

*“There she stands, proud in all her glory.”*

# Missouri County Record

Spring 2010



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## Is Missouri Missing Money?

By Jennifer Muzinic, *Springfield Business Journal* Reporter

As Missouri Gov. Jay Nixon scrambles to cut millions from the budget, tax analysts believe more than \$300 million in tax dollars owed the state in 2010 won't ever be collected.

The reason? Remote sales, or those Missouri residents make outside the state via Web, catalog or telephone transactions.

Like most states, Missouri's tax system does not specifically track and collect on remote sales taxes. Two bills in the state General Assembly are working to change that, largely due to the booming e-commerce industry.

### Streamlined Sales Tax

State Senate Bill 905, called the Streamlined Sales Tax Bill, and House Bill 2302 cover the same ground: bringing Missouri's state and local sales taxes in line with the 23 states participating in the Streamlined Sales and Use Tax Agreement. By signing on to the agreement, Missouri would simplify its tax laws to create a uniform system for retailers to collect sales taxes for state and local governments.

Missouri Budget Project Executive Director Amy Blouin said a change is necessary if the state wishes to tap into tax dollars that already should be collected from state residents shopping online with out-of-state retailers.

"Most people just aren't aware that there is a use tax they're supposed to be paying," Blouin said. "This just makes it so when you go online and buy a book over the Internet, you're paying the same taxes you'd pay when you went to your neighborhood brick-and-mortar store."

Companies with a physical presence in the state already collect and pay a 4.225 percent tax on remote sales. Since Missouri can't require an out-of-state company to collect sales tax, the burden falls on the individual or company making the purchase to pay Missouri's use tax, also a 4.225 percent charge.

### Correction:

In the Winter 2009 edition of the *Missouri County Record*, MAC published an article titled, "Missouri Residents Get A History Lesson." The article was authored by the Missouri Humanities Council, not the Missouri Historical Society, as written in the byline.



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The Missouri Association of Counties, founded in 1972, is a nonprofit corporation and lobbying alliance of county elected and administrative officials who work to improve services for Missouri taxpayers. The board of directors meets on the third Wednesday of designated months in Jefferson City to promote passage of priority bills and monitor other legislation before the state General Assembly and the United States Congress. The Missouri County Record is produced four times annually by the association staff. Subscription rates for non-association members are \$15 per year prepaid. Rates for association members are included in membership service fees. All articles, photographs and graphics contained herein are the property of the association and may not be reproduced or published without permission. Advertising rates are available upon request.

"The obligation is on us to keep track of everything we haven't paid sales tax on," said Scott Peterson, executive director for Nashville, Tenn.-based Streamlined Sales Tax Governing Board, which serves as the central agency for the states participating in the Streamlined Sales and Use Tax Agreement. "The problem is, the use tax is only as good as the people who voluntarily remit it."

Entering the agreement won't change the self-reporting imposition of the use tax, but proponents say it would counteract retailers' objections that paying taxes to multiple states is too complicated.

According to Peterson, participating in the agreement won't require companies to collect or report sales taxes due. But if enough states participate, the board and its backers could have firepower behind a long-term goal of convincing Congress to adopt a law giving all states authority to require retailers to collect sales tax, he said.

### Fear The Web

According to a study from the University of Tennessee, \$344.5 million in Missouri use taxes won't be collected in 2010. By 2012, the study projects that \$430.2 million will pass by the state's coffers as a result of uncollected remote sales.

While those estimates include all purchases subject to sales and use tax, the Internet is the venue that stands to produce the most tax dollars.

**Nationwide e-commerce sales, including business-to-business such as professional services,** topped \$2.3 trillion in 2006, up from \$995 billion in 1999, the study points out. In a separate study, eMarketer Inc. expects **online retail sales** to increase by an average of 10 percent each year the next three years, growing to \$189.3 billion in 2013.

The only way for states to collect on 100 percent of that money, Peterson said, is to address 1992 Supreme Court rulings – *Bellas Hess v. Illinois* and *Quill Corp. v. North Dakota* – that said states cannot require a retailer that doesn't have a physical presence in the state to collect sales tax. The

problem, he said, is that interstate sales tax is too complicated.

"A retailer would have to know that one state collected taxes for A, B, C, and D, while maybe a local government only required sales tax to be paid on A, B and C," Peterson said.

That's where the streamlined sales and use tax project comes into play. The solution, though, is less than simple. The Streamlined Sales and Use Tax Agreement, which is 10 years in the making, outlines the steps for state use tax systems in a 170-page document.

"Just in Missouri, we have state tax rates and local tax rates. So companies had a stronger argument, before the streamlined project was developed, that online collections for sales in other states would be too difficult and too cumbersome," Blouin said. "The project actually provides the mechanism to help retailers determine rates."

If the Missouri bills pass, the state's sales and use tax laws would comply with the streamlined tax agreement. State and local taxes would need to have the same exemptions and adopt specific definitions, such as "food," "lease or rental" and "purchase price," according to the Senate bill.

### 23 and counting

Already, 23 states – including Arkansas, Kansas and Kentucky – have signed the agreement. Until vendors are required to collect sales tax from other states, however, companies that sell products or services online aren't overly concerned.

Kristin Parker, who works in the accounts receivable department at Springfield-based Everything Kitchens LLC, 1920 W. Woodland St., said the company generated \$8.6 million in revenues in 2009, with the majority of business coming from Web sales. Parker said only 3 percent of that revenue came from Missouri residents, meaning the remainder of kitchen supply and appliance sales was absent of certain state sales taxes. She leaves it to the company's software program to calculate that tax.

"If it's a Missouri customer, it will add sales tax," Parker said. "Otherwise, it doesn't."

Only about 5 percent of Stockton-based Hammons Products Co.'s business is retail, including catalog and Internet sales, President Brian Hammons said. The company also relies on software to calculate taxes, and Hammons expects an updated software package would accom-

*(Continued On Page 6)*

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# Another Step Toward Openness

By Bob Priddy, MissouriNet News Director  
(as originally published on missourinet.com)

The Cape Girardeau *Southeast Missourian* took an important step for open government this morning [Feb. 24] when it did a live webcast of a Missouri Supreme Court hearing. Congratulations to the staff that came to Jefferson City, starting at oh-dark-thirty to get here on time.

Congratulations to the court staff that worked with them to get the webcast set up. Congratulations to Chief Justice Ray Price and the other members of the court for deciding on short notice to let the webcast take place as a test. The newspaper has archived the video coverage.

It's not gripping drama (appeals court hearings don't have witnesses and final arguments and juries), but it is our court system at work. This particular case had the additional value of being an appeal of a ruling about the state's open meetings/open records law. The average person is likely to find it somewhat tedious to watch. But the important thing is that the *Missourian* provided a window on the political system that people can look through and learn from.

The new technology that we use in the news business allows citizens to watch their government at work in real time. The wheels of government are often noisy and sloooooow. Our own Learfield Web guru, Steve Mays, has been live streaming a few legislative committee hearings during this session. The feeds have been fairly primitive and haven't used the more

sophisticated but very affordable camera that the newspaper used today. But they've been important steps we've taken to continue to let Missourians see and hear their government at work and to help Missourians understand the political process is human and often not clearly black-and-white.

He says one of the things the experience has taught him is the value of reporters who sit through those lengthy meetings and then distill that hour or

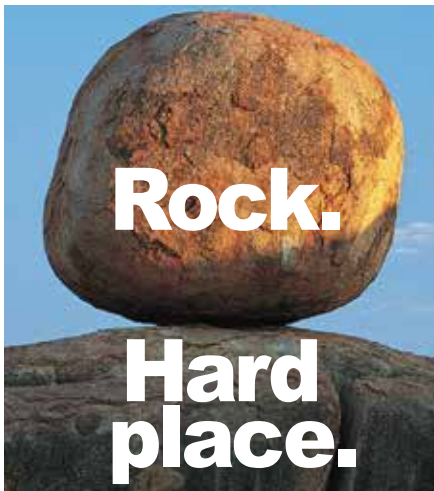
so of discussion into print or broadcast stories that capture the essential elements of the event so the public understands the issues. Those of us in the MissouriNet newsroom hope the company invests in the resources we need to do more of the work that Steve has been doing and that the *Southeast Missourian* did today.

