

West End South CID

Stakeholder Meeting
Monday, July 8th, 2020
Zoom Call – 6:00 PM

Meeting Notes

1. Updates

- Petition, City Lawyer Review
 - o The petition has been approved by the city's lawyer and the signature pages have been completed. Signatures can begin to be collected.
- Signature Pages
 - o What information needs to be signed/filled & by whom.
 - As it stands currently if there are two owner names on the tax record both parties will be required to sign the petition.
 - *Tim has notified me that an affidavit/attestation page may be necessary for situations in which a previous owner (i.e. a situation like a divorce) no longer has legal ownership for the property.*
 - In the case of properties having unique ownership (i.e. different LLC's associated with different properties) but we know are actually associated with a single entity (owner address is the same, or it is community knowledge) the company is "signing" the petition and the owner name is what makes it a unique entity – the signature itself does not need to be unique.
 - Tonnie asked about situations in which an "owner" may not be the actual legal owner according to tax records – i.e. original owner has passed and the title may never have been changed.
 - *Tim also noted that perhaps an affidavit/attestation page may be accepted as well. Or it may be necessary to get the title transferred. He may look to LSEM but in general this particular issue may be more difficult than the divorced parties example.*
- Review of the Summary on Virtual Notary – From Tim O'Connell

"Below is a summary prepared by another volunteer lawyer at my firm who examined the executive order. Please identify any notaries that may want to take part in notarizing these signature pages remotely, and I can put them in contact with my colleague for any questions.

Missouri Governor Mike Parson's Executive Order 20-08 (extended by Order 20-12 to August 28, 2020) allows notarizations to be performed using audiovisual technology (remote notarization). This order temporarily suspends a statutory requirement that the signor must personally appear in front of the notary public to notarize official documents.

Remote notarization is different from electronic notarization. With remote notarization, a signor personally appears before the notary at the time of the notarization using audiovisual technology over the internet instead of being physically present in the same room. Whereas, electronic notarization involves documents that are notarized in electronic form and the notary and the signor sign with an electronic signature (with "electronic notarization," the signor physically appears before the notary).

In order to notarize a document remotely using audiovisual technology, the following conditions must be met:

1. The document must contain a notarial certificate, a jurat or acknowledgement, which states the principal appeared remotely pursuant to Executive Order 20-08.

2. Any person whose signature is to be notarized must display a valid photo ID to the notary during the video conference if the person is not personally or otherwise known to the notary.
3. The person must affirmatively represent that he or she is physically situated in the State of Missouri.
4. The video conference is a live, interactive audio-visual communication between the principal, notary, and other necessary persons, which allows for observation, direct interaction, and communication at the time of signing.
5. The notary shall record in their journal the exact time and software used to perform the notarial act along with all other required information, absent the signature of the principal.
6. The notary must be physically located in the State of Missouri and state which county they are physically in for the jurisdiction on the notarial certificate.
7. For remote notarization of paper documents:
 - a. A tangible copy of the signed document must be mailed or otherwise transmitted to the notary within five business days.
 - b. To the extent that any Missouri state law requires the physical presence of any testator, settlor, principal, witness, notary, or other person, for the effective execution of any estate planning document, such as a Will, Trust or power of attorney, or a self-proving affidavit of the execution of such document, such provisions are temporarily suspended or waived, and satisfied if the necessary parties are present via a video conference as set forth in paragraph 4 above.

Comments on Executive Order:

- The signor signing the document using audiovisual technology must physically sign on the paper. This executive order does not allow electronic signature by the signor that can be later notarized later.
- No specific audiovisual software technology is mandated by this executive order.

Video recording of the signing by the signor is not required by this executive order. Though the signor, notary, or both can choose to record the signing.”

2. Discussion

- Clarification on Collecting Signatures when multiple properties
 - For person’s owning multiple properties i.e. Jake Banton
 - There will be separate signature pages for Jake and partner and for property that Jake owns on his own. If Jake owns 2 properties and Jake and his partner own 1 property, those are technically two separate “owners” in our per capita count.
- Action Plan for Collecting Signatures
 - Jes will be printing the signature pages & multiple copies of the petition. These will be delivered/picked up by Jake who will then group them by block and get them distributed to stakeholders for petitions to begin to be collected.
 - Jeff Hood (WUMCRC) will be assisting with notarization of the signatures pages & connecting with him directly regarding scheduling times that he is available for this process.

3. Additional Action Items

- **Tim will continue to follow up with the City regarding their interpretation of needing both signatures when there are multiple owners.**
- **Tim will be re-circulating an updated timeline on Monday or Tuesday.**