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# *Missouri* County Record

Fall 2018



## Daviess County Courthouse, Gallatin, Mo.

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## On the cover

# Daviess County

## Dennis Weiser

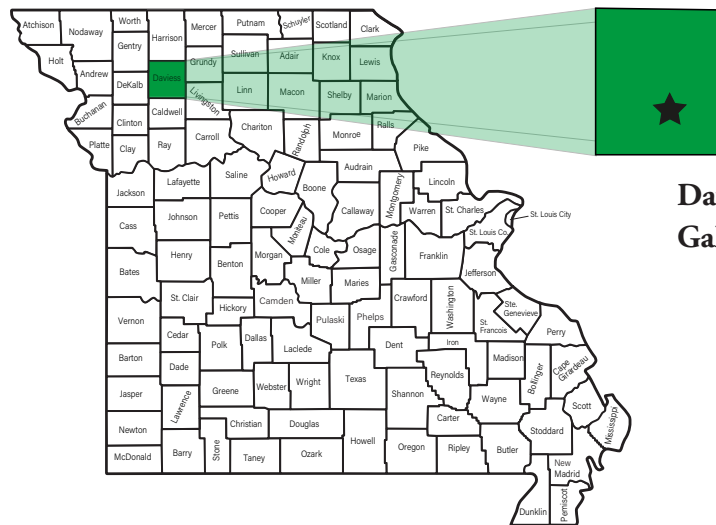
### Missouri Courthouses: Building Memories on the Square

In 1840, Daviess County built itself a substantial foursquare courthouse. The foundation was three-feet thick, the brick walls of the first floor were 18 inches thick, and the second-story walls were 13 inches thick. The building was stout.

It was colorful, too. The walls and roof were Venetian red, doors were beech yellow, and the white window casings were accented with green blinds. However, as much a delight

to the eye as it might have been, the building proved to be a maintenance catastrophe, and after years of complaints, it was razed in 1886.

Nearly 20 years would pass before the county successfully voted to build a replacement courthouse. Work on the current building began in 1906, and in 1907, officials conducted a cornerstone ceremony. County workers occupied the present courthouse for the first time in 1908.



**Daviess County**  
**Gallatin**



## The Missouri County Record Vol. 24, No. 3

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Lt. Gov. Mike Kehoe speaks to the media and attendees about why Missourians should support Proposition D during a September event in Jefferson City. Prop D, which is on the November ballot, is the 10-cent motor vehicle fuel tax increase that is expected to bring in more funds for transportation projects at the state and local levels of government.

## Proposition D: YES for safer roads, streets and bridges in Missouri

Proposition D is a proposed law that will go before Missouri voters on Nov. 6, 2018, and it will provide substantial resources to boost local government transportation projects. The Missouri Association of Counties strongly supports Prop D.

Missouri's lawmakers of both major parties voted to put nonpartisan Proposition D on the ballot, giving our citizens the final say on boosting Missouri's motor fuels tax for the first time in 22 years.

MAC has endorsed Prop D because of its tremendous support for county road and bridge funding – a 66 percent statewide increase in State Road Fund dollars going to local governments.

If passed, Proposition D will gradually raise the state motor fuels user tax by 2.5 cents a gallon annually, spread over four years, beginning on July 1, 2019. For the average motorist, Prop D will

cost about \$1.25 per month for every 2.5 cents motor fuels user tax increase.

Full funding over four years will bring in an estimated \$412 million annually in new money to the constitutionally protected State Road Fund. That fund may only be used for (1) Missouri's roads and bridges at the state and local levels, (2) the actual cost of the Missouri State Highway Patrol in enforcing laws on roads, and (3) the cost of collecting the tax. Because the State Road Fund is established in the Missouri Constitution, citizens will know that the money is constitutionally designated to go where it is promised to go.

"The Missouri Association of Counties has long supported the move to secure additional funding to improve the state's transportation infrastructure at the state and local levels of government," Missouri Association of

Counties President and Dallas County Treasurer Becky Schofield said. "Our counties need the additional funding to fix our transportation infrastructure to ensure the safety of citizens."

The Missouri Department of Transportation's statewide road and bridge program is based on priorities set with more than two dozen local and regional planning organizations covering every city and county. Prop D's new \$288 million in annual MoDOT funding will accelerate these locally driven state priority projects.

In addition:

- Thirty percent of Proposition D's new money is reserved for Missouri's cities and counties, split 50-50 statewide between county and municipal governments.

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continued from page 3

- That is about \$124 million annually for local government road, street and bridge projects.
- That's about \$62 million for counties and \$62 million for cities in new statewide funding, every year, upon full implementation of Proposition D.
- Missouri has an additional 97,000 miles of local roads and streets and 14,000 local bridges. With Prop D, local governments will make local decisions on local priorities using new money.

"Proposition D will increase the amount of funding our local governments receive for the repair and maintenance of local roadways and bridges by 66 percent. At our association's summer board meeting, our members unanimously voted to support Proposition D," said MAC President Schofield. "It is important that we, as county officials, understand the language and educate our constituents when we are asked about it so that they can make an informed decision when voting on this important measure in November."

A lot has happened with Missouri roads and bridges in the last 22 years. The number of annual vehicle miles traveled on Missouri highways is up 37 percent – an increase of more than 14 million miles traveled annually. About 2,500 miles of highways have been added to the state road system since 1996. Costs of keeping roads safe and in service keep going up, while purchasing power from State Road Fund revenues keeps declining:

- The 17 cents per gallon motor fuel tax put into place in 1996 buys 7 cents today – a 60 percent loss of purchasing power.
- Concrete, steel and asphalt have doubled and tripled in cost since 1996.
- Today Missouri ranks 46th in revenue spent per mile.

Counties and cities grapple with the same materials cost increases as MoDOT. Thanks to MoDOT's responsible management, efficiency and locally driven road and bridge priorities, the agency ranks ninth in cost-effectiveness. MoDOT has built a strong record of accountability and transparency in management and setting priorities. Proposition D will regain the state's lost purchasing power for safer roads, streets and bridges.