The MissouriNet has been involved in this business of opening state government to its citizens for more than 30 years.

Before then, in fact. This reporter testified before Senate committee when Sen. Bill Cason of Clinton introduced the bill that became Chapter 610 in our statutes, the open meetings/open records law. He testified against the bill because it did not include a provision allowing journalists to use all of the tools of their trade in covering meetings that the law guaranteed would be open (this was about the time he was thrown out of a Lincoln University Board of Curators meeting when he refused to shut off his tape



(from left) Judge Zel M. Fischer, Judge Michael A. Wolff, Judge Richard B. Teitelman, Chief Justice William Ray Price Jr., Judge Mary R. Russell, Judge Patricia Breckenridge, and Judge Laura Denvir Stith hear a case regarding the Sunshine Law.



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recorder). A couple of years later the MissouriNet went on the air and reporters for the first time started putting microphones on witness tables at committee hearings and recording floor debate in the House, playing excerpts back on our newscasts. In 1975, Missourians began hearing for the first time their fellow citizens testifying on legislative proposals and began hearing their representatives debating bills. The Senate did not allow recording of debate for several more years.

More than 10 years ago the MissouriNet began providing gavel-to-gavel Internet broadcasts of House and Senate debate. We were amazed at some of the reactions we got and by some of the places it came from. One lawmaker's wife, in fact, told us she listened in so she knew where her husband was.

As early as 1977 the MissouriNet started pressing the Supreme Court to open itself up to broadcast coverage and still photography. Not until Chip Robertson became Chief Justice more than 20 years later, however, were rules written allowing that broadcast coverage in all state courts. A few years later the MissouriNet began feeding the court's arguments on the Internet.

Today the Legislature provides its own Internet feeds of floor debate. The State Supreme Court has assumed responsibility for the audio webcasts of its arguments.

We haven't gone through this history because we wanted to beat our chests or pat ourselves on the backs. We've done this because it's important to know that the government openness we take for granted today has been a long process that is ongoing – as in today's live webcast of the Supreme Court hearing.

About 15 years ago the MissouriNet proposed creation of The Missouri Channel and although we told the Missouri cable television industry we could create it and provide it to cable operators for a daily cost per subscriber of less than the price of a large bag of

M&Ms with peanuts, the industry showed little enthusiasm. Now we have the Internet. Now we have the affordable technology and the affordable delivery systems to create The Missouri Channel without using cable. Now it doesn't have to be broadcasters who provide broadcasts. Newspapers, radio, and television are all growing together as content providers for the people. Our opportunities to serve the public are greater than they ever have been thanks to today's technology. The *Southeast Missourian* today and Steve's committee webcasts in the last few weeks underscore those opportunities. We hope the MissouriNet and other news media will seize those opportunities and commit the resources to meet the obligations those opportunities give us.

And we hope that the people we try to serve through them will care enough to want to pay attention and to learn.



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## Counties And Streamlined Sales Tax

The fiscal note for SB 905 shows no known impact to local governments by the state adopting the Streamlined Sales and Use Tax Agreement. Sales tax collection on food would remain unchanged, despite the exemption at the state level. Depending on cooperation from remote sellers, revenue increases could prove positive for counties, but only to those counties with a use tax. Also worth noting, under the agreement counties would no longer have the option to opt out of any statewide sales tax holidays.

modate any changes to sales tax administration.

Cart32, the e-commerce software developed by Springfield-based McMurtrey/Whitaker & Associates Inc., currently has tax engines built to the specific needs of merchants, said co-founder and president Shannon McMurtrey.

To offer merchants a more generalized tax engine, McMurtrey's company has partnered with Avalara, a Bainbridge Island, Wash.-based tax administration software firm. Avalara is one of three tax administration software companies certified by the Streamlined Sales Tax Governing Board, according to [www.streamlinedsalestax.org](http://www.streamlinedsalestax.org).

If Missouri decides to participate in the streamlined sales tax, it would have to review the software certified by the governing board to make sure it was compliant with the state's taxes, Peterson said.

Most states can transition to compliance with the streamlined tax agreement within a year, he added. And for businesses, the goal is to make tax administration less complicated.

"For businesses that have to do business elsewhere, they have one way of doing things for 23 states, and a lot of other ways in the other states," Peterson said.

"We need more states to join. The more that join, the less different kinds of situations businesses would have to track," he added.

**MAC Update:** As of this publication, SB 905 has passed the Senate Ways and Means Committee and has received several hours of Senate debate. However, it has run into opposition from a number of senators who believe this is, in fact, a tax increase on Missouri citizens. The House bill was heard by the House Ways and Means Committee on March 31.

*This article was originally published in the March 22, 2010, edition of the Springfield Business Journal. Reprinted with permission. It is also available at [www.sbj.net](http://www.sbj.net). E-mail your thoughts to Editor Eric Olson, [eolson@sbj.net](mailto:eolson@sbj.net).*

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## Rescinded Monies Restored For BRO Program

On March 16, 2010, The U.S. Senate voted to pass the Hiring Incentives to Restore Employment (HIRE) Act. On March 18, President Obama signed the bill into law. The bill includes \$17.5 billion in job creation provisions.

Notably, the bill extends federal highway and bridge funding (SAFETEA-LU) through the end of 2010. Before passage, the Senate restored \$8.7 billion in highway contract authority to the states which was previously rescinded last September. For Missouri, this amounts to a total of \$202 million, over \$17 million of which is apportioned for off-system bridge maintenance (the BRO Program).

SAFETEA-LU has provided about \$286 billion in funding for highway, transit and safety programs over the past five-year period. At this time, the Highways and Transit Subcommittee of the House Transportation and Infrastructure Committee has approved a draft bill authored by Rep. James Oberstar, chair, that substantially increases program funding and consolidates many of the programs. The new bill, known as the Surface Transportation Authorization Act (STAA), as currently worded, would eliminate the Highway Bridge Program's requirement that 15 percent of the annual federal highway funding apportioned to the states go to off-system bridge maintenance (the BRO Program).

In the Senate, the Environment and Public Works Committee is responsible for the highway program; the Banking Committee is responsible for the transit program; and the Finance Committee, like the House Ways and Means Committee, decides how the programs are funded and from what sources. So far, not much is happening regarding a new transportation funding bill on the Senate side and the committees are moving slowly. In the meantime,

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everyone will be waiting to see what type of proposal, if any, the Obama administration puts forward.

Sen. Kit Bond, Sen. Claire McCaskill, and Rep. Sam Graves, among others, have been avid supporters of the BRO program for Missouri, and all three support language that continues this program. It is important for constituents to keep in contact with their legisla-

tors at the nation's capitol and let them know that the BRO Program must be an integral part of future transportation funding legislation.

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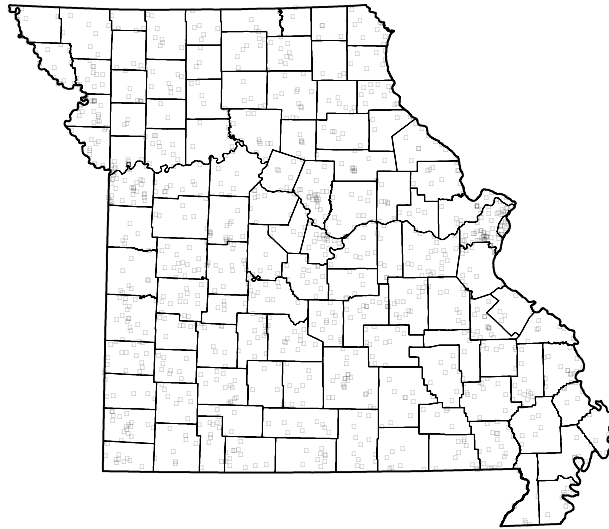
# Conservation Commission Continues Commitment To In-Lieu-Tax Payment Program

Being a good neighbor and partner is a priority for the Missouri Department of Conservation. One example of being a good neighbor and partner is with conservation lands. Department of Conservation lands provide Missourians with hunting and fishing access and also preserve important habitat types. Currently, the department holds in public trust approximately 1.7 percent of Missouri's acres (approximately 778,000 acres). Since 2003, the department has purchased approximately 1,770 acres per year, focusing on areas that represent reasonable additions to existing holdings, contribute to public access, or contain unique natural communities.

