

FORE IMMEDIATE RELEASE:

Crestwood Files Lawsuit Challenging “Special Law” as Unconstitutional

CRESTWOOD, MO May 24, 2017 – The City of Crestwood, Missouri, has filed a lawsuit in the Circuit Court of Cole County, Missouri, arguing that portions of two Missouri state statutes (RSMo. §§ 72.418.2 and 321.322.3) are invalid and unconstitutional. These statutes require taxpayers in Crestwood to perpetually make a substantial annual payment to the Affton Fire Protection District while affording them no voice in the fire district’s financial affairs. These statutes treat the City of Crestwood and other municipalities with fire departments in St. Louis County differently than similar municipalities in all other counties in the State, and usurp the City’s authority to negotiate a better arrangement to provide safe and cost-effective fire service for its citizens. Because the lawsuit challenges the constitutionality of certain state laws, the lawsuit names the Affton Fire Protection District, Missouri Governor Eric Greitens, and Missouri Attorney General Josh Hawley as defendants.

The state laws in question treat St. Louis County differently from all other counties in Missouri regarding this issue, including Jackson County in Kansas City. These “special laws” carving out St. Louis County are unconstitutional, Crestwood’s suit contends. A ban on special laws has been a part of the Missouri Constitution since 1865 and the Missouri Supreme Court recently confirmed its opposition to special laws that treat St. Louis County differently than other Missouri counties on Tuesday, May 16, 2017, in the City of Normandy v. Greitens case challenging provisions of Senate Bill 5 regarding municipal court reforms.

The state laws in question require the City of Crestwood to indefinitely make annual payments to the Affton Fire Protection District for providing fire service to an area that Crestwood annexed in 1997. The calculation of those payments is based on the Affton Fire Protection District’s property tax rate, which is higher than the tax rate a municipality is permitted to charge for the providing of fire services.

Since 1997, the total amount of payments from Crestwood to Affton exceeds \$5 million.

“Crestwood residents are being forced to subsidize the operations of the Affton Fire Protection District. It’s taxation without representation,” said Crestwood Mayor Gregg Roby. “The area Crestwood annexed makes up only a tiny portion of the Affton Fire Protection District. When Affton increases its tax levy, as they did in 2012 and again in 2017, most Crestwood residents don’t get a say, but we are stuck with the ever-increasing bills. We’ve seen our annual payment to Affton double since 2001 – from \$219,000 to \$444,000 in 2016.”

With the passage of the Affton Fire Protection District’s Proposition A in 2017, Crestwood’s annual payment to Affton could exceed \$550,000 going forward.

If Crestwood’s challenge is successful, the City of Crestwood Fire Department is prepared to provide fire services to the annexed area. According to an analysis by the City, Crestwood would be able to provide a superior level of fire and EMS service to the annexed area with current staffing and equipment levels, for less than \$50,000 per year, saving taxpayers in Crestwood over half a million dollars annually.

Mayor Roby added, “Crestwood has an excellent fire department, and we want to serve our residents. State law doesn’t allow us to – and we’ve decided enough is enough. The Affton Fire Protection District is a well-run organization, and we respond to many calls where our Crestwood firefighters are working

side-by-side with theirs. We have nothing against the District or its first responders, but this law is unfair, wasteful, and unconstitutional” Roby said.

Mayor Roby added, “At the end of the day, this comes down to equality under the law, and providing the highest level of service at the lowest possible cost. That’s what our residents want, that’s what any proponent of good government would want, and that’s what we want.”

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