Today Missouri has the nation's seventh largest state road system. More than 1,200 state bridges have limits on how much weight they can carry. Nearly 900 state bridges are rated in "poor" condition.

More vehicle miles traveled. More state and local roads. Poor bridges and weight restrictions. It all means more costs for law enforcement and first responders to protect and serve statewide. It means more costs for motorists, truckers, school buses, ambulances and police to make detours for safety and efficiency.

Missouri is near the bottom – 49th in the nation – with a 17 cents per gallon state motor fuel tax. By comparison,

Oklahoma's state motor fuels tax is no longer lower than Missouri's, and unlike Missouri, Oklahoma also has toll roads.

Prop D will provide a major investment and infusion of dollars that will impact local communities with jobs, infrastructure and transportation progress. That is why Prop D has won strong support from a diverse and growing coalition of supportive groups and organizations, including not only MAC, but the Missouri Municipal League, the Missouri Association of REALTORS®, Missouri Farm Bureau, the Missouri Chamber of Commerce and Industry, labor organizations, statewide agricultural organizations and many more.

For these reasons, and for the future of our communities, the Missouri Association of Counties urges that on Nov. 6, Missourians vote YES for safer roads, streets and bridges. Vote YES on Proposition D!

To learn more about Proposition D, including the estimated dollars your city and county are estimated to receive with full implementation, visit [www.SaferMO.com](http://www.SaferMO.com).



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Rep. Jean Evans, R-Manchester, (pictured at top left) speaks during an event about Proposition D in Jefferson City. At left, SaferMo Communications Director Scott Charton speaks with representatives of the media before a Proposition D event in Jefferson City. Above, people gather before Lt. Gov. Mike Kehoe speaks about Proposition D during an event in Jefferson City.

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# Gasconade County testing road material that could become statewide standard

By Buck Collier, Editor  
*The Hermann Advertiser-Courier*

All eyes are on Gasconade County as a new product is being applied to the county's gravel roads — a product that could become a staple of county highway maintenance throughout Missouri's other counties.

County Associate Commissioner Jim Holland, R-Hermann, said he's excited about Gasconade County essentially being the test site for the application of recycled roofing shingles on gravel roads. The first use of the product — provided to the county at no charge to see how well it might work — took place in June when the material was applied to parts of Frene Creek and Stony Hill roads, as well as to the steep driveway leading from Market Street to the courthouse parking lot.

Midwest Shingle Recycling of St. Louis City is the producer of the material. A company representative several months ago approached the county commission about using the product on the county's gravel roads, both as a dust-control agent and as something of a stabilizer for the gravel. The commission agreed to give it a try and put down the first application in June.

Here's how the material is supposed



*Buck Collier/The Hermann Advertiser-Courier*

**A dump truck spreads recycled roofing shingles on a gravel road in Gasconade County. The county became the first Missouri county to try to use the recycled shingles on gravel roads for dust control and as a stabilizer.**

to work, according to the company representative: The small particles of the recycled shingles work their way into the gravel roads, are heated by the sun, soften and act to hold the gravel in place, resulting in less washoff of rock during heavy rains.

It also can act as a control agent on particularly dusty roads. The discarded shingles — of which there is an almost unlimited supply — can be ground into different-size pellets, from essentially a powdery substance to a more course grind, depending on the size of gravel to which the material would be applied.

The Gasconade County Highway Department mixed the material with small gravel. In fact, they mixed three separate batches — each with a different amount of recycled material mixed with the small gravel, from 40, 50 and 60 percent recycled material. It was the 60-percent material that was spread on the Courthouse driveway and then rolled to compact it, making it much like an asphalt overlay rather than having it loose as it is on the flat portions of Frene Creek and Stony Hill roads.

The true test of the material's durability will be how well the

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driveway holds up. "We're a little concerned about how long that will last because it is ground-up shingles," Holland said during a County Commission session.

On hand for the material's application was a representative of the Missouri Department of Natural Resources Clean Water Division. She noted that while Minnesota and Illinois have applied a similar material to their gravel roads, the Gasconade County application is a first for Missouri. She said if it proves successful here, she expects to see it used by counties throughout the state.

According to the Midwest representative, if a county transports the material from the Hall Street location in North St. Louis City, it will cost about \$18 a ton. If the company hauls it, the cost would increase to about \$30 a ton.

If the material indeed proves to be durable and does what the company

says it will do, county governments may have found a fairly low-cost way of preserving county roads, as well as preserving precious tax dollars used to replace gravel washed away by heavy

rains.

*This article ran in July 2 issue of the Hermann Advertiser-Courier and was published with permission.*

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# Supreme Court alters online sales tax landscape – what comes next?

By Jack Peterson

NACo Associate Legislative Director of Finance,  
Pensions & Intergovernmental Affairs

In June, the U.S. Supreme Court ruled in *South Dakota v. Wayfair* that states and local governments can require internet retailers to collect sales taxes, even if the company has no physical presence in the state. The ruling promises to shake up the sales tax collection landscape, no matter what happens next.



Although *Wayfair* does not immediately open the door for collection of sales taxes on remote and online purchases by eliminating the “physical presence” standard, it sets a clearer path forward for states aiming to capture tax revenue on purchases from vendors based outside their jurisdiction.

Early signs indicate states will approach this new opportunity in different ways. In South Dakota,

the state supreme court must now decide the case without the “physical presence” test in play.

Other states such as New Jersey are already considering legislation to take advantage of this new opportunity.

Most states are debating how to use this revenue — for new projects or to lower other tax rates. However, each state decision could be challenged by retailers in state courts. Questions will persist about what requirements might be overburdensome or what constitutes a “nexus” between a vendor and the state. (Some states have argued a certain number of purchases constitutes a venue — \$200,000 in sales. Others have made the case even for internet ads or the use of cookies on a web page as “nexus.”

It could take time for states and local governments to start seeing additional revenue as a result of the *Wayfair* ruling.