In 1980, Missouri voters authorized revenue from the conservation sales tax to be used by the Conservation Commission to make in-lieu-tax payments to counties for the unimproved value of land owned by the Conservation Commission. County payments made under the in-lieu-tax program are based upon the higher of (1) taxes paid on a tract of land at the time of the acquisition by the Conservation Commission, or (2) a calculated rate model after the State Tax Commission rule for valuing agricultural lands. County payments made under the forest crop-land program are based upon the State Forestry Law passed by the Missouri Legislature.

In 2004, the Conservation Commission approved plans to periodically evaluate the in-lieu-tax payment

rate for conservation areas every five years based upon the Legislature's approved Agricultural Land Value Rule. The new assessment calculation is compared to the current payment to the county, and the higher of the two is made to the county. This ensures counties are not harmed by the new in-lieu-tax system. At the December 2009 Conservation Commission meeting, the Commission approved the new in-lieu-tax payments which will result in an overall increase of \$10,786 to counties. The increase is a result of more accurate GIS mapping.



*This map shows the current county lands that have been purchased by the Department of Conservation. The counties in which these lands reside benefit from in-lieu-tax payments.*

In 2009, the total paid to Missouri counties for in lieu of taxes, levee drainage districts, and forest crop lands was \$1,040,905. Since 1980, more than \$13.79 million has been paid to Missouri counties in lieu of real estate taxes. In addition, many counties participate in the department's county roadway assistance program (known as CART). The Department of Conservation also provides financial support, training, and equipment to more than 900 volunteer and local fire departments.

The Department of Conservation continues to be a good partner and neighbor to county government. For additional information on the Department of Conservation county programs contact Aaron P. Jeffries, assistant to the director – Governmental Relations (573-522-4115 x 3146) or by e-mail at [aaron.jeffries@mdc.mo.gov](mailto:aaron.jeffries@mdc.mo.gov).

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## Clay County Website Recognized For Ease Of Access To Government Records

On March 14, the *Kansas City Star* ran a "short take," which recognized the Clay County website as one of the best in the nation.

The site has been named one of the "sunniest" in the nation by the Sunshine Review, an organization that advocates for accessible government records in an attempt to establish the standard for government transparency.

Receiving a "Sunny Award" for transparency excellence, the site was one of 39 to receive an "A" grade out of more than 5,000 state, county, city, and school district websites reviewed.

Fourteen sites around the country received A+ awards; 25 sites (Clay County's among them) received an A-. The overall grades for existing sites in Missouri are rather stringent, with most receiving a D- or an F.

The analysis evaluated the availability of information regarding budgets, meetings, government officials, permits and zoning, audits, contracts, lobbying, public records and taxes.

In fact, the Sunshine Review's only criticism was that Clay County didn't provide more information on how to request public records that are accessible on the website.

The Review's "Transparency Checklist" measures what content is available on government websites against what should be provided.

"Sunny Award winners deserve recognition for making information available to citizens and for setting a transparency standard that all governments can, and should, meet," said Mike Barnhart, president of Sunshine Review. "Access to information empowers every citizen to hold government officials accountable for the conduct of the public's business and the spending of taxpayers' money. Official accountability is the cornerstone of self government and liberty."

Since its inception in 2008, the Sunshine Review has analyzed the websites of all 50 states, more than 3,140 counties, 805 cities, and 1,560 school districts. Visit [www.sunshinereview.org](http://www.sunshinereview.org) for an analysis of all 53 Missouri county government websites that are

operative. This means that 47 percent of our counties have a web presence on the Internet. It also means that 53 percent (or 61 Missouri counties) have no website whatsoever.

What is alarming is that only five states (Arkansas, Massachusetts, Mississippi, Oklahoma and South Dakota) have fewer websites per number of county governments than Missouri.

Granted that at 114, Missouri has the fourth highest number of county governments in the United States. However, of those states who are close in number to our tally for county governments, Missouri is lagging far behind. Kentucky, for instance has

118 counties, with 87 percent of them having websites.

Findings in the main article which evaluated Missouri county government websites are as follows:

- 11 counties in Missouri put their budgets on their websites.
- 15 counties include information on their websites about public government meetings.
- 21 include information about the county's elected officials.
- 36 include information about the county's administrative officials.
- 13 give information about permits and zoning in the county.
- 6 of the counties put information on their websites about audits that the county government has had performed.
- Only one county provides information about its contracts with county vendors.
- None of the county websites discloses whether or not they belong to any taxpayer-funded lobbying organizations.
- None of the county websites provides information on how to request public records using the Missouri Sunshine Law.
- 13 county websites provide some information about county taxes.





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# Social Media, The Law, And You

By Donna Eich Brooks, Attorney at Law, Lehr Middlebrooks & Vreeland, P.C.

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## Introduction

Here's a day in my life these days. E-mail received on Friday, July 24th (details and names changed to protect the innocent as well as the not-so ...):

We have an issue that I am not sure how to handle and I feel that other employers may be having the same problem – FACEBOOK! We have employees that are using Facebook on company time. We also have employees that are using Facebook at home and putting information that does not reflect positively on the hospital. Following are some of the comments posted by employees:

*So glad tonite is last nite at St. Elsewhere. It has been one heck of a week and I've been informed that there was a full moon tonite!! Aaah. Please crazies (and their families) just wait til tomorrow nite ok? Better yet, the hospital is closed tonite for repair. Will reopen at 8 am tomorrow! Lol*

*Ok half the work week down at St. Elsewhere! Is there a welcome sign outside of the entry for idiots? And since when did people think we provide a hot meal and HBO? It is not a hojo!*

These were done on duty:

*Just working going to get my patient ready for surgery poor thing he has tubes in almost every orifice.*

*Could the doc plez just not make rounds until after 4 am so I don't have to do anything else?!?!*

We do have a policy about conduct outside the hospital. Can we discipline the employees who are posting this information off duty? Do we need a new policy that deals specifically with the new technology being used for communication?

Then, on August 11, a client calls because a front-line employee – who is “friends” with her supervisor on MySpace – posted a blog that indicated roughly the following:

*I can't shake this depression. I tried to end it all a few weeks ago. I've researched the best way to commit suicide. It's harder than you might think. This bipolar has got me down. Some days, I just want to go postal.*

It is, in fact, a brave new world for employers. Where do they go from here?

## What's “Private” About Social Media?

The strict rule: if it's on the Internet it can never be private; this rule should also apply to voicemail recordings, text messages, etc. Unlike oral communication, this form of communication remains somewhere: Google cache, the originating computer or phone, or other electronic records. It doesn't go away. Couple this never-before-seen ability to communicate with millions (gajillions?) with what may be an ultimate inability to secure data, and the chances are if someone wants to obtain electronic data, they can.

Most of us know if we post something in a public forum, whatever we post is no longer private. That rule applies to the Internet the same as it does to the bathroom wall at the I-75 truck stop or a billboard on I-65. It just feels different somehow, but it's not. If you then add in the complicating factor that major social networking sites (MySpace and Facebook) provide limits on access to a profile, as do some blog services, then it seems like we can speak and type freely. When only certain people can access our social networking site, it gives us a sense of whispering – talking behind everyone's back. We can say things we wouldn't say at a company meeting, for instance. Some people might mistake this feeling for “privacy.”

At the most basic level, however, even semi-private, limited access profiles and blogs should be considered accessible via subpoena or through a third party who has access. Even beyond the reach of a subpoena, there is the risk of the privacy setting that seems restricted, but may not be in practice. Facebook allows profiles to be limited by networks (cities, schools) or friends of friends, both settings that make it easy for complete strangers, perhaps strangers who do not have our best interests at heart, to examine the content. Profiles on Facebook may be set as private, but when photos are added they have to be added with settings stating only “friends” can view them, or else people who you are not friends with can view your photos (even though they couldn't view your profile). Suddenly, things aren't so private anymore.

Even more difficult, as indicated above, some supervisors are friends with their subordinates. Some clients are friends with their business contacts. And if they aren't now, the day will come when the client Friend Request is sent and received. Suddenly, someone either has overheard the whispering or is tapping you on the shoulder and you're wondering what to do.

