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Missouri County Record

Spring 2012



Howell County Courthouse, West Plains, MO

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The Justice Reinvestment Act's Impact On Missouri's Communities

By Rep. Gary Fuhr

In June of 2011, the Missouri Working Group on Sentencing and Corrections, which consists of appointments made by Gov. Jay Nixon, Senate President Pro-Tem Rob Mayer, Speaker of the House of Representatives Steven Tilley and then-Chief Justice Ray Price (including representatives from the Supreme Court, judicial courts, Missouri State Public Defender, Office of Prosecution Services, Attorney General's Office, Dept. of Corrections, Board of Probation and Parole, Office of the Governor, Missouri State Senate and Missouri House of Representatives) was tasked to:

- Intelligently reduce the prison population and corrections costs;
- Improve public safety by reinvesting a portion of the savings in strategies that reduce crime and recidivism; and
- Hold offenders accountable by strengthening community-based supervision, sanctions and services.

This working group was supported by the Pew Charitable Trusts and a local task force comprised of crime victims' advocates, sheriffs, county officials, circuit court judges, prosecutors, public defenders and a police chief.

From June 2011 through December 2011, the working group and the local task force, with the assistance of Applied Research Services Inc. and the Crime and Justice Institute, conducted extensive new analysis of Missouri's sentencing and corrections system.

The results of this data-driven research led to the focus on admissions to the state penitentiaries, where the analysis determined that the overwhelming majority, and an increasing share of those being admitted, were already under state supervision and were admitted for revocations of probation and parole constituting almost three quarters (71 percent) of new admissions. Drilling deeper into these numbers, it was determined that more than 7,800 individuals (43 percent) were incarcerated for "technical violations of probation and parole" and would spend an average of 10 months behind bars.



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Taking lessons from the experiences of 19 other states who have managed to reduce both their imprisonment rate *and* their crime rate, it was determined that while Missouri may have been tough on crime, it has not always been smart on crime.

Based on this in-depth study, Missouri House Bill 1525 (introduced by me) and Senate Bill 699 (introduced by Senator Jack Goodman, District 29 - Mount Vernon) authorize the following for individuals on probation or parole for certain non-violent C & D felonies:

1. Allow for the implementation of "swift and certain sanctions" by Probation and Parole Officers to interdict when offenders are the most likely to re-offend. These sanctions include temporary, but immediate, periods of confinement in the county or local jail, along with other community-based options. The bills also require that counties be reimbursed at a minimum rate of \$30 per day for these jail sanctions.
2. Give the ability to earn 30 days of credit for every 30 days of full compliance with the provisions of their supervision; however, all are required to serve a minimum of 2 years of supervision.
3. Allow for probationers to be assigned to one of the Dept. of Corrections' 120-day programs (shock incarceration or drug treatment) on their first revocation for a technical violation.
4. Establish an Oversight Body to ensure the quality implementation, sustainability and provide additional recommendations for the effective reinvestment of the anticipated savings.

Implementation of these provisions has the potential to trim millions of dollars from the current \$660 million Dept. of Corrections' budget; reduce the number of probation or parole violators that would be held in county jails awaiting revocation hearings; and, as experienced in the 19 other states that have implemented similar policies, reduce the crime and recidivism rates throughout the State of Missouri -- thus resulting in additional resources to target high-risk offenders and open up additional space within our correctional system for those individuals that truly need to be incarcerated for long periods of time.

Rep. Fuhr, elected in November 2010, represents District 97 - St. Louis. He is also employed as the director of security for Drury Hotels. During his life of service, he has served in the Navy during the Vietnam War, as a St. Louis Police officer, and as an FBI agent. At press time, SB 699 passed the Senate and has been referred to the House Crime Prevention & Public Safety Committee. HB 1525 passed the House and has been referred to the Senate Judiciary and Civil and Criminal Jurisprudence Committee.

Missouri Supreme Court Rules On Taxing Of Out-Of-State Vehicle Purchases

In an opinion handed down Jan. 31, 2012, regarding the case of *Street v. Missouri Dept. of Revenue*, the Missouri Supreme Court ruled that local sales taxes cannot be levied on out-of-state purchases of motor vehicles, trailers, boats and motors. Until this ruling, the Missouri Dept. of Revenue treated all purchases of motor vehicles, trailers, boats and motors as in-state purchases and collected local and state sales taxes at the time of registration. The Court also ruled that the local use tax applies to out-of-state purchases of motor vehicles, trailers, boats and motors, contrary to an earlier decision by the Administrative Hearing Commission. According to the Missouri Dept. of Revenue, this ruling also applies to sales between individuals.

The ruling became effective March 21. In essence, local entities without a local use tax cannot collect taxes on out-of-state purchases of motor vehicles, trailers, boats and motors.

