Commission hired Daniel Krasnoff as its executive director. Krasnoff had been a planner for St. Louis since 1994.\textsuperscript{112}

2000, 27 July – Supporters of Sappington-Concord filed a suit to ask the courts to eliminate the Boundary Commission. The Legislature reorganized the Commission in 1999 after Valley Park filed suit, saying the bill establishing the Commission was too vague with too many subjects and violated the Hammerschmitt ruling.\textsuperscript{113}

2000, 7 August – Oakville, Mehlville, the Southern part of Affton, Earth City, Lambert Field and neighborhoods between Maryland Heights and Chesterfield likely to stay unincorporated as no municipality expressed interest in adding that land in the five year plan they were required to submit by the new state law. With the maps of interest for annexation in, those municipalities may not submit any other annexation proposals that did not fall in their area of interest for five more years. Any unincorporated land without any municipality taking interest in it would likely stay unincorporated for those five years.\textsuperscript{114} The municipalities have until April 2001 to revise their maps though. The following municipalities submitted: Bellefontaine Neighbors, Riverview, Black Jack, Florissant, Moline Acres, Ferguson, Hazelwood, Maryland Heights, Overland, St. Ann, Normandy, Bel-Nor, Bel-Ridge, Charlack, Clayton, University City, Creve Coeur, Olivette, Kirkwood, Des Peres, Town and Country, Valley Park, Fenton, Ballwin, Manchester, Ellisville, Clarkson Valley, Eureka, Wildwood, Bella Villa, Shrewsbury, Crestwood, and Sunset Hills. Many municipalities have overlapping interests on some unincorporated land.

2001, 23 April – Shrewsbury, Kirkwood and Overland altered their areas of interest while Florissant added two areas to its map.\textsuperscript{115}

\begin{footnotes}
\item[107] Ibid.
\item[109] "About the Boundary Commission," St. Louis Boundary Commission, accessed 10 October 2014, PDF pg. 3.
\item[111] Phil Sutin, "New County Boundary commission announces 11 members; no meetings are scheduled yet," St. Louis Post Dispatch, 23 September 1999.
\item[114] Phil Sutin, "Oakville, other areas will stay unincorporated," St. Louis Post Dispatch, 7 August 2000.
\item[115] Phil Sutin, "Municipalities map out plans for annexation," St. Louis Post Dispatch, 23 April 2001.
\end{footnotes}
2001, 26 April – State law provided for five-year cycles of maps and annexation proposals. The current cycle started last July 1 [2000]. The law prevented municipalities from filing proposals for annexations with the commission before last Monday. Now, they can submit proposals until July 1, 2004. After that, the commission and voters would not consider pending proposals until the next cycle begins in 2005.116


2003, 5 June – The Boundary Commission approved Florissant’s proposal to annex land on the eastern side of the city.118

2004, 31 May – The Boundary Commission called for an election for Florissant’s proposal to annex Paddock Estates and land between the city and Black Jack.119

2004, 8 July – Five cities in West County filed proposals with the Boundary Commission to take advantage of their last chance to do so after July 1 for the next 2 ½ years. Ballwin, Ellisville, Manchester, Valley Park and Wildwood all submitted proposals. The Commission had nine months to act on the proposals.120 Additionally, Florissant sent in five proposals for annexation.

2004, 27 October – Through the simplified annexation process, the Boundary Commission allowed Florissant to add 144 acres to the east without a vote.121

2005, March 24 – The Boundary Commission rejected proposals from Ballwin, Ellisville, Manchester and Valley Park. In January, the Commission approved Wildwood’s request.122

2005, 23 September – Disgruntled with proposals by developers, residents in unincorporated South County near Tesson Ferry and Butler Hill considered the notion of becoming part of a municipality. The proposal came as a departure from tradition, as South County residents have fought to stay unincorporated.123

2005, 22 December – The Missouri Legislature approved a bill to allow Eureka to annex land, with city and County Council approval, despite the protest from Pacific residents who do not wish to see the land become a recycling center. Pacific residents urged the County Council to send the proposal to the Commission.124

2007, 18 April – The Boundary Commission opened its doors to proposals for annexation for the first time in three years. Ellisville was the only city to walk in on the first day of the Commission opening its doors again. State law requires the six-year cycle for annexations.125

2011, 13 March – The Boundary Commission approved Valley Park’s annexation proposal to go to a vote, but denied the proposals of Grantwood Village and Florissant.126

118 D. Paul Harris, “Annexation by Florissant adds 1,000 people, commercial area,” St. Louis Post Dispatch, 5 June 2003.
120 Phil Sutin, “Five cities propose annexations,” St. Louis Post Dispatch, 8 July 2004.
123 Patricia Rice, “Neighborhood ponders giving up its autonomy in its ongoing fight against developers,” St. Louis Post Dispatch, 23 September 2005.
125 Phil Sutin, “Ellisville is first in line with annexation proposals,” St. Louis Post Dispatch, 18 April 2007.
126 Phil Sutin, “St. Louis County panel OKs Valley Park annexation plan 150-acre plot,” St. Louis Post Dispatch, 13 March 2011.
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