## So How Do We Deal With Electronic Conversations?

Communication through social media sites is not that different from communication in person – it just is more dangerous because it *feels* different. In the



scenario where the front-line employee is talking about “going postal” and the supervisor is a friend, it really is no different than if the employee walked into the supervisor’s office and said those things. There is a record the supervisor was a friend and was privy to the communication. The employee knows the supervisor could see the comments. They cannot be ignored.

Does this mean suddenly the supervisor is responsible for ensuring he or she reads every post on every subordinate’s page? Probably not; there is a reasonableness standard. If the supervisor has 400 friends, it would be easy to understand he or she was not following every subordinate’s post. But it does lead to two conclusions:

1. This is why there may be an inherent risk in “friending” subordinates. We now have a factual issue: did the supervisor see the post at issue? We know the supervisor had access.

2. If the supervisor regularly posts on the subordinate’s page, if the supervisor commented on posts before and after one that is at issue, if the supervisor has a small number of “friends” – these factors increase the chance that the supervisor is charged with taking action in response to troublesome posts.

We have to train our employees and supervisors (and probably ourselves) that – contrary to popular practice right now – they have to be much more circumspect about what they put on social media sites than what they might say in an every-day out-of-the-office conversation. Consider this an opportunity to educate employees on privacy settings, decorum, and the permanency of the Internet.

Even more importantly, supervisors remain in a position to represent the company, even off duty. We may argue in litigation that these posts are outside the scope of employment, but employers need to be proactive about ensuring that supervisors understand that off-duty posts (as well as off-duty texts, cell phone messages, etc.) to subordinates must still be professional and not suggest any harassment, discrimination, or retaliation.

### **How Much Do You Want To Know?**

Really, anything in an employee’s Internet profile that could reflect negatively on his or her employer or prospective employer might form a legal basis for firing or refusing to hire. Just because it’s legal, however, for employers to use these sites to research their employees’ private lives doesn’t mean it’s a good idea. And public employers, of course, must proceed more cautiously.

Consider that Internet profiles frequently disclose a great deal more personal information that employers are not legally permitted to consider when making employment decisions (like age, race, national origin, ethnicity, disability, religion, pregnancy, marital status, etc.). If employers are accessing this information and then making an employment decision, they’re risk-

ing that they may have some difficult explaining to do later. The employer’s “best case scenario” is to be able to state honestly: “I had no idea that this employee was Muslim; therefore, her religion played no role in my decision.” Facebook posts exclaiming “Blessed Ramadan to you!” would of course undermine this argument.

In addition to exposing you to information you do not necessarily want, recognize that policing after-hours speech may take a negative toll on employee morale. There is also some question as to whether this might constitute “spying” and might be prohibited conduct under the National Labor Relations Act. This likely depends on how openly the employee’s information is posted (and conversely how much trouble it was for you to gain access), but expect this to be a developing area of the law.

Bottom line: train your supervisors on the risks of “friending” their employees. They can learn more than they ever wanted to know, as discussed above, and be forced to take action. Treat information gained through these electronic means as information gained through more traditional means and take action as appropriate.

### **What Good Are Social Media Sites Anyway?**

Social networking can be a very positive form of recruitment, although it is not without its danger zones. But you want to keep up with the times and avoid relying on archaic recruiting methods. Recognize that some companies – as government contractors – are subject to fairly specific regulations regarding their high-tech recruiting efforts. Regulations issued by the Office of Federal Contract Compliance Programs<sup>1</sup> (OFCCP) related to “Internet Applicants” went into effect in February 2006; these regulations have serious ramifications related to government contractors and the use of any electronic form of recruiting. Online recruiting:

- Could result in a “gigapool” of applicants; and
- Could result in highly burdensome record keeping.

Proceed cautiously with using an electronic device (to include fax machines) in order to find candidates if you are a government contractor. Don’t dabble in this arena without consulting counsel. Be mindful of the difference between open access to posted positions and a throwback to the “good ol’ boy” system of recruitment. Monster.com is the ultimate open access service. You never lay eyes on the applicant; you are exposed to a great range of employees, etc. You post the job, they come to you. “Good ol’ boy” candidates could now come via Tweet (or ReTweet) or Facebook or LinkedIn. They only have access because of *connections*. This can be some cause for disparate impact concern if you don’t have a diverse workforce already.

We also shouldn’t lose sight of the fact that social media sites are a great way to further legitimate busi-

*(Continued On Page 18)*

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# NACo Launches The Government Employee Marketplace



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NACo has launched a new member benefit – the Government Employee Marketplace.

The website, available to public employees and retirees, offers various government employee discount programs, other discounts, and limited offers. Employees select the products and services they wish to use, and may also sign-up to be notified about deals on specific products. NACo partners with govmarket.org to provide this service as a member benefit.

Former NACo President and Boone County Associate Commissioner Karen Miller explains that in the current economic climate of salary freezes, this is one way county governments can give their employees a little bit of a monetary break. “It’s a small way – but a way – to show our employees that we care about their circumstances,” she says.

The program is free. There is no cost to join, no membership fee, no activation fee and no access fee.

Government employees can realize significant savings on exclusive volume discounts, collective markdowns and promotions, seasonal sales, and free shipping. Some of these offers eventually expire.

It’s convenient. Using only one online portal – [www.govmarket.org](http://www.govmarket.org) – employees can connect with thousands of brand-name merchants, as well as Internet-based and retail-based sellers. The 20 categories for purchases include the following: apparel, automotive, beauty, business & office, computers & electronics, eco-friendly, education, entertainment, family, finance & security, food & drink, gifts, health, hobbies & collectibles, home & garden, personals, pets, sports & fitness, toys & games, and travel.

Some of the top participating

merchants are Barnes & Noble, Safeway.com, Best Buy, Diapers.com, DisneyStore.com, Cabela’s, Sear’s, Talbot’s, Kohl’s, Netflix, Pet Smart, Applebee’s, Reebok, and Travelocity – to name a few.

Government employees can receive e-mails listing weekly deals. Many redirect the buyer to the merchant’s website where he/she enters a promo code to take advantage of “hot deals.”

On the Tools menu, under Travel, search for the lowest prices for flights, hotels, rental cars and cruises. Or find the lowest gasoline prices by your zip code. Or find sitters for child care, pet care, senior care, home care and tutoring. There’s even an option to find dining and grocery deals.

On the Local Coupons menu,

the government buyer can print off any coupons.

On the Gift Cards menu, he/she can receive \$3.75 off a \$25 Old Navy gift card, \$8.28 off a \$63.50 Bath & Body Works card, or \$8.75 off a \$70 JC Penny gift card.

Use of [www.govmarket.org](http://www.govmarket.org) requires minimal registration and login requirements. Just follow the instructions and join!

For more information on the Marketplace, contact Nancy Parrish at [nparrish@naco.org](mailto:nparrish@naco.org) or 202.661.8824. “It’s just another place to do your shopping,” says Parrish, adding that over 4,000 people are registered to date. While the program is still in the pilot stage, it’s obviously generating a lot of interest from county government employees and retirees.

- Water
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ness interests. Social media is not the enemy and employers should not view it that way. Consider the industry-related message board or group on LinkedIn; there may be a message board where engineers and computer programmers can troubleshoot certain issues or seek advice from other professionals, and sites where lawyers can ask other member lawyers “have you faced this situation?” These can be very efficient, cost-effective ways to increase employees’ knowledge and access to information.

Posters to such sites must still be mindful of some legal concerns, however:

1. Posts must maintain the confidentiality of the customer or client.
2. Posts must not attack competitors or seek to interfere with another company’s business relations with any customer.
3. Posts must not confess a lack of knowledge, care or competence that could support a negligence claim later if defending a legal challenge. Remember: every post is potential evidence.

### **What Should I Cover In My Social Media Policy?**

There are some basics a “social media” policy should cover:

1. Can employees utilize employer equipment, including computers and electronic systems, for blogging and/or updating personal sites?
2. Can employees spend any amount of their work time posting to blogs and social media sites?
3. Remind employees that they must at all times abide by your policies regarding non-harassment, non-discrimination and non-retaliation.
4. What are the company’s expectations with regard to privacy?
5. On the other hand, what are the company’s expectations with regard to full disclosure? If you have a technology-savvy workforce and you sell products on the Web, at what level of seniority should employees/officers be required to disclose their affiliation when they speak about the product or its competitors via blog, blog comment, or product review? You may avoid embarrassment by addressing these issues head on. (See [pogue.blogs.nytimes.com/2009/01/27/carbonite-stacks-the-deck-on-amazon/](http://pogue.blogs.nytimes.com/2009/01/27/carbonite-stacks-the-deck-on-amazon/) to see how a company was outed after favorable Amazon.com product reviews were shown to be from a VP or Marketing and Senior Software Engineer who did not disclose their affiliations with the company).