There are currently 39 counties that have a use tax in place and can still benefit from the tax revenue.

Funding For Off-System Bridges Restored



"There is no doubt that infrastructure is the foundation of our economy. ... Bridges are an expensive thing. That off-system bridge network carries school busses, emergency vehicles, lots of agricultural products, families going about their daily routine and without those bridges, that local infrastructure just doesn't work."

– March 7, Sen. Roy Blunt's address to the U.S. Senate

Transportation and infrastructure funding have been at the forefront of our nation's budget concerns. Since Sept. 30, 2009, the country has been without a new transportation authorization bill. The prior funding authorization (SAF-E TEA-LU) signed into law in 2005 by President Bush, has been extended nine times since its '09 expiration.

Two transportation bills have been put forth, both dynamically different in structure and time frame. The House version of a new transportation bill, known as the American Energy and Infrastructure

Jobs Act, establishes a \$206 billion, 5-year funding proposal. The Senate bill, a \$109 billion, two-year proposal, known as Moving Ahead for Progress in the 21st Century (MAP-21), is much more streamlined in its language and scope. Among many controversies noted in the proposals (mainly within the House version), both proposals omit the previous Highway Bridge Replacement and Rehabilitation (BRO) Program for funding off-system bridge maintenance, repair and replacement. Specifically, it removed the mandate that 15 percent of state-apportioned funds go to off-system bridge maintenance.

Rep. Sam Graves (MO), a member of the House Transportation Committee, successfully submitted an amendment in committee to the House proposal which guaranteed that any state with 2,000 structurally deficient off-system bridges (currently 14 states including Missouri) spend 110 percent of the amount they spent in FY 09 for off-system bridge maintenance. On March 13, the U.S. Senate approved, by voice vote, the Blunt-Casey Off-System Bridge Amendment which restored the 15 percent mandate originally required under the BRO Program. The Senate then passed MAP-21 a day later, and sent it to the House.

As of press time, the House has yet to act on MAP-21. On March 29, the Senate passed the ninth Continuing Resolution, extending highway funding for another 90 days (President Obama is expected to sign the extension). The House is expected to work on its proposal during this time, while the Senate continues to urge action on MAP-21.



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Are Counties Subordinate To Cities Regarding Building Codes?

The City of Warrenton, MO, insisted that Warren County obtain and pay for a building permit to build the new Warren County Administration Building within the city limits of Warrenton.

In the case of *Arden Engelage, Hubert Kluesner and Dan Hampson, Commissioners of Warren County v. City of Warrenton, MO* (Case No. 10BB-CG00093, 12th Judicial Circuit), a circuit judge ruled, in essence, that counties in Missouri are subordinate to cities that exist within the counties.

With the intent of appealing the judgment of the circuit court to the Missouri Eastern Court of Appeals, the Warren County commissioners on Feb. 15 asked the MAC board of directors to participate through an *Amicus Brief* in the appeals process. Warren County believes this case is important to all counties because it would set a precedent that counties are subject to the building codes and other powers delegated to cities by the Legislature.

To date, Warren County has expended \$33,000 on legal fees at the circuit court level.

The MAC board of directors voted to sign on as “a friend of the court” and assist Warren County in the appeals process.

Warren County asserts that the city does not have the authority to require a building permit.

The Administration Building was begun in August 2010 when the county began moving dirt without the building permit. A “stop work” order was issued and the county’s contractor was cited for violation. Because of a grant, however, the county kept on working.

The commissioners then commenced a declaratory judgment action in the Warren County Circuit Court seeking a determination by the court that Warren County was not required to obtain and pay for a building permit.

Upon cross-motions for summary judgment, the judge (by assignment from Franklin County) entered a judgment on Dec. 30, 2011, that Warren County was required to comply with the city’s building code ordinance

and obtain a building permit. The court’s judgment was based on what it determined were the police powers delegated to the city.

The decision is in direct conflict with the case of *Board of Education of the School Dist. Of Springfield R-12 v. City of Springfield*, 174 S.W.3d 653 (Mo.App. 2005) (application for transfer denied Nov. 22, 2005). In that case, both the Springfield School District and Greene County challenged the City of Springfield’s requirements that these political subdivisions of the state submit building plans to the city and obtain its approval before doing work on school or county buildings.

The Court of Appeals held that the school board was required to submit its plans to the City of Springfield and obtain permits **because there was a specific state statute requiring school boards to do so**. However, as to Greene County, the court held that because the state statute granting the City of Springfield the right to regulate buildings in the city **did not specifically grant cities the right to regulate counties** in that regard, it could not require Greene County to submit its building plans to the City of Springfield for approval.