Counties are also likely to be affected as the impact of the court’s decision on states becomes clearer. Many counties employ a local sales or use tax on top of the state’s sales tax rate. Ideally, when a state enforces collection of its sales tax, it will also collect and remit the local government portion. Some states

and local governments have already joined the Streamlined Sales and Use Tax Agreement (SSUTA), which helps streamline the collection process for governments and businesses and ensures that local governments capture their share of revenues.

Congress could step in at any point and solve many of these questions. In 2013, the Senate voted in a bipartisan fashion to pass the Marketplace Fairness Act, which codified the SSUTA, allowed for collection of these taxes and laid out protections for small businesses. Congress was close to attaching a similar bill to the March omnibus package, but the final legislation did not include such a provision.

As the dust from *Wayfair* settles over the next several months, the decision promises to give states and local governments access to previously owed but uncollected taxes. Now, counties should work with both their state legislatures and Congress to ensure that local sales and use taxes are included in any tax-related legislation approved at the state or federal level.

*This article appeared in the July 23 issue of the NACo County News.*



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*Photo courtesy of Jane Wernsman, director of the Cape Girardeau County Public Health Center*

The Cape Girardeau County Public Health Center, seen above, is one of many public health centers that help serve communities throughout Missouri.

# Forging strong partnerships to better serve Missouri communities

**By JoAnn Martin, Administrator**  
*Pettis County Health Center*

In today's world, most residents expect that the water they drink will be safe, the food they eat either at a restaurant or purchased in a grocery store will be free from things that will make them sick, the house they buy will be free from lead paint or at least the risk will be known and sewage stays where it belongs – not running over their property. In addition most residents expect there is a place where they can get birth or death certificates, ask a question about their health, that communicable disease will be controlled and someone will know where to get help for a variety of other health related issues. When citizens have questions, sometimes they turn to their elected officials at the county courthouse or maybe even find the public health department.

All of the services listed above are provided through most public health departments and county commissioners are probably glad to refer questions about these services to the health department. We are here and glad to help. That is what being in public health is all about.

In some counties, there is a very close working relationship between county commissioners and the local public health agency (LPHA). That is because the LPHA is under the county commission and generally reports on the operations of the health department on a fairly regular basis. In other counties, the LPHA is under an elected Board of Trustees and the only requirements of the commissioners are to receive the annual budget and appoint the county health officer, who is usually the administrator of the LPHA.

Both the county commissioners and the public health staff want to have a safe and healthy community for the residents and visitors who are in the county. There are many examples of how LPHAs and county commissioners work together to address common concerns. One example may be in the development of ordinances related to health issues.

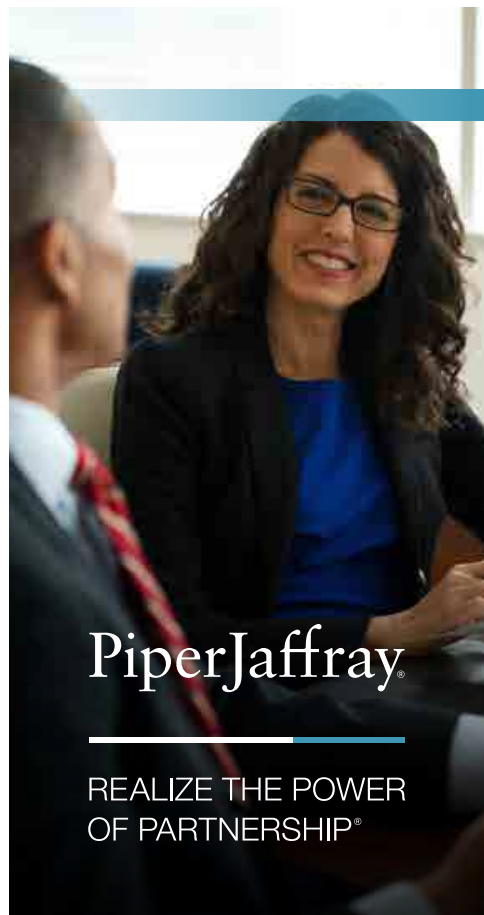
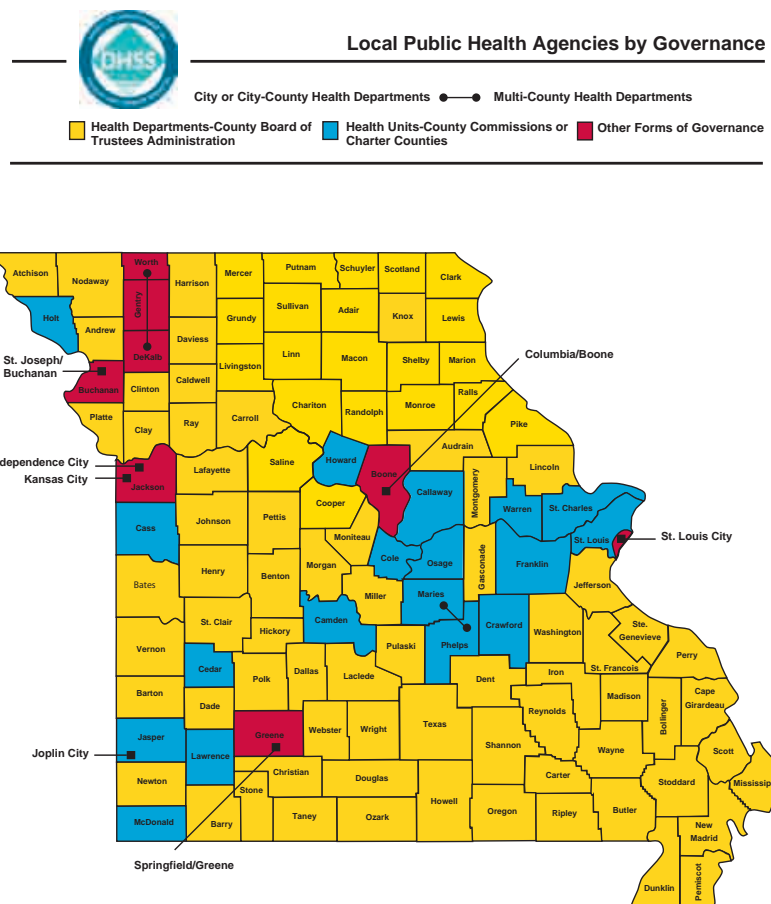
Several common ordinances present in many counties are related to on site waste water, lodging and food establishment inspections. By state law, county Boards of Health may pass ordinances and they are binding. However in many counties, LPHA and county commissioners work together to establish ordinances so the county commissioners have some oversight of problems that are often brought to their attention, but do not have to develop the resources to



monitor the ordinances. By having county ordinances, the county law enforcement and legal system are also available to assist in enforcing the requirements.