Additionally, it may be wise to consider implementing a required “cool off period” so that no electronic discussion of work-related events can take place until the following day to prevent electronic postings that are made in the “heat of the moment.”

Clearly, industries where confidentiality is a paramount issue – such as hospitals, mental health

agencies, physician’s offices, insurance companies and high-tech development industries – must address confidentiality issues head on. Ensure that privacy policies and employee training/orientation materials have been updated to address the use of social networking sites.

Other high-tech, high-communication companies will likely want to foster productive blogging and constructive use of social networking. Because of counties’ relationship with the public, many counties may want to encourage the use of electronic communication to further dialogue between the employees and the public. If so, it is probably wise to consider how you want the employee to present you or the county to the public. Consider Intel’s Social Media Guidelines ([http://www.intel.com/sites/sitewide/en\\_US/social-media.htm](http://www.intel.com/sites/sitewide/en_US/social-media.htm)) which actually encourage employees to bring their own interesting perspective to their social media posts. Here’s an excerpt:

*The choice to participate in social media is yours. If you do, please follow these guiding principles:*

- *Provide unique, individual perspectives on what’s going on at Intel and in the world.*
- *Post meaningful, respectful comments – in other words, no spam and no remarks that are off-topic or offensive.*
- *Reply to comments quickly, when a response is appropriate.*
- *Respect proprietary information and confidentiality.*
- *When disagreeing with others’ opinions, keep it cool.*
- *Know and follow the Intel Code of Conduct and the Intel Privacy Policy.*

Most employers will fall somewhere in between these two extremes, seeking to find a balance between the outright prohibition of communication with the public and actively encouraging it.

### **What Does The Law Say About Social Media?**

While it may take the courts a little while to address blogging issues on a widespread basis, we can predict some things at this early point. For public employers, even the First Amendment’s impact on the employer-employee relationship has been diminished. The U.S. Supreme Court decided the case of *City of San Diego et al. v. Roe*, 543 U.S. 77 (2004), in December 2004. In this case, a policeman, identified in court papers only as “John Roe,” contended his free speech rights were violated when his bosses learned of his “outside activities,” gave him a warning, then fired him. The court found his activities were not protected free speech.

Those activities included selling homemade sex videos on eBay that showed the 7-year police veteran

removing his police uniform and engaging in sexual acts. The high court seemed particularly disturbed by his use of a uniform, although it was not his official San Diego uniform, and said “the debased parody of an officer performing indecent acts while in the course of official duties brought the mission of the employer and the professionalism of its officers into serious disrepute.”

Roe claimed in his lawsuit that his activity was a “public concern” because the sex videos were made while he was off-duty and away from the workplace, were marketed to a public audience and did not identify him as a San Diego officer – and he won at the lower court level. The Supreme Court didn’t buy his argument, however.

For public employers, the key issue is often whether there is a “nexus” between the conduct and the employer’s workplace or the employee’s position. Completely unrelated conduct may be more likely to be protected, as the government employer has little interest in controlling such activity.

Remember also that, under the Stored Communications Act (18 U.S.C. Sections 2701 to 2712), if an employer uses illicit or coercive means to get into (or get a view at) an employee’s social media accounts, it may put itself at risk of violating the Act, a broadly worded statute meant to protect private e-mail. The theory has met some success where an employee was impermissibly coerced into giving up a co-worker’s password for a MySpace account.

*<sup>1</sup>The OFCCP is responsible for ensuring that employers doing business with the Federal government comply with the laws and regulations requiring non-discrimination. It is unlikely that municipalities would be considered “government contractors” under federal law if the only funds they receive from the federal government are in the form of federal grants.*

## Sample “Starter” Social Networking Policy

We understand that some employees, on their personal time and their own personal computers, may maintain Web logs (or “blogs”), or post to social networking sites such as MySpace, Facebook or Twitter. While Company respects its employees’ interests in personal expression, employees must understand that these postings have nearly unlimited communication potential and, unless the creator restricts access, they may be accessed by anyone around the world with access to the Internet. Even efforts to restrict access can fail.

To protect Company’s interests, we expect that employees who maintain personal blogs or contribute postings on the Internet abide by the following guidelines:

- Company equipment, including computers and electronic systems, are not to be used for these purposes.
- Employees may not spend any amount of their work time posting to such blogs or websites. This conduct is appropriate only when employees are off duty.
- When blogging about your work at home on your own time, you must abide at all times with all legal and ethical requirements, as well as Company’s policies regarding non-harassment and other matters including those governing the confidentiality of Company information.
- You may not disclose confidential information about Company, its customers or its employees that you learn in the course of your employment.
- You may not use any materials belonging to Company, including our promotional and marketing materials, without the written permission of [insert title of responsible individual].
- Be respectful. You may not make discriminatory, harassing, defamatory, libelous or slanderous comments when discussing Company, its officers, your supervisors or co-workers or our competitors. You should not use a blog or such posts as a vehicle for personal attacks. Another recommended way to safeguard against making inappropriate posts is to take a one-day “cooling off” period before posting about your work, a co-worker or a patient.
- You should assume that people, including co-workers, supervisors and customers are reading your postings.
- Recognize that the Company may address as a disciplinary issue any language that you post in a blog or a social media site that reflects negatively on your work ethic or your level of commitment to and compassion for our customers.
- Nothing in this policy is intended to prohibit, nor should it be interpreted as prohibiting, employees from engaging in protected concerted activities or making protected statements and reports to the proper internal and external authorities.
- Company strives to provide the best service possible. One way we fulfill that mission is by having an open door policy. If you see room for improvement, whether for an individual case or company-wide, please share your insight with us through our open door policy.

Given these factors, remember that, in general, blogs are not an appropriate forum for you to vent frustration about customers, coworkers, supervisors or your job in general. There simply is too much risk that the information can be communicated in an unlimited fashion. Violations of this policy can result in discipline up to and including termination from employment.

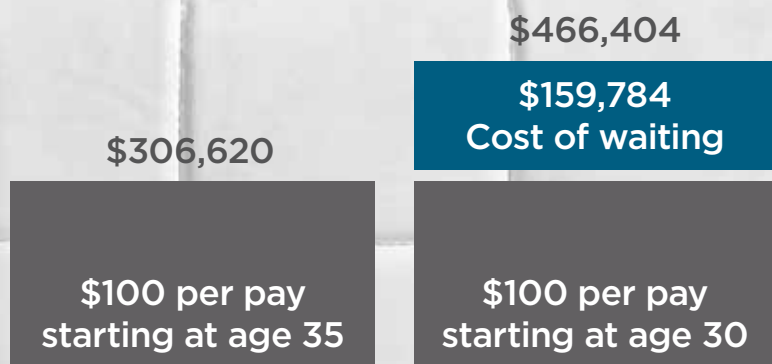
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# MISSOURI COUNTIES BY CLASSIFICATION

## TOTAL COUNTIES 114

### CLASS 1 (TOTAL 17)

BOONE	GREENE
BUCHANAN	JACKSON (charter)
CALLAWAY	JASPER
CAMDEN	JEFFERSON (charter)
CAPE GIRARDEAU	PLATTE
CASS	ST. CHARLES (charter)
CLAY	ST. LOUIS (charter)
COLE	TANEY
FRANKLIN	