After the *City of Springfield, supra*, the city cannot argue that it has plenary power over the design and the construction of a Warren County building.

In summary, the Warren County commissioners believe that if the circuit court decision stands, precedent will be set that will diminish the authority of counties and will disrupt the current understanding and working relationships that many counties now have with the cities within their boundaries.

The Missouri Association of Counties agrees.



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Protecting Missouri's Initiative Petition Process For Citizens

By Robin Carnahan, Missouri Secretary of State

In my office, the initiative petition process comes up often as a focus. It has grown immensely in both the attention the process receives and the amount of work it requires.

Most people's experience with this process involves being approached by someone with a clipboard outside of a local business or library. People are asked to provide their signatures if they support a certain issue. Over the last few years, this has become a very popular way for people to affect the political process, and there is no indication that it will slow down.

History

Most people don't realize that this process has been around for quite a long time, and it is just in the past few years that it has really become a

big part of election year politics.

The initiative and referendum process became part of Missouri's *Constitution* as a result of a few very vocal and active advocates. In 1907, after the Legislature passed a proposal establishing the initiative and referendum process, supporters embarked on a year-long voter education tour spanning the whole state. Ultimately, after all the mailers, speeches and events, voters ended up approving the initiative petition process by a margin of nearly 36,000 votes.

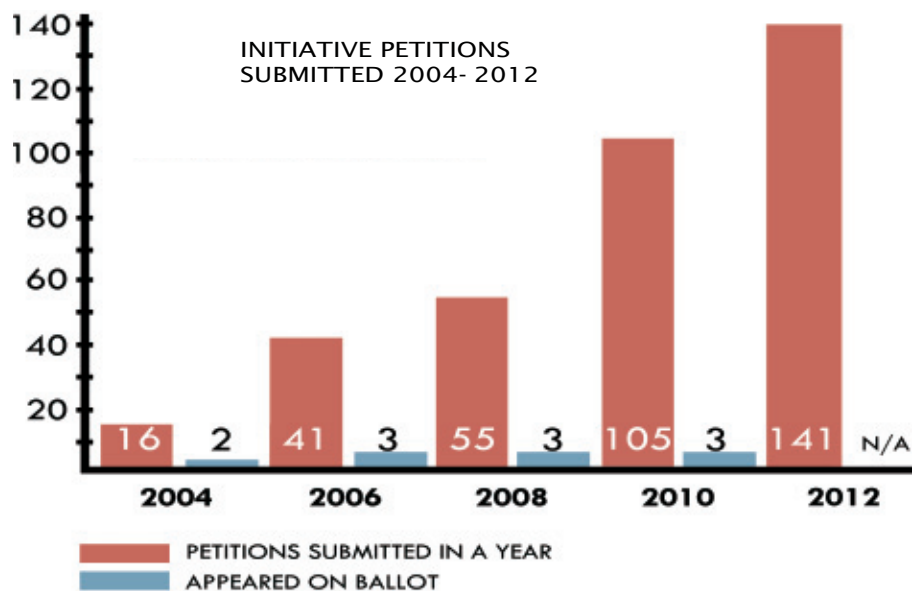
Some of the laws our state is known for were passed using the initiative petition process. For instance, in 1940, a constitutional amendment to establish a nonpartisan system for nominating, appointing and retaining judges was passed. This was copied by several states and is now known as the "Missouri Plan" for judicial selection.

In the 1930s, it was also used to promote other causes. Missouri voters enacted initiatives to allow public employee benefits and to create a Conservation Commission to manage fish, game, and forest resources. More recently, voters adopted the "Hancock Amendment" which limited state and local taxes. In 1992, a term limits initiative was adopted and in 1994, a campaign finance reform and riverboat gambling initiatives were approved by the voters.

Looking back, it becomes obvious that the initiative petition process was enacted as a way for a grassroots group of citizens to affect the law-making process.

Process

However, in the past 10 years, this process has grown into something bigger than a grassroots way for Missourians to make their voices heard. Instead, it has become an increasingly popular way for various moneyed and political interests



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to either bypass the Legislature or affect the political climate in Missouri.

The process is a fairly involved undertaking and requires a great deal of time and resources. Before people can even take a petition to the streets, they must submit it to the Secretary of State's office.

First, the form of their petition is approved by the Secretary of State's office and the Attorney General. The Secretary of State then prepares a summary statement of no more than 100 words and the State Auditor prepares a fiscal impact statement, both of which are subject to the approval of the Attorney General. When both statements are approved, they become the official

ballot title.

The ballot title is the summary people see on the petition when they sign it. That whole process usually takes approximately a month, and after it is completed, they can start gathering signatures.