Recently, many county commissioners and LPHAs have had the opportunity to work together in an area that is of concern to everyone – the dangers involved in access to prescription opioids that are not being used as intended. One strategy used in 49 states is a prescription drug monitoring program (PDMP). As Missouri was the last state to address the issue and chose a different strategy, St. Louis County Health Department worked on developing a structure that would allow other counties to join their PDMP. Participation required the passing of an ordinance to accept participation. Many LPHA administrators were pleased to find out that when the issue was discussed with county commissioners, the county

**continued on page 12**



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commissioners were already aware of the program through information shared by their organization. As a result of the close cooperation between LPHAs and county commissions, more than 81 percent of the population of Missouri is covered by a PDMP. This is a first step in reducing the suffering caused by misuse of a powerful medication.

Although county commissioners are often focused on the structural issues of their counties, they are still interested in providing a safe, inviting, healthy and hopefully business friendly environment for residents and visitors. The local public health agency is interested in exactly the same environment.

As we commonly read in literature from both the National Association of Counties and the National Association of City and County Health Officials, we no longer have the luxury of

“ Although county commissioners are often focused on the structural issues of their counties, they are still interested in providing a safe, inviting, healthy and hopefully business friendly environment for residents and visitors. The local public health agency is interested in exactly the same environment.

building silos to protect our special interest. We must break down those silos to use the limited resources we have to create the environment we want for our communities.

There is a natural partnership between county government and local public health departments. Now we need to continue to explore the ways to work

together to solve the issues that face our communities.

*This article was written with the assistance and support of Jane Wernsman, director of the Cape Girardeau County Public Health Center, and Diane Weber, executive director of the Missouri Association of Local Public Health Agencies.*

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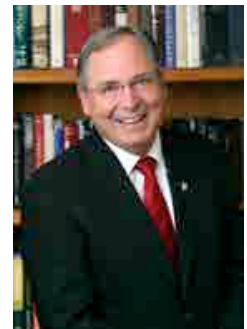
## Featured Speakers

V.J. Smith, is a professional speaker and published author. He is the author of the best-selling book, "The Richest Man in Town." The book details Smith's relationship with a little old man who ran a cash register at a local Wal-Mart. "That guy changed my life," Smith says. He is also the author of, "Can You Hear What I See" and "Jackrabbit Tales."

Also, Missouri Governor Mike Parson will speak on current issues Missouri is facing. Other sessions include pretrial assessment and electronic monitoring, 911 implementation, Internet sales tax, local health departments, the impact of legal marijuana on law enforcement, cybersecurity and elections, prevailing wage implementation, and the National Association of Counties.

Aside from affiliate and committee meetings, we will be establishing 2019 Missouri county government legislative priorities.

Elections will be held to fill the vacancies of MAC treasurer, as well as at-large and district directors.



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# Griesheimer retires after 36 years of public service

By Monte Miller  
*The Missourian*

In 1981, John Griesheimer walked into a Washington City Council meeting for the first time to sell pickup trucks.

Thirty-six years later, he is retiring as one of the longest serving public servants to the residents of Franklin County.

In that time, he has served as a city councilman, first district county commissioner, state representative, state senator, and back again to presiding commissioner of Franklin County.

Over his 36-year career, Griesheimer was undefeated in all 15 of the elections in which he was a candidate.

"I just wanted to sell cars all my life," he said. "I never had any inkling of going into politics. Then I started going to the city council meetings and really got into what they were doing, planning the direction of the city, and I realized I wanted to be involved."

Now that all is said and done, the accidental politician says helping people was always his goal and he hopes to continue that even in his retirement.

"I've had to make some tough decisions in my career," Griesheimer



*Photo courtesy of Tim Bommel/House photographer*

**State Representative John Griesheimer goes through a stack of papers on the House floor during a Legislative Session. Griesheimer, who retired as Presiding Commissioner of Franklin County in the summer after 36 years of public service, spent 18 years as a state Representative and Senator.**

said. "I always did what I thought was right and for the best of everyone as a whole."

## *Top Three*

In his career that has included local, county and state government, Griesheimer says his top accomplishment was getting the Amtrak station in Washington.

"It happened Oct. 29, 1995," he said. "That was something I had worked for

since 1982 when I was first elected to the Washington City Council. I could never understand why Washington wasn't a stop."

Griesheimer added the process was not an easy one, wrestling with not only the Missouri Department of Transportation, but Amtrak officials in Washington, D.C., as well.

"The door finally opened when I was elected to the House," he said. "I

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remember the day they had the first stop in Washington, about 400 people showed up.”

No. 2 on Griesheimer’s highlights came in 2004 with the establishment of the enterprise zone along the Interstate 44 corridor through Franklin County.

“At that time, it stretched from Sullivan to Pacific,” he explained. “Now, it extends to the Gray Summit area. It’s been a huge success and created hundreds of jobs in the corridor.”

Not all of Griesheimer’s highlights came decades ago.

The project holding the rank of third on his all-time accomplishments is the opening of the new Bend Road bridge outside of Pacific in June.

On a hot early summer day, Griesheimer was given the honor of cutting the ribbon on the \$4.5 million project, which for the first time allowed full access for emergency vehicles and school buses to rural areas in the Meramec River Valley.

“I am so proud of getting that done,” he said. “It has been needed for so long.”

### ***Miss Most***

Accomplishments aside, Griesheimer says the people he worked with throughout his career are who he will miss most.