<u>CLASS 2</u>	(TOTAL 5)
CHRISTIAN	NEW MADRID
NEWTON	ST. FRANCOIS
LINCOLN	

### CLASS 3 (TOTAL 88) [T = # of townships]

ADAIR	<b>HENRY (T-19)</b>	PHELPS
ANDREW	HICKORY	PIKE
ATCHISON	HOLT	POLK
AUDRAIN	HOWARD	PULASKI
BARRY	HOWELL	<b>PUTNAM (T-11)</b>
<b>BARTON (T-15)</b>	IRON	RALLS
<b>BATES(T-24)</b>	KNOX	RANDOLPH
BENTON	LACLEDE	RAY
BOLLINGER	LAWRENCE	REYNOLDS
BUTLER	LEWIS	RIPLEY
<b>CALDWELL (T-12)</b>	<b>LINN (T-14)</b>	SCHUYLER
<b>CARROLL (T-21)</b>	<b>LIVINGSTON (T-13)</b>	SCOTLAND
CARTER	MACON	SCOTT
CEDAR	MADISON	SHANNON
<b>CHARITON (T-16)</b>	MARIES	SHELBY
CLARK	MARION	ST. CLAIR
CLINTON	MCDONALD	STE. GENEVIEVE
COOPER	<b>MERCER (T-9)</b>	<b>STODDARD (T-7)</b>
CRAWFORD	MILLER	STONE
<b>DADE (T-16)</b>	MISSISSIPPI	<b>SULLIVAN (T-12)</b>
DALLAS	MONITEAU	<b>TEXAS (T-17)</b>
<b>DAVISS (T-15)</b>	MONROE	<b>VERNON (T-20)</b>
<b>DEKALB (T-9)</b>	MONTGOMERY	WARREN
DENT	MORGAN	WASHINGTON
DOUGLAS	<b>NODAWAY (T-15)</b>	WAYNE
<b>DUNKLIN (T-8)</b>	OREGON	WEBSTER
GASCONADE	OSAGE	WORTH
<b>GENTRY (T-8)</b>	OZARK	WRIGHT
<b>GRUNDY (T-13)</b>	PEMISCOT	
<b>HARRISON (T-20)</b>	PERRY	

### CLASS 4 (TOTAL 4)

LAFAYETTE	JOHNSON
SALINE	PETTIS

NOTE: CLASS 4 COUNTIES OPERATE UNDER THE LAWS OF CLASS 2 COUNTIES

For assessed values and additional information, visit MAC's website at [www.mocounties.com](http://www.mocounties.com) and click on the "County Info" link in the left-hand menu.

### Counties in holding pattern

Christian (Holding for class 1) 2011  
 New Madrid (Holding for class 3) 2011  
 Newton (Holding for class 1) 2011  
 Butler (Holding for class 2) 2011  
 Warren (Holding for class 2) 2013  
 Stone (Holding for class 2) 2013  
 Johnson (Holding for class 2) 2013  
 Morgan (Holding for class 2) 2013  
 Pettis (Holding for class 2) 2013  
 Phelps (Holding for class 2) 2013  
 St. Francois (Holding for class 1) 2013  
 Lincoln (Holding for class 1) 2013

Per Missouri statutes, once counties achieve an assessed valuation threshold necessary to move to a different classification, they must maintain that valuation for 5 years prior to moving to the new classification.

SB 605 and HB 1806 increase the minimum assessed valuation threshold from \$600 million to \$900 million for first-class counties and from \$450 million to \$600 million for second-class counties. All counties with an assessed valuation of less than \$600 million will be third-class counties. Also, the bills state that the required assessed valuation for each classification shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for all urban consumers (CPI-U) or zero, whichever is greater. The State Tax Commission shall calculate and publish this amount so that it is available to all counties. The language in these bills is also included in the local government omnibus bill (SB 580).



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# Statewide County 9-1-1 Survey Results

*A special thanks to MAC and CCAM Past President Betty Knight,  
Platte County Presiding Commissioner, who was instrumental in collecting this data.*

County	Question 1 (How is 9-1-1 Funded?)	Question 2 (How much is spent funding 9-1-1?)			Question 3 (# of PSAPs)	Question 4 (Avg. total call volume per month)	Question 4 (% of total call volume)		Question 5 (Level of Service)
		Landline Fees	General Revenue	Sales Tax			Landline	Cell Phone	
Adair	15% Surcharge	70,000	73,923	N/A	1	700	50%	50%	Enhanced
Andrew	15% basic phone charge	135,000	165,000	N/A	1	375	25%	75%	Enhanced
Atchison	½¢ sales tax	N/A	N/A	246,736	1	250	52%	48%	Enhanced
Audrain	¾¢ sales tax	N/A	N/A	878,250	1	500 - 600	60%	40%	Enhanced
Barry	¼¢ sales tax	N/A	N/A	800,000	2	1,100	28%	72%	E-Phase II
Barton	15% phone tax on land lines only	90,143	N/A	Law Enf. 75,000	1	250	40%	60%	Enhanced
Bates	No County funding	N/A	N/A	N/A	2	330	25%	75%	Basic
Benton	¾¢ sales tax	N/A	N/A	638,724	1	???	40%	60%	Enhanced
Bollinger	No funding								
Boone	2% surcharge on landlines & \$1.7 million from the City of Columbia	199,100	599,889	182,149	1	5,825	38%	62%	Enhanced
Buchanan	City of St. Joseph	N/A	2,129,436	N/A	1	23,551	29%	71%	
Butler	15% telephone surcharge	147,000	N/A	124,000	2	600	35%	65%	Enhanced
Caldwell	15% basic phone charge	85,000	154,000	N/A	1	200	55%	45%	Enhanced
Callaway	Budget of \$960,000	200,000	220,000	N/A	1	1,300	25%	71%	E-Phase II
Camden	15% landline fee	540,000	N/A	N/A	2	1,086	45%	55%	Enhanced
Cape Girardeau	8% telephone surcharge	618,382	N/A	N/A	3	3,051	35%	65%	Enhanced
Carroll	¾¢ sales tax	N/A	N/A	500,000	1	300	54%	46%	Enhanced
Carter	No funding								
Cass	11.5% surcharge on landlines	705,866	1,134,451	N/A	5	Admin: 17,711 9-1-1: 3440	31%	69%	Enhanced
Cedar	No funding								
Chariton	¾¢ sales tax	N/A	N/A	489,752	1	270	45%	55%	Enhanced
Christian	¼¢ sales tax	N/A	N/A	New tax 01/1/10	2	2,100	25%	75%	Enhanced
Clark	No funding								
Clay	2% tariff on each phone line	504,606	696,209; NKC is 642,306	124,366	6	Admin: 20,445 9-1-1: 1,390	22%	78%	Enhanced

County	Question 1 (How is 9-1-1 Funded?)	Question 2 (How much is spent funding 9-1-1?)			Question 3 (# of PSAPs)	Question 4 (Avg. total call volume per month)	Question 4 (% of total call volume)		Question 5 (Level of Service)
		Landline Fees	General Revenue	Sales Tax			Landline	Cell Phone	
Clinton	15% basic phone charge	175,000	570,000	N/A	2	950	23%	77%	Enhanced
Cole	General Revenue & law enforcement tax	N/A	243,529	104,370	1	2,800	40%	60%	Enhanced
Cooper	¼¢ sales tax	N/A	100,000	408,000	1	2,900	38%	62%	Enhanced
Crawford	¼¢ sales tax	N/A	N/A	400,000	1	1,024	44%	56%	Enhanced
Dade	Sales tax	N/A	N/A	908,945	1	3,510			Enhanced
Dallas	½¢ sales tax	N/A	N/A	553,715	1	845	44%	56%	Enhanced
Daviess	½¢ sales tax	N/A	N/A	304,500	2	250	40%	60%	Enhanced
DeKalb	15% basic phone charge	90,000	175,000	N/A	1	200	25%	75%	Enhanced
Dent	4% Landline fees	46,300	N/A	N/A	1	78	100%	N/A	Basic
Douglas	No funding								
Dunklin	15% surcharge	118,000	N/A	N/A	2	1,500	23%	77%	Enhanced
Franklin	12% landline fee	807,712	N/A	N/A	4	3,550	35%	65%	Enhanced
Gasconade	¾¢ sales tax	N/A	N/A	579,629	1	500	38%	61%	Enhanced
Gentry/ Worth	¾¢ sales tax	N/A	N/A	210,000	1	300	40%	60%	Enhanced
Greene	⅛¢ sales tax	N/A	N/A	\$5 - 5.3 million	2	18,000	35%	65%	Enhanced
Grundy	15% surcharge on landlines	80,000	10,000	N/A	1	???	35%	65%	Enhanced
Harrison	15% phone tariff	90,954	131,794	N/A	1	880	70%	30%	Basic
Henry	15% tariff on landlines	366,030	235,460	N/A	1	6,000	35%	65%	Enhanced
Hickory	No funding								Basic
Holt	¼¢ sales tax	N/A	40,000	82,000	1	150	??	??	Basic
Howard	½¢ sales tax	N/A	N/A	293,906	1				Enhanced
Howell	3/16¢ sales tax	399,655	N/A	610,000	1	1,875	55%	45%	Enhanced
Iron	Sales tax	N/A	N/A						
Jackson	Several funding sources	2,580,000	11,891,222	Fire District 182,379	15	Admin: 90,006 9-1-1: 78,784	43%	57%	Enhanced
Jasper	1/10¢ sales tax	N/A	N/A	1,551,036	2	30,119	25%	75%	Enhanced
Jefferson	½¢ sales tax for 10 years, then ¼¢	N/A	N/A	8,000,000	6	6,300	30%	70%	Enhanced
Johnson	¼¢ sales tax	N/A	N/A	820,500	4; 1 county	1,358	26%	74%	Enhanced
Knox	No funding								
Laclede	15% landline fee	403,806	N/A	N/A	1 primary 1 secondary	1,100	60%	40%	Enhanced