The signature gathering process is what really requires people to dedicate lots of resources. Groups have to gather signatures in at least six out of the nine congressional districts in the state of Missouri. For changes to state law, they have to gather more than 90,000 signatures. For changes to the state *Constitution*, they need to collect more than 150,000 signatures. This is required just to get an issue on the ballot.

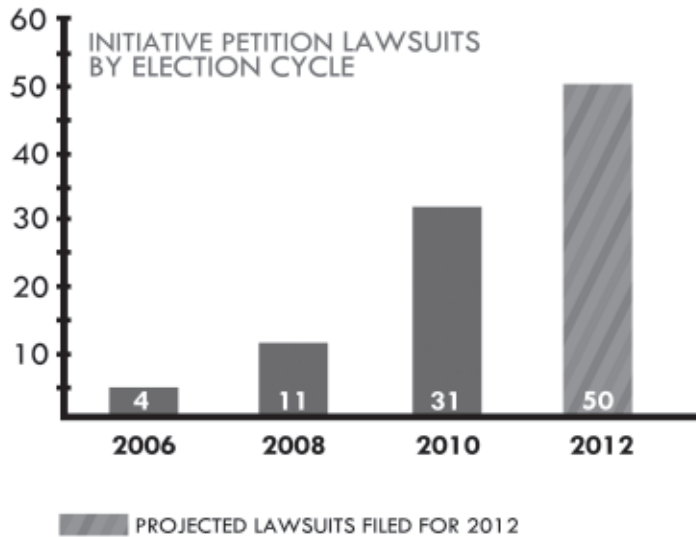
Potential Problems


In recent years, my office has seen an unprecedented growth in the number of petitions people want to be able to circulate.

For example, in 2004, 16 petitions were submitted to the Secretary of State's office to be approved for circulation. For this election cycle, more than 140 petitions have already been submitted to be approved for circulation. In less than 10 years, there has been nearly a 900 percent increase in the number of petitions.

Many times it is the same group submitting multiple versions of the same petition that is slightly altered. For instance, one group submitted 27 different versions of petitions relating to local taxes on cigarettes or tobacco products.


(Continued On Page 28)





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Good Inmate Mental Health Care: Case Study Reviews

By Melissa S. Caldwell, PhD

Much attention has been paid to the problems associated with caring for individuals with mental health issues in an incarcerated setting. This includes potential criminalization and further stigmatization of mental illness which can occur when there is a shortage of community-based placements for individuals who are displaying problematic behaviors, as well as the fact that such facilities were not intended nor traditionally equipped to handle acute mental health presentations. However, there has been little attention paid to the resources and advantages that correctional settings increasingly possess when tasked with such challenges. This article will present two case examples with analysis of ways in which correctional settings and their professionals can provide quality care while being cognizant of the need to control costs.

Case #1: Jacob*, age 18

Jacob was transferred to the county jail after a brief stay at a neighboring facility. He was admitted on an antipsychotic medication that had been started after an Emergency Room visit a month prior. He recalled that during this brief stay at the hospital, he had been diagnosed with Schizophrenia. Jacob was a poor historian and had no identifiable family or community supports. He reported that he had stayed with his grandmother as a child before being placed as a teenager into, and then aging out of, foster care. He had been staying at various homeless shelters and had been engaged in possible criminal activities to support himself.

It was apparent that Jacob had mental health issues; however, at intake, it was unclear as to the precise nature of those issues. He presented with possible cognitive delays and lower intellectual functioning. He confirmed that he had been in “special classes” throughout his school years due to a learning disability.

Psychiatric records obtained from the ER visit showed that Jacob was brought in after getting into a fight. After reporting to hospital staff that he had heard “voices” during the incident, he was diagnosed with a psychotic disorder. This clinician evaluated Jacob and he reported that he had “heard voices” sometimes within and sometimes outside of his head for as long he could remember. When asked about the last time he “heard voices,” he reported that it was the morning of his transfer to the current facility. When asked to elaborate, he stated that he was in his cell at the other jail and heard a voice say, “Jacob, wake up and pack up.” When this

clinician asked what happened next, he said that a correctional officer appeared at his door and he was escorted to a squad car and transported to the current facility. When it was suggested that staff had talked to him over the intercom, his reaction was one of surprised realization at the possibility. It became clear that Jacob had likely misconstrued the source of the “voice” he heard.

Over time, it was apparent that due to cognitive delays and resulting communication problems that he had a tendency to both misperceive and to misarticulate his experiences (i.e., he described his thoughts and outside sounds that he could not point out as “voices”). He showed no signs of experiencing hallucinations or other symptoms that accompany a psychotic disorder. Therapeutic interventions to help him control his anger outbursts and discontinuation of the unnecessary antipsychotic medication resulted in improved functioning and a remission of negative side effects. Prior to discharge, findings of the diagnostic evaluations were shared and follow-up care was arranged with a community agency.