He had planned on retiring at the end of his current term in January 2019, but mobility issues forced him to cut his tenure short.

“I really hate going out this way,” he said. “I’ve had so many great friendships here and in Jefferson City.”

He especially mentioned his decades-long personal and private friendship with Franklin County Clerk Debbie Door, who also is retiring at the end of the year.

“Debbie and I went to high school together,” Griesheimer said. “When I sent my resignation letter to the

governor, I included a personal note and I did the same for Debbie. I really cherish that friendship.”

### ***Next Step***

As he enters retirement, Griesheimer said his first priority is to get healthy.

“I have to get where I can walk again and to do things,” he said. “Once I do

that, I’d like to start volunteering at the train station.”

He will remain active in the Washington Lions Club and remain on the board of directors for OATS Transportation.

“I’ve always enjoyed fixing problems,” Griesheimer said. “If there is anything I

**continued on page 22**



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continued from page 21

can do to help steer people in the right direction, at the county or state level, they can still give me a call.”

In June, his son Aaron Griesheimer surprised his dad by announcing he will be following in his footsteps by running for a seat in the Missouri House of Representatives.

### Career

Griesheimer was first elected to the Washington City Council in 1982.

After six years he ran and was elected as Franklin County First District commissioner, where he served two terms from 1988 to 1992.

He was first elected to the Missouri House of Representatives in 1992 before term limits were established and served five terms, or 10 years.

When term limits finally did catch up with him, he moved to the other side of the Capitol building and was elected to two terms (2002, 2006) in the Senate, serving a total of eight years.

Griesheimer came back to the county commission in 2010 after serving a total of 18 years in the state Legislature.

His second term as presiding commissioner was to have ended on Dec. 31, 2018.

*This article appeared in the July 6 edition of the Missourian and was reprinted with permission.*



Franklin County Presiding Commissioner John Griesheimer poses with Warren County Assessor Wendy Nordwald during the 2016 MAC Annual Conference & Expo in November at Tan-Tar-A Resort.

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# New show focuses on the history and issues in Missouri counties

## SHOW ME MISSOURAH

By Alisha Shurr  
*The Missouri Times*

A new radio show in Missouri is gearing up to give citizens a snapshot of every county in the Show-Me State.

The program, aptly called Show Me Missourah, will feature a different region each week, highlighting the history and future, one county at a time.

Show Me Missourah traveled to Bolivar, the county seat of Polk County, as the show continues telling the history of the state of Missouri. At Smith's restaurant, host Scott Faughn sat down with some of the people who know Polk County best: Polk County Collector of Revenue Debbi Roberts-McGinnis, the President of the Polk County Farm Bureau Warren Drake.

Polk County is located in southwestern Missouri just north of Greene County and is home to the current Governor of Missouri Mike Parson.

The county was founded by the state legislature on Jan. 5, 1835, and, interestingly enough, it's not named after President James K. Polk. Rather the county is named after the grandfather of the 11th President of the United States, Colonel Ezekiel Polk. As of the 2010 census, the population was 31,137.

The northern part of Greene County was ceded to form Polk County — though the original boundaries have been reduced with the creation of Dade, Dallas, and Hickory counties.

The county's namesake Ezekiel



*Photo courtesy of the Missouri Times*

**Polk County Collector and MAC Board Member Debbi McGinnis, right, tapes a broadcast of Show-Me Missourah with Warren Drake, president of the Polk County Farm Bureau, and host Scott Faughn, left.**

Polk, a colonel in the Revolutionary War, had three grandsons: John Polk Campbell and his brothers, William C. and Ezekiel, all of whom moved to Missouri and settled in an area — the Campbells still live in the area. The brothers submitted that the county be named after their grandfather.

The City of Bolivar got its name in a similar fashion. Polk lived in Bolivar, Tennessee, and the Missouri town was given the same name. A majority of the settlers were from Tennessee and actually named Bolivar, Missouri after the town in Tennessee. However, since the town in Tennessee was named after Simon Bolivar the city is an indirect namesake of Simon Bolivar and there is a statue of him in the town.

The country of Venezuela actually honored the Missouri town with the statue of Bolivar a little more than 70 years ago. On July 5, 1948, U.S. President Harry Truman and the President of Venezuela were in the City of Bolivar. While the population of Bolivar was only 3,500 at that time, nearly 50,000 people turned out for the momentous event.

### *Show provides state history radio and podcast offering*

"Missouri is an incredibly diverse state, from the truly Southern culture of the Bootheel to the Midwestern attitude of the grain belt and Great Plains," said Eric Bohl, director of Public Affairs and Advocacy for Missouri Farm Bureau. "Introducing all parts of the state to one another is a great way to celebrate our diversity and strengths."

The idea for the program in Missouri originated with Wendy Nordwald, the immediate past president of the Missouri Association of Counties and the current Warren County Assessor.

While president of the MAC, Nordwald represented Missouri on a national level, engaging in conversations with others across the United States. It was through those conversations she got the idea.

"I found it was a great place to share best practices, without reinventing the wheel," Nordwald said. "The platform is unique and provides local leaders

with a networking platform to discuss challenges and issues facing counties in every state, and for attendees to learn from one another. Although there are no two counties exactly alike, many face similar challenges and can learn from our experiences.”

She learned some states were sharing with their constituents’ current issues facing them locally or statewide via a television program. She subsequently had lunch with Faughn, publisher of The Missouri Times and host of This Week in Missouri Politics, and mentioned adapting the idea to Missouri.

“I believe the launch of the new radio show will highlight the challenges county officials face daily, and the difference elected officials make for the betterment of the community across this great state and the fascinating history throughout each county of this state,” Nordwald said.

Show Me Missourah is sponsored by

the Missouri Farm Bureau, Missouri Association of Counties, Missouri’s Electric Cooperatives and other advertisers.

“We hope this show will raise the profile of the important work county officials do across the state. They are leaders in their communities and have great stories to tell,” said Dick Burke, executive director of MAC.