(This survey is continued on page 26)



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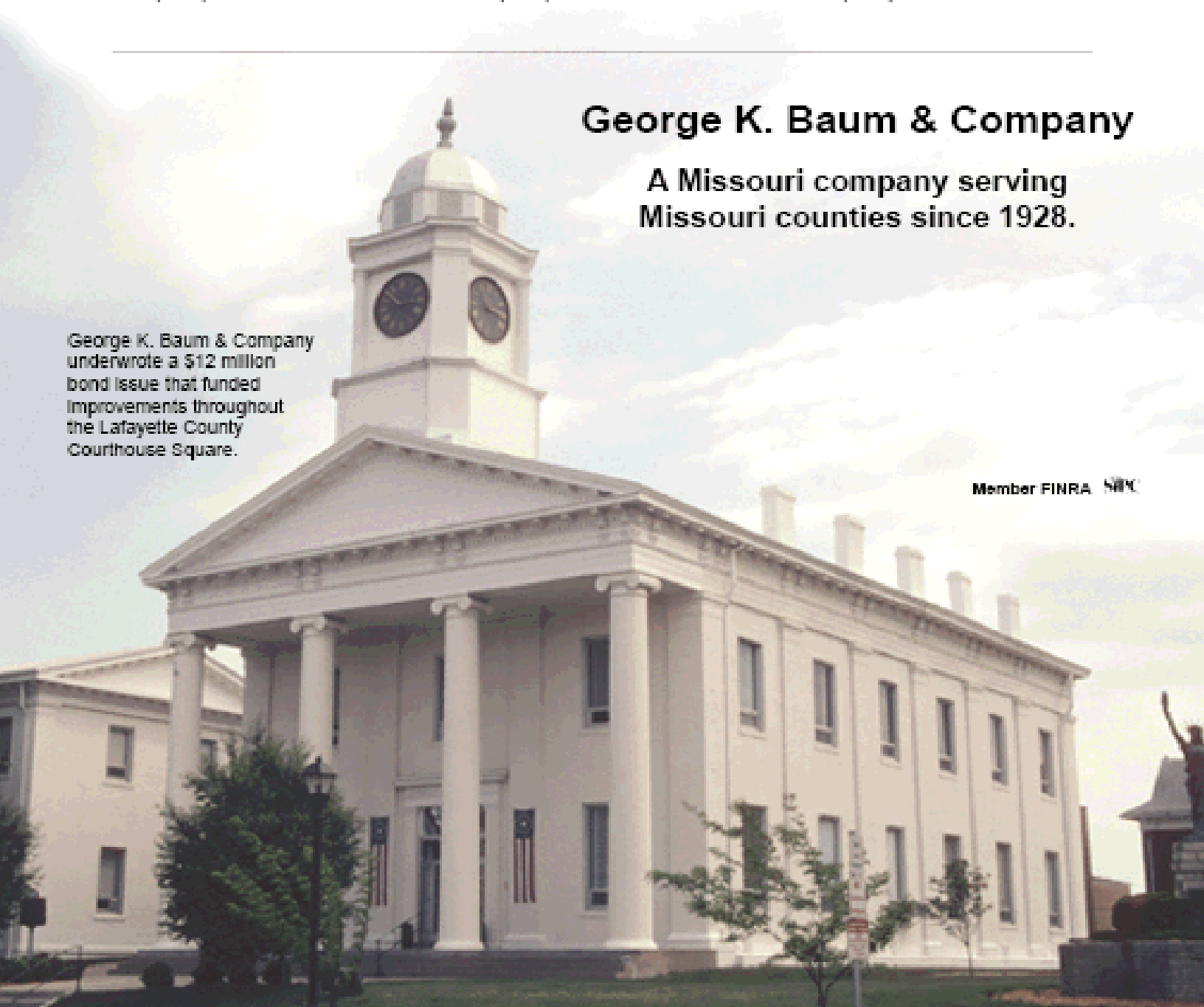
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(This survey is continued from page 23)

County	Question 1 (How is 9-1-1 Funded?)	Question 2 (How much is spent funding 9-1-1?)			Question 3 (# of PSAPs)	Question 4 (Avg. total call volume per month)	Question 4 (% of total call volume)		Question 5 (Level of Service)
		Landline Fees	General Revenue	Sales Tax			Landline	Cell Phone	
Lafayette	15% tariff	277,482	93,852	N/A	2	600	40%	60%	Enhanced
Lawrence	General Rev./fees landline fees	175,000	50,000	N/A	2	???	10-15%	85-90%	Enhanced
Lewis	5¢ sales tax	N/A	N/A	275,000	1	300	30%	70%	Enhanced
Lincoln	15% phone surcharge & other fees	400,000	678,000	N/A	4	5,860	80%	20%	Enhanced
Linn	9% phone tax	120,000	N/A	N/A	1	125	50%	50%	Basic
Livingston	15% phone line charge	150,042	N/A	68,896	1	212	41%	59%	Enhanced
McDonald	½ sales tax	N/A	N/A	908,945	1	3,510			Enhanced
Macon	3¢ sales tax	N/A	N/A	497,029	1	500	35%	65%	Enhanced
Madison	15% landline fee	120,761	112,000	N/A	1	450	40%	60%	Enhanced
Maries	15% surtax	70,000	N/A	N/A	1	30	??	??	Enhanced
Marion	¼¢ sales tax	N/A	N/A	880,000	1	600	40%	60%	Enhanced
Mercer	No funding	N/A	N/A	N/A	1	300	70%	20%	Basic
Miller	15% landline tariff	268,182	255,360	N/A	1	1,316	40%	60%	Enhanced
Mississippi	10% landline fee	47,000	N/A	N/A	2	203	System doesn't distinguish		Enhanced
Moniteau	½¢ sales tax	N/A	N/A	511,931	1	776	40%	60%	Enhanced
Monroe	City fees & landline fees	71,697	City fees 91,820	N/A	1	5356	30%	70%	Enhanced
Montgomery	15% landline fee	95,387	254,029	Other 8,478	1	226	System doesn't distinguish		Enhanced
Morgan	15% surcharge	283,000	N/A	N/A	1	1,800	38%	62%	Basic & Enhanced
New Madrid	15% landline fee	117,704	113,333	N/A	2	1,200	20%	80%	Enhanced
Newton	15% phone tax	520,000	175,000	N/A	1	1,900	28%	72%	Enhanced
Nodaway Co. / Maryville	15% phone tax	70,000	110,000		1		20%	80%	Enhanced
	15% phone tax	114,281	185,719	N/A	2	130	40%	60%	Enhanced
Oregon	No funding								
Osage	½¢ sales tax	N/A	N/A	450,000	1	526	26%	74%	Enhanced
Ozark	No funding								
Pemiscot	15% landline fee	100,000	42,000	N/A	1	1,500	40%	60%	Enhanced
Perry	15% landline fee	304,289	N/A	N/A	2	550	36%	64%	Enhanced
Pettis	15% landline fee	180,000	600,000	N/A	2	1,650	33%	67%	Enhanced
Phelps	15% phone tariff	586,584	N/A	N/A	1	6,248	50%	50%	Enhanced
Pike	15% landline fee	117,000	N/A	N/A	2	91	32%	48%	Enhanced
Platte	2% landline tax & General Revenue	255,007	687,586	N/A	2	Admin: 9,509 9-1-1: 1,982	30%	70%	Enhanced
Polk	15% landline tariff	230,452	N/A	Sheriff's 122,000	1	1,001	35%	65%	Enhanced