Case #2: Janice*, age 36

During the booking process, Janice reported to correctional staff that despite the fact that she had been taken into custody on numerous charges of drug possession, drug dealing, and involvement in several burglaries that she was “mentally ill” and, thus, needed to be sent to a psychiatric facility instead of jail.

She arrived at the jail accompanied by a grocery bag filled with prescription medication bottles and began demanding to get her medication. For the sake of patient safety and to be legally compliant, all medications must be verified to have a valid prescription and clinically indicated. Of note was the fact that many different doctors had prescribed these medications and that the same class of medication was often represented more than once. In particular, her medication included three different types of benzodiazepines (i.e., sedating agents with a high potential for dependence and abuse), two types of sleeping pills, and three types of opiate-based pain killers. Also included were high-priced antipsychotic medications. In total, the medications represented in this bag were worth over \$3,000 for a one-month supply.

A number of issues emerged as this bag of medications was examined. One, was the presence

of polypharmacy (i.e., when more drugs are prescribed than is clinically warranted). Another was the appearance that the patient had been “doctor-shopping” for drugs (i.e., when a patient requests care from multiple physicians without making efforts to coordinate care or informing the physicians of the multiple caregivers, which is indicative of addiction to, or reliance on, certain prescription drugs). Although this can be difficult to determine definitively without the patient’s admission or cooperation, it was thought likely in this case, as it would be unlikely for a physician to prescribe a medication if he or she knew that another doctor was prescribing the same medication during the same timeframe – especially medications with such abuse potential. In further confirmation of the role of addiction was the result of drug counts; counts showed that the number of pills in each bottle was significantly less than should be present if being taken as prescribed. When asked to sign a release of information so that jail medical staff could obtain her records, she refused to do so saying that we had no right to “talk to her doctors.”

In this case, the focus of care was two-fold: safety and determining appropriate treatment. As the patient became threatening when her demands were not met, suicide safety precautions were employed to keep her and those around her safe. A detox protocol was initiated to help her safely withdraw from the drugs that she had been abusing, which, by her own admission, included both illicit substances and prescription medications. Once a stable baseline was achieved, diagnostic evaluation was completed and medications were prescribed as indicated and in amounts that were warranted. Although cost of care should never trump quality of care, this approach resulted in a medication regimen that would only cost the patient a \$20 co-pay upon her release. This is important not only for the economy of the county during her incarceration, but also for compliance upon her release. If patients can afford their medication, they are less likely to seek drugs from illicit sources.

During her incarceration, Janice was counseled regarding her mental health issues (anxiety, in her case) and substance abuse problems, especially the life-threatening potential of taking such drugs in the amounts and combinations that she had taken in the past. Finally, she was provided with information and resources to continue aftercare upon her release. The goal of such interventions was to provide her with psychoeducation and services to prevent substance abuse relapse and a reoccurrence of involvement in criminal behaviors that likely supported her drug addiction.

In conclusion, although it is not optimal to treat mental illness in correctional settings, when necessary, there are advantages to doing so. Correctional settings are equipped with procedures for ensuring safety for the detainee and those around him. This includes the ability to modify housing placement and property while providing for close monitoring and the ability to restrain out-of-control detainees who are at risk for self-injury or assault.

These facilities also have the ability to monitor detainee behavior and adjustment “24/7.” This is invaluable information for healthcare providers. It improves diagnostic accuracy as it allows the practitioner to get beyond the self-report of the patient, who may have motivation not to be honest about his symptoms and to observe the patient over a longer period of time than is generally afforded in outpatient or brief inpatient settings.

With increased diagnostic accuracy comes the ability to determine and initiate appropriate treatment. There is a trend with more and more facilities hiring on-site medical and mental health professionals to assess and treat individuals with mental health needs. On-site staffing has the potential to decrease unnecessary hospitalizations and transport costs that result when a detainee is taken off-site and decrease incidents of assault or attempted escape during transport. Such staffing improves coordination between facility professionals (custody, medical, and mental health staff), as well as coordination between the correctional facility and community agencies.

The result is improved continuity of care and discharge planning. Effective coordination of care and linkages to services can translate into a reduction in recidivism – thus, reducing the costs to taxpayers when incarcerating a high-need population.

*Melissa S. Caldwell, PhD is the director of Mental Health Services for Advanced Correctional Healthcare, a medical and mental healthcare provider servicing over 210 county jail systems in 17 states. *Names and specific details have been removed or disguised to protect patient confidentiality.*

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Sesquicentennial Of The Battle Of West Plains, Howell County



By Lou Wehmer, Chairman,
South Central Missouri - North Central Arkansas Civil War Roundtable

Howell County was a four-year old infant when the Civil War arrived. Formed from Oregon County in south central Missouri in 1857, a recently built wooden frame courthouse stood in the center of the West Plains square. Framed buildings were rare in this part of the Ozarks and most of the 50 homes in West Plains were made from hand-hewn logs.