Helping share the story of all parts of Missouri shows the beauty of our rural areas and the positive values of our culture that are often overlooked, according to Bohl. Spreading this message to urban, suburban and other rural areas is valuable to Missourians.

Farm Bureau is proud to be a part of this show,” said Bohl. “Even our

own team is looking forward to what we will learn about different parts of our state. It will be a wonderful snapshot of Missouri that we hope can be revisited in the future.”

The show can be subscribed to in either the Apple or Android podcast store, followed on Facebook and Twitter, or listen online at [showmemissourah.com](http://showmemissourah.com).

*This article was published in an August issue of the Missouri Times and was reprinted with permission.*



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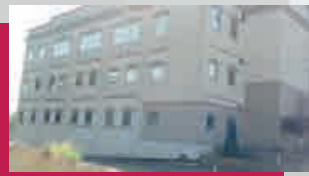
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# Missouri DOC outlines procedures for submitting proposals to utilize alternative jail sanctions

**Editor's note:** *The Missouri Department of Corrections recently sent this letter to several county officials.*

The Missouri Association of Counties (MAC) in joint partnership with the Missouri Department of Corrections (MDOC) embarked on a journey this past year to improve the county reimbursement process. The current system is broken and absolutely no one involved is satisfied with the results. Through the Justice Reinvestment Initiative MAC, MDOC and the Council of State Governments Justice Center reviewed and analyzed existing data and developed a reimbursable incentive for counties. This incentive will require local officials to recommend viable alternatives at a cost not to exceed \$12.50 per day. The goal of using alternatives will be to effectively reduce jail costs and overcrowding and improve payments to counties without impacting public safety.

Effective Aug. 28, 2018, Section 221.105 RSMo., approved counties can be reimbursed for expenses incurred for utilizing alternatives to jail incarceration of defendants who are ultimately eligible for state incarceration. Specifically, the new language states:

- The presiding judge of a judicial circuit can propose programs such as pre-trial assessment and supervision strategies (i.e. electronic monitoring) in lieu of jail detention. The statute refers to these as "expenses to be reimbursable".
- Any county shall convey such proposal to the Department of Corrections. The proposal must include the documented agreement by the county governing body, prosecuting attorney, at least one associate circuit judge, and the officer of the county responsible for custody or incarceration of

prisoners of the county represented in the proposal. The proposals will be evaluated by a team made up of employees of the Department and representatives of the counties.

- As with the current structure of county reimbursements, the defendant must be sentenced to the Department of Corrections in order for the county to be reimbursed for alternative jail sanctions.
- A county may not receive more reimbursement dollars than the amount appropriated in the previous fiscal year, to include any expenses proposed by the presiding judge.

This communication is intended to give the various players involved with the proposal of alternatives information about how to develop a plan, who to convey it to and what to expect specific to reimbursements.

The statute was explicit in requiring local officials involved in county budgeting, detention, bail/bond review and ultimately state sentencing to develop the plan jointly. Each official has a specific role that directly impacts the county reimbursement process. We heard over the course of the last year, that in most counties, these important players do not meet to discuss the issues. The proposal which is required to be sent to the MDOC by the presiding judge will require signatures of agreement by the county commissioner(s), prosecuting attorney, at least one associate circuit judge and the sheriff. Proposals should be submitted to the department for review by the department/county team referenced above. Decision on the proposal will be made and a response will be returned to the point of contact listed in the proposal. Proposals should be sent to [DOC.AJSProposals@doc.mo.gov](mailto:DOC.AJSProposals@doc.mo.gov).

The MDOC has met with various circuit clerks to review the current submission process and is updating the existing forms to reflect the changes in statute. Upon completion of the updates, the revised Bill of Costs form and instructions will be available on the department's website. Once approved, counties will be collecting two different types of reimbursements: one for the alternative sanction and one for those required to be detained in jail. The revised form will allow for both types of claims to be documented.

To begin paying down the arrearages the State owes counties, the department is committed to tracking the savings that each county accrues through the utilization of alternative jail sanctions in place of the traditional housing of offenders. Those cost reductions will be calculated quarterly, and the total amount saved using alternative jail sanctions will be applied to the corresponding county's outstanding claims. MDOC is continuing to work through the logistics of this process.

MAC and MDOC are planning several joint presentations to judges, prosecutors, county commissioners, sheriff's to discuss the change in statute. We are also planning to host workshops or planning session during MAC meetings to allow anyone with questions to attend and receive assistance in getting started. In the meantime, if you have any questions, please do not hesitate to contact: Dick Burke from MAC or Director Anne Precythe or Chief Financial Officer Susan Pulliam from the MDOC.

We are proud of this joint partnership to change a process that no one was pleased with. We look forward to working with you to improve how we do business together.

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## What Missouri owes after FY 2019 first quarter payments

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The State of Missouri owes Missouri counties and the City of St. Louis nearly \$33 million in jail reimbursement after making FY 2019 first quarter payments on claims that have been fully audited by the Missouri Department of Corrections (DOC) a new report shows.

Missouri is the only state that reimburses county jails for detaining state prisoners for the number of days they spent in jails while their court cases were processed.

According to data provided by DOC, the department still owes more than \$23.5 million on jail reimbursements claims for FY 2018. That, along with nearly \$9.4 million owed for audited claims in FY 2019, puts the overall total the state owes Missouri counties at nearly \$33 million as of Sept. 28, 2018. However, the total amount does not reflect what is owed after the department began making second quarter payments on Oct. 1, 2018.

The DOC begins paying claims after they have been fully audited and when quarterly funds are released by the state's Office of Administration, which falls on July 1, Oct. 1, Jan 1 and April 1.

The board rate for jail reimbursement stands at \$22.58 per day, per inmate for FY 2019. The rate is appropriated by legislation and approved by the governor.

Information about jail reimbursements, including instructions and forms for making a claim can be found the DOC's website at <https://doc.mo.gov/divisions/human-services/county-reimbursement>.