County	Question 1 (How is 9-1-1 Funded?)	Question 2 (How much is spent funding 9-1-1?)			Question 3 (# of PSAPs)	Question 4 (Avg. total call volume per month)	Question 4 (% of total call volume)		Question 5 (Level of Service)
		Landline Fees	General Revenue	Sales Tax			Landline	Cell Phone	
Pulaski	¼¢ sales tax	N/A	N/A	945,750	1	3,100	32%	68%	Enhanced
Putnam	½¢ sales tax	N/A	N/A	207,655	1	70	60%	40%	Enhanced
Ralls	½¢ sales tax	N/A	N/A	450,000	1	??	??	??	Enhanced
Randolph	15% phone surcharge	97,000	16,000	N/A	1	745	35%	65%	Enhanced
Ray	2% landline fee	175,800	240,000	N/A	2	Admin: 3,447 9-1-1: 458	33%	67%	Enhanced
Reynolds	No funding								
Ripley	No funding								
St. Charles	2% landline fee	500,000	N/A	N/A	6 primary 2 secondary	11,150	31%	69%	Enhanced
St. Clair	General Revenue	N/A	168,000	N/A	1	482	??	??	Basic
St. Francois	15% landline tariff	575,000	270,000	N/A	1 primary 1 secondary	3,000	45%	55%	Enhanced
St. Louis	1% landline tariff	1,000,000	200,000	N/A	28	65,000	30%	70%	Enhanced
St. Louis City	General Revenue	N/A	4,000,000	N/A	2	85,000	35%	65%	Enhanced
Ste. Genevieve	15% landline fee	120,000	260,000	N/A	1	600	40%	60%	Basic
Saline	½¢ sales tax effective Jan. 2010	N/A	N/A	Approx. 1 million	1				
Schuyler	No funding								
Scotland	No funding								
Scott	15% landline surcharge	165,745	229,584	N/A	1	1,310	35%	65%	Enhanced
Shannon	No funding					1,500-all calls			Basic
Shelby	½¢ sales tax	N/A	N/A	358,036	1	139	60%	40%	Enhanced
Stoddard	15% landline fee	269,701	N/A	N/A	1	1,000/mo.	38%	62%	Enhanced
Stone	Sales tax	N/A	N/A	\$1.2 m.	1	3,600	70%	30%	Enhanced
Sullivan	Sales tax	(½) + (¼)	N/A	348,949	1	225	49%	51%	Enhanced
Taney	10% phone tariff	720,064	N/A	N/A	2	3,500	35%	65%	Enhanced
Texas/Wright	15% landline fee	389,943	N/A	N/A	3	1,024	45%	55%	Enhanced
Vernon	Only General Rev. for dispatching	N/A	250,000	Other - 375,000	1	Nevada - 1,200	N/A	N/A	Basic
Warren	½¢ sales tax	N/A	N/A	1,307,921	1	400	Unavailable		Enhanced
Washington	½¢ sales tax	N/A	N/A	673,752	1	2,500	60%	40%	Enhanced
Wayne	No funding								
Webster	½¢ sales tax	N/A	N/A	900,000	1	1,230	65%	35%	Enhanced
Worth	½¢ sales tax	N/A	N/A	57,995	0	49	40%	60%	Enhanced
Wright	See Texas County								

**County Commissioners Must Oversee  
The Federal Workforce Investment Act (WIA)**

## **The Workforce System And You**

*Editor's Note: The WIA was enacted in the late '90s to create a new comprehensive workforce investment system that is customer-focused to help jobseekers access the tools they need to manage their careers through information and high-quality services. The Act also helps employers find the skilled workers they need. Federal training dollars flow through the state Division of Workforce Development to 14 Local Workforce Investment Boards around the state. According to WIA, the chief elected official (most commonly the county presiding commissioner) is held fiscally responsible for the expenditure of these funds.*

With an unemployment rate at 9.6 percent in December 2009 and with over 64,158 Missourians filing unemployment claims that month, it is important now more than ever to understand your role and responsibilities as chief elected officials in the state's workforce investment system that provides career assistance services to hundreds of thousands of Missourians each year.

Missouri's workforce system is comprised of over 40 Missouri career centers located around the state. The centers are staffed with trained workforce specialists and career counselors that focus on satisfying business-

es' need for skilled workers and the training, education and employment needs of individuals. The structure of the system and the responsibilities of the stakeholder entities are established through the Workforce Investment Act (WIA) federal job training legislation.

WIA mandates that the governor (as the chief elected official of the state) must establish a state workforce investment board and appoint members to this board – known in our state as the Missouri Workforce Investment Board (or MoWIB). The governor is also responsible for providing oversight to the state workforce investment system and designates the local workforce investment regions.

Missouri has 14 local workforce investment regions (see map), each governed by a Workforce Investment Board (or LWIB) that oversees the provision of workforce services through their respective career centers. Like the governor, **the chief local elected officials in each of these regions are responsible for establishing the LWIB in their region.** The chief local elected officials include county commissioners and, in some cases, mayors of the larger municipalities in the region. WIA requires the LWIB to be comprised of at least a 51 percent business majority, as well as representatives from local economic development, education,



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*"I understand the issues facing local government and will work to help maximize limited resources to meet essential needs."*

**Another major responsibility under WIA for the chief local elected officials is that they are designated as the local grant recipient for their region's WIA funds.** In order to administer these funds, the chief local elected officials may designate an entity to serve as the local grant sub-recipient for the funds, but the chief local elected official is the one held liable by the federal Act for any misuse of these grant funds.

As chief local elected officials, county commissioners are encouraged to become actively involved with their Local Workforce Investment Boards. Here are some proactive ways to maximize your involvement:

- sure that it reflects the interests of the current officials, as well as current economic factors. (Most of these agreements were originally developed when the federal Workforce Investment Act was first implemented between 1999 and 2000.)

- Ensure the board's business members are the best industry representatives in your region.
- Ensure the board's by-laws (including board procedures, membership terms, officer terms, etc.) are up-to-date.
- Provide direct leadership to the board to ensure that the board is driving workforce development to meet the needs of local businesses and economic development.

## Missouri Workforce Regions and Career Center Locations

29



## **Ruling Edges Out County In Lawsuit**

**By KC Kotyk, *Rolla Daily News* Reporter**

A decision reached by the Missouri Supreme Court regarding funding of the Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System sent shockwaves across the state and left Phelps County officials scratching their heads on Thursday.

Phelps County officials found themselves anxiously awaiting the outcome of the Supreme Court case shortly after PACARS filed a similar lawsuit against Phelps County, claiming the county owed the Retirement System \$23,256 in back funding.

The case before the Supreme Court involved Barton County, which also was being sued by the Retirement System for not adequately funding the prosecuting attorney's pension fund.

Barton County stopped funding the Retirement System, claiming the pension contributions to PACARS violated the Hancock Amendment. A Barton County trial court agreed.

Subsequently, PACARS appealed the trial court's decision with the Supreme Court in 2007.

Shortly after Phelps County received notice of the lawsuit in March, county officials and PACARS mutu-

ally agreed to await the Supreme Court decision before proceeding with the Phelps County case.

On Tuesday, the wait was over.

The Missouri Supreme Court reversed the trial court's decision and sent the *PACARS v. Barton County* case back to the local court for further action.

In an opinion written by Supreme Court Judge Laura Denvir Stith, the court said that, while the Hancock Amendment generally bars the state from mandating that counties pay for a new activity or service, or for an increased level of activity or service, without a state appropriation to pay for the new or increased mandate, the *Missouri Constitution* also provides that increases in the "compensation of county officers" does not constitute a new or increased level of a service or activity.

Furthermore, the Supreme Court decided that pension contributions are a form of "compensation of county officers."

*This article was published in the Rolla Daily News on March 27, 2010. Reprinted with permission.*

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