Thomas Jefferson Howell, living at West Plains had been serving Oregon and now Howell County as state representative for a decade. The new county was named in his honor. When the war arrived, Rep. Howell, in opposition to Union occupation of the state capital, fled and went home where he found the area solidly in control of pro-southern forces. Circuit Judge James H. McBride had closed the courts in his circuit, which included Howell, and joined the Missouri State Guard as a Brigadier General, fighting the Union. The Howell County Courthouse had been closed since the summer of 1861, and by 1862 it was being used as a recruiting station by William O. Coleman, who was trying to raise a Confederate regiment in the area. Feb. 19, 1862, was bitterly cold, and rain and sleet had driven the 40 southern infantry soldiers in West Plains inside or around campfires.

A Union task force had formed three days earlier in Rolla to find Coleman, who was reported to be in West Plains or Thomasville. Lieutenant Colonel Samuel N. Wood at the head of 262 well-armed cavalry troopers of the Union 6th Missouri Cavalry and 3rd Iowa Cavalry stopped on the outskirts of West Plains and built fires to dry out their ice covered uniforms and keep from freezing. After warming up, Colonel Wood and a company of men entered West Plains from the north, as additional companies of troopers attacked from the other three directions. The surprise was complete and Coleman's men were only able to fire a quick volley at their attackers as they ran into the courthouse.

Wood had brought along a mountain howitzer, a small but powerful cannon designed to be pulled by two

horses. He pulled the gun to the front of the courthouse and fired a round of canister (a can filled with lead balls) at the building. A shotgun pattern appeared on its walls with little effect upon the inside. Wood then fired a second round of case shot at the building. Case shot is an iron shell packed with lead balls, an explosive and a fuse. The shell went through the front of the building, through three partitions, passing out the back wall and exploding outside.

Knowing the next shot would likely explode in the courthouse, the Confederates fled the building and were met by Union soldiers on all sides, and five of them were killed in a brief firefight. Another man, mortally wounded, died a few hours later. Most of the remainder of Coleman's men were captured, many of them injured. There were

no Union casualties.

Wood and his men remained in town another day scouring the countryside for suspected Confederates or sympathizers. Rep. Thomas Howell was among

those arrested and taken north. The journey of the prisoners included a night in the Shannon County Courthouse, a brief stay in a stockade in Rolla, and incarceration in Gratiot Street Prison in St. Louis. The target of the attack, William O. Coleman, was not at the battle. He had left days earlier on a recruiting foray to Texas County, passing Wood on an alternate road going the opposite direction. With an almost complete loss of his troops in West Plains, Colonel Coleman could not recover the bodies of his men killed. They were likely buried near the place

they died, and today their names and gravesites are unknown.

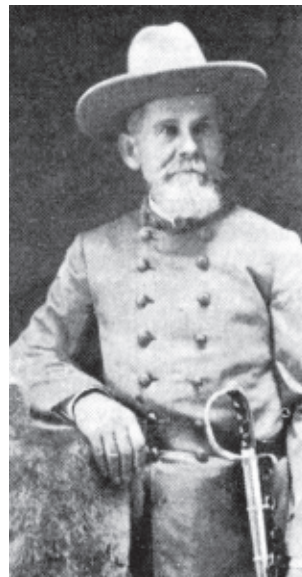
Civil War enthusiasts from Howell and neighboring counties gathered Feb. 18, 2012, on the West Plains square to commemorate the 150th anniversary of the



Military map of West Plains, 1862



*Lieutenant Colonel
Samuel N. Wood*



*Confederate Colonel
William O. Coleman*

battle. Participants were dressed in uniforms representing both sides. A stone supplied by the local John R. Woodside camp of the Sons of Confederate Veterans was erected to memorialize those unknown killed. The battle is also commemorated in a large brass plaque previously placed at the front of the courthouse in 1967.

The victory of Union troops at West Plains that cold February afternoon 150 years ago was a hollow one. The town would change sides several times before war's end in 1865. In early 1863, 9,000 Union soldiers of the Army of the Southeast camped in and around West Plains. The town was completely deserted by the summer of 1863, and that fall the entire village, including the courthouse, was burned to the ground. Howell County had a pre-war population of 3,100 inhabitants. At war's end, less than 200 of that number remained. Throughout the latter part of the war the area was infested with guerrillas and bushwhackers. Violence related to the war continued in Howell County for years after peace had been declared in the rest of the nation.