MAC will continue to track this issue.

| County            | FY18 outstanding<br>as of Sept. 28, 2018 | FY19 outstanding<br>as of Sept. 28, 2018 | Total outstanding<br>as of Sept. 28, 2018 |
|-------------------|--|--|---|
| Adair             | 124,681.04                               | 48,911.16                                | 173,592.20                                |
| Andrew            | -  | -  | -   |
| Atchison          | 2,464.84                                 | 3,303.62                                 | 5,768.46                                  |
| Audrain           | 189,193.60                               | 87,296.00                                | 276,489.60                                |
| Barry             | 124,812.68                               | 103,234.32                               | 228,047.00                                |
| Barton            | -  | 39,393.08                                | 39,393.08                                 |
| Bates             | 18,163.98                                | 84,026.06                                | 102,190.04                                |
| Benton            | 17,389.24                                | 5,963.38                                 | 23,352.62                                 |
| Bolinger          | 36,015.64                                | 11,302.24                                | 47,317.88                                 |
| Boone             | 499,176.02                               | 232,679.40                               | 731,855.42                                |
| Buchanan          | 383,428.24                               | 113,270.22                               | 496,698.46                                |
| Butler            | 272,574.86                               | 135,147.18                               | 407,722.04                                |
| Caldwell          | 14,781.20                                | -  | 14,781.20                                 |
| Callaway          | 219,286.80                               | 55,121.12                                | 274,407.92                                |
| Camden            | 166,652.45                               | -  | 166,652.45                                |
| Cape Girardeau    | 475,791.49                               | 155,995.87                               | 631,787.36                                |
| Carroll           | 8,591.92                                 | 14,685.58                                | 23,277.50                                 |
| Carter            | 7,439.80                                 | 4,547.84                                 | 11,987.64                                 |
| Cass              | 150,838.10                               | 18,850.82                                | 169,688.92                                |
| Cedar             | 20,207.02                                | 16,940.38                                | 37,147.40                                 |
| Chariton          | 5,383.90                                 | -  | 5,383.90                                  |
| Christian         | 276,076.52                               | 115,850.32                               | 391,926.84                                |
| City of St. Louis | 4,005,393.60                             | 851,630.58                               | 4,857,024.18                              |
| Clark             | 294.48                                   | -  | 294.48                                    |
| Clay              | 613,677.60                               | 264,449.00                               | 878,126.60                                |
| Clinton           | 54,882.56                                | 31,200.78                                | 86,083.34                                 |
| Cole              | 76,482.94                                | 97,839.26                                | 174,322.20                                |
| Cooper            | 48,759.92                                | 5,405.06                                 | 54,164.98                                 |
| Crawford          | 161,807.22                               | 153,518.44                               | 315,325.66                                |
| Dade              | 20,312.68                                | 4,219.76                                 | 24,532.44                                 |
| Dallas            | 100,565.82                               | 3,842.30                                 | 104,408.12                                |
| Daviess           | 40,988.16                                | 55,501.96                                | 96,490.12                                 |
| DeKalb            | 102,457.50                               | -  | 102,457.50                                |
| Dent              | 39,358.24                                | 116,977.72                               | 156,335.96                                |
| Douglas           | 34,233.64                                | -  | 34,233.64                                 |
| Dunklin           | 249,547.02                               | 87,834.64                                | 337,381.66                                |
| Franklin          | 285,158.83                               | 66,479.58                                | 351,638.41                                |
| Gasconade         | 32,035.02                                | -  | 32,035.02                                 |
| Gentry            | 14,900.24                                | 716.24                                   | 15,616.48                                 |
| Greene            | 1,652,150.20                             | 647,512.94                               | 2,299,663.14                              |
| Grundy            | 29,766.32                                | 19,703.76                                | 49,470.08                                 |
| Harrison          | 43,314.69                                | 18,013.90                                | 61,328.59                                 |
| Henry             | 65,423.34                                | 69,419.34                                | 134,842.68                                |
| Hickory           | 28,087.22                                | 15,995.50                                | 44,082.72                                 |
| Holt              | 10,052.68                                | -  | 10,052.68                                 |
| Howard            | 11,486.22                                | 36,964.10                                | 48,450.32                                 |
| Howell            | 57,436.36                                | 44,691.32                                | 102,127.68                                |
| Iron              | 49,438.14                                | 31,067.58                                | 80,505.72                                 |
| Jackson           | 1,582,831.14                             | 467,126.30                               | 2,049,957.44                              |
| Jasper            | 401,507.92                               | 4,974.84                                 | 406,482.76                                |
| Jefferson         | 302,098.14                               | 198,448.82                               | 500,546.96                                |
| Johnson           | 141,303.58                               | 44,335.86                                | 185,639.44                                |
| Knox              | -  | -  | -   |
| Laclede           | 209,367.94                               | 58,748.84                                | 268,116.78                                |
| Lafayette         | 188,936.98                               | 109,678.30                               | 298,615.28                                |
| Lawrence          | 239,881.34                               | 144,135.24                               | 384,016.58                                |
| Lewis             | -  | -  | -   |
| Lincoln           | 167,509.44                               | 94,420.72                                | 261,930.16                                |