Battle of West Plains enthusiasts, dressed in period attire, pose with the memorial to six soldiers who died during the battle. The memorial is situated at the southwest corner of the Howell County Courthouse.



Howell County Civil War Monument

"The only confrontation between Union and Confederate regulars in Howell County occurred at this site on February 19, 1862.

Combined forces of Colonel Wood's Sixth Missouri and Major Drake's Third Iowa cavalries, seeking to locate and engage Confederate Colonel Coleman, surrounded the town (population one hundred fifty) at 3:00 P M. and opened fire with small arms and a mountain howitzer. Coleman and his cavalry were absent, and Confederate resistance was only brief.

The Union forces suffered no casualties, six of the Confederate Infantry were killed, eight were wounded, and forty were taken prisoner; sixty stands of arms, forty horses, and several wagons were captured as a result of this skirmish.

West Plains was completely burned by guerillas in 1863."

Kunkel Testifies Before U.S. House Committee On 2011 Missouri Flood

On Nov. 30, 2011, Holt County Clerk Kathy Kunkel testified at the U.S. House Of Representatives' Transportation and Infrastructure Committee hearing, *The Missouri River Floods: an Assessment of River Management in 2011 and Operational Plans for the Future*.

Kunkel's testimony gave a background of Holt County as a rural floodplain; causes and effects of the flooding; a critique of the U.S. Army Corps of Engineers' (USACE's) flood management practices; and an outlook for repairing, rebuilding and improving future management.

Holt County's floodplain covers almost 40 percent of the county's 456 square miles, and the county was a major part of the total 207,200 acres of cropland flooded by the Missouri River in 2011.

Kunkel contended that the practices of the USACE

led to devastating effects. "The idea hinges on two prominent activities of the USACE: land acquisition

and recent river management practices," she stated. Both areas of concern were results of the U.S. Fish and Wildlife Service's Biological Opinion, which was designed to bring the USACE into compliance with the Endangered Species Act. Through 8,000 acres of acquisition and controlled flooding based on the Biological Opinion, flooding of land and property was more immense than if more comprehensive actions had been taken.

"The 2011 flood brought a focused spotlight on the management practices of the USACE and their responsibilities. ... I would certainly agree with Gen. McMahon, that this is the opportune time to assess the damages, learn from our mistakes and forge ahead."



Holt County Clerk Kathy Kunkel (right) testifies on behalf of Holt County, MO.



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The 150th Anniversary Of The Civil War In Missouri

A Missouri History Museum Exhibit Travels Across The State

The Missouri History Museum, in partnership with the Missouri Humanities Council, announces *The Civil War in Missouri*, a traveling exhibit showing history through the eyes of those who experienced the Civil War and helping Missourians gain a deeper knowledge of the events of the war in Missouri. This traveling exhibit will be a smaller, portable version of the Missouri History Museum's major civil war exhibition by the same name, which opened in St. Louis on Nov. 12, 2011. The tour of the portable version will kick off in May 2012, visiting Jackson County (Kansas City), Adair County (Kirksville), Jasper County (Joplin) and Pettis County (Sedalia).

"The complexity and importance of what happened in Missouri during the Civil War is relatively less well-known than what took place in other states such as Virginia and Tennessee," said Geoff Giglierano, executive director of Missouri Humanities Council. "Consequently, we are truly excited to partner with the Missouri History Museum to present this exhibit and hopefully encourage reflection upon and discussion of these significant and fascinating stories."

The Civil War in Missouri exhibit will be focused on three major topics: slavery and its essential role in the origins and execution of the war; the issues of

conflicting loyalties, interests and beliefs among the state's diverse population; and the nature and impact of the guerilla warfare which occurred throughout much of the state of Missouri during the war. The context for these themes will be provided through an interactive timeline, which will depict specific battles and other events during the course of the war.

The Civil War in Missouri scheduled site visits and partners include the following:

- **Jackson County (Kansas City): May 5-July 1, 2012, Kansas City Public Library**
- **Adair County (Kirksville): July 21-Sept. 16, 2012, Arts Center**
- **Jasper County (Joplin): Oct. 6-Nov. 21, 2012, Joplin Museum Complex**
- **Pettis County (Sedalia): Dec. 22-Feb. 17, 2013, Sedalia Chamber of Commerce**

Organizations and communities that wish to host *The Civil War in Missouri* during 2013-2015 will be able to submit an application to the Missouri Humanities Council. For more details about the exhibit contact the Missouri Humanities Council by phone at 800-357-0909, by e-mail at anna@mohumanities.org or visit the Missouri Humanities Council website at www.mohumanities.org.

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MAC Staff Remembers A Mentor, Colleague, Friend & The Way We Were!