| County           | FY18 outstanding<br>as of Sept. 28, 2018 | FY19 outstanding<br>as of Sept. 28, 2018 | Total outstanding<br>as of Sept. 28, 2018 |
|------------------|--|--|---|
| Linn             | 31,935.72                                | 6,690.92                                 | 38,626.64                                 |
| Livingston       | 56,235.80                                | 39,454.12                                | 95,689.92                                 |
| Macon            | 46,612.20                                | -  | 46,612.20                                 |
| Madison          | 26,635.60                                | 10,689.90                                | 37,325.50                                 |
| Maries           | 11,764.34                                | -  | 11,764.34                                 |
| Marion           | 143,671.38                               | 92,872.68                                | 236,544.06                                |
| McDonald         | 140,470.20                               | 31,287.12                                | 171,757.32                                |
| Mercer           | 14,281.42                                | 3,113.34                                 | 17,394.76                                 |
| Miller           | 160,632.36                               | 67,173.00                                | 227,805.36                                |
| Mississippi      | 151,525.64                               | 57,549.46                                | 209,075.10                                |
| Moniteau         | 28,393.74                                | -  | 28,393.74                                 |
| Monroe           | -  | 15,170.44                                | 15,170.44                                 |
| Montgomery       | 80,233.26                                | 48,507.78                                | 128,741.04                                |
| Morgan           | 212,878.60                               | 70,521.18                                | 283,399.78                                |
| New Madrid       | 224,164.14                               | 83,697.22                                | 307,861.36                                |
| Newton           | 145,234.46                               | 34,919.14                                | 180,153.60                                |
| Nodaway          | 18,341.32                                | 17,626.58                                | 35,967.90                                 |
| Oregon           | 5,803.98                                 | 5,708.86                                 | 11,512.84                                 |
| Osage            | 20,099.62                                | 3,168.44                                 | 23,268.06                                 |
| Ozark            | 24,460.32                                | 1,342.24                                 | 25,802.56                                 |
| Pemiscot         | 69,196.78                                | -  | 69,196.78                                 |
| Perry            | 90,890.98                                | 29,524.92                                | 120,415.90                                |
| Pettis           | 235,677.22                               | 58,141.70                                | 293,818.92                                |
| Phelps           | 231,837.25                               | 178,790.38                               | 410,627.63                                |
| Pike             | 35,891.34                                | 27,826.44                                | 63,717.78                                 |
| Platte           | 361,816.18                               | 149,774.68                               | 511,590.86                                |
| Polk             | 118,767.82                               | 125,193.82                               | 243,961.64                                |
| Pulaski          | 158,325.76                               | 129,930.13                               | 288,255.89                                |
| Putnam           | 11,112.52                                | 14,554.40                                | 25,666.92                                 |
| Ralls            | 19,820.82                                | 14,569.32                                | 34,390.14                                 |
| Randolph         | 108,772.10                               | 32,127.70                                | 140,899.80                                |
| Ray              | 139,702.80                               | -  | 139,702.80                                |
| Reynolds         | 13,847.12                                | 6,571.56                                 | 20,418.68                                 |
| Ripley           | 89,090.12                                | 55,039.52                                | 144,129.64                                |
| Saline           | 189,819.76                               | 126,366.65                               | 316,186.41                                |
| Schuyler         | 10,677.52                                | 1,319.90                                 | 11,997.42                                 |
| Scotland         | 9,216.26                                 | 5,390.30                                 | 14,606.56                                 |
| Scott            | 436,592.62                               | 234,863.98                               | 671,456.60                                |
| Shannon          | 6,253.80                                 | -  | 6,253.80                                  |
| Shelby           | 21,362.36                                | 5,490.56                                 | 26,852.92                                 |
| St. Charles      | 862,402.06                               | 195,567.80                               | 1,057,969.86                              |
| St. Clair        | 103,611.12                               | 72,597.80                                | 176,208.92                                |
| St. Francois     | 390,704.18                               | 230,970.04                               | 621,674.22                                |
| St. Louis County | 2,650,915.39                             | 1,621,800.78                             | 4,272,716.17                              |
| Ste. Genevieve   | 65,691.84                                | -  | 65,691.84                                 |
| Stoddard         | 144,148.72                               | 41,405.08                                | 185,553.80                                |
| Stone            | 107,736.88                               | 88,344.07                                | 196,080.95                                |
| Sullivan         | -  | -  | -   |
| Taney            | 292,893.42                               | -  | 292,893.42                                |
| Texas            | 126,464.27                               | 15,410.42                                | 141,874.69                                |
| Vernon           | 160,305.95                               | 136,781.70                               | 297,087.65                                |
| Warren           | 126,218.98                               | -  | 126,218.98                                |
| Washington       | 93,583.74                                | 67,558.52                                | 161,142.26                                |
| Wayne            | 123,316.20                               | 55,953.96                                | 179,270.16                                |
| Webster          | 173,986.10                               | 17,273.76                                | 191,259.86                                |
| Worth            | 12,020.52                                | -  | 12,020.52                                 |
| Wright           | 105,216.76                               | 34,361.48                                | 139,578.24                                |
| <b>Totals</b>    | <b>23,515,657.82</b>                     | <b>9,354,365.06</b>                      | <b>32,870,022.88</b>                      |



# State mileage rate remains at 37 cents per mile

The state mileage allowance remains at 37 cents per mile for FY 2019 for privately owned automobiles on state business. Section 33.095 RSMo., permits any county (with the exception of a first-class charter who has its own authority) to pay mileage allowance at the rate authorized by the state Commissioner of Administration.

The state rate has remained at 37 cents since May 2010. For continued updated information, visit [oa.mo.gov](http://oa.mo.gov) and search for "state mileage rate."

Most counties do follow the state rate. However, a previous legal opinion says that the county commission can set the rate at whatever level it chooses.

According to Section 50.333.10 RSMo., the county commission can set the rate at whatever level it chooses, especially in light of the introductory wording "notwithstanding any other law."

Although there is a potential conflict, courts usually read the laws in light of compatibility, rather than conflict. Also, Chapter 33 is primarily the administrative power of OA over state agencies and state budget administration, not regulation of other governmental entities. As such, the rate would be applicable to state moneys reimbursed to county governments under grants, etc., where vehicles are used for activity. Though it may be subject to more than one interpretation, neither statute has been interpreted by the courts.

While county governments may continue using the 37-cent per mile rate authorized by the state or establish their own rates, the same rate will apply for workers' comp cases (for an injured employee's reimbursement for travel expenses for medical treatment), as well as for witness reimbursement.

Two mandates have been passed subsequent to Section 33.095 RSMo.,

that affect the rate.

Sheriffs who use their own vehicles for work purposes shall receive the mileage rate set by the IRS. Until Dec. 31, 2018, that amount is 53.5 cents per mile. In addition, Section 50.333.10,

RSMo., says that officeholders and employees shall be paid at the highest rate allotted to any officer. In counties where sheriffs use their own vehicles for work purposes, county officials are entitled to the IRS rate of 53.5 cents.

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