*The following poem was found tucked in a scrapbook we gave her upon her retirement.
We discovered it just recently.*

*"There is a list of folks I know
all written in a book,
and every year at certain times
I go and take a look;*

*"And that is when I realize
that these names are a part,
not of the book they're written in,
but of my very heart.*

*"For each name stands for someone
who has touched my life sometime,
and in that meeting they've become
the 'Rhythm of the Rhyme.'*

*"I really feel I am composed
of each remembered name.
And while you may not be aware
of feeling quite the same,
my life is so much better
than it was before you came."*

(author unknown)





Mrs. Juanita G. Donehue, age 76 years, of Jefferson City, MO, died Monday, Feb. 6, 2012, at St. Mary's Health Center.

A life-long resident of the Jefferson City area, Juanita graduated from Fatima High School, Westphalia, MO. She received a B.S. degree from Lincoln University and a M.S. degree in Economics from the University of Missouri at Columbia.

Juanita taught school at Fatima and Helias High Schools where she taught economics, psychology, history, and was the social studies department chairman.

She was one of the original founders of the Helias Foundation and served as the first co-chairman of the Foundation Fund Drive. She was also the first woman to serve as president of the Helias High School Board of Directors. She was inducted into the Helias Hall of Fame in 2010.

Juanita began her 25-year career with the Missouri Association of Counties in 1974, being appointed director of governmental affairs the following year and assistant director in 1979. She became the executive director in January 1980. In 1981, she received the President's Award from the

National Association of Counties recognizing her as the Outstanding State Association Executive of the year. In 1985, she became the first woman president of the Missouri Society of Association Executives. In 1996, she was elected by her peers from around the country as the president of the National Council of County Association Executives. She retired on Aug. 1, 1999.

Juanita and her husband, Pete, owned and operated C & H Tavern from 1970 until 2003. In 2003, she opened O'Donoghue's Steaks and Seafood with her son, Sam, and it has become a favorite local restaurant.

Juanita's contributions to the community are legendary. She served as treasurer of the Jefferson City Art Event. She served on the Old Towne Revitalization Committee, the East Side Business Association, the Downtown Business Association, and the Jefferson City Chamber of Commerce. She volunteered her time and effort to many historical projects in the community including the revitalization of the east end, co-chairing the Mayor's Committee to redevelop the central east side, and creating the first Tax Increment Financing district in Jefferson City. Her restaurant building was placed on the National Register for Historic Preservation of Historic Places in 2002.

She was a member of Immaculate Conception Church where she was a tireless volunteer in her parish. She served as chairman of the administrative committee for 10 years and worked on several capital campaigns. She was the current president of the Homeowners Association at the Palisades Condominiums at the Lake of the Ozarks.

She was preceded in death by her parents, her husband, and one son, Peter Donehue (the latter in July 1987).

Concrete Conference April 26-27, 2012

The Missouri University of Science & Technology in Rolla is hosting its annual Concrete Conference April 26-27 at the Havener Center on campus. Registration is \$130 per person.

Those wishing to attend the American Concrete Institute's luncheon on Thursday must pre-register at <http://concrete.mst.edu>. Cost of the luncheon is \$18 per person, and the featured speaker will be Mark Luther from Holcim (US) Inc., who will discuss the Holcim Ste. Genevieve Plant and its first two years.

As for the remainder of the 2-day conference, presentations will include recycled concrete mixtures, real-time mixture adjustment, shrinkage compensation, freeze-resistant concrete, the status of fly ash regulation, self-consolidating concrete, roller compacted concrete case histories, unusual construction problems, batch plant maintenance, OSHA preparedness, tier four diesel engine issues, poor testing techniques and consequences, low-strength game plan, concrete resurfacing, white topping, two-lift pavement construction, full-depth reclamation, sustainability, and MoDOT case histories and new specifications.

For registration information, contact Missouri S&T's office of distance and continuing education at 573- 341-4200 or by e-mail at mac-et@mst.edu or huskeytr@mst.edu.

Grant Management Training

The St. Louis County & Municipal Police Academy and Grant Writing USA (a MAC associate member) will present a 2-day grant management workshop in Wellston (St. Louis), MO, May 7-8, 2012. This training is for grant recipient organizations across all disciplines. Attendees will learn how to administer government grants and stay in compliance with applicable rules and regulations.

Multi-enrollment discounts and discounts for Grant Writing USA returning alumni are available. Tuition payment is not required at the time of enrollment.

Tuition is \$595 and includes Grant Writing USA's 400-page grant management workbook and reference guide.

Seating is limited and online reservations are necessary.

For complete event details including learning objectives, class location, graduate testimonials and information about online registration, call the Client Services Team at Grant Writing USA (800-814-8191) or Becky Murphy with the St. Louis County & Municipal Police Academy at 314-889-8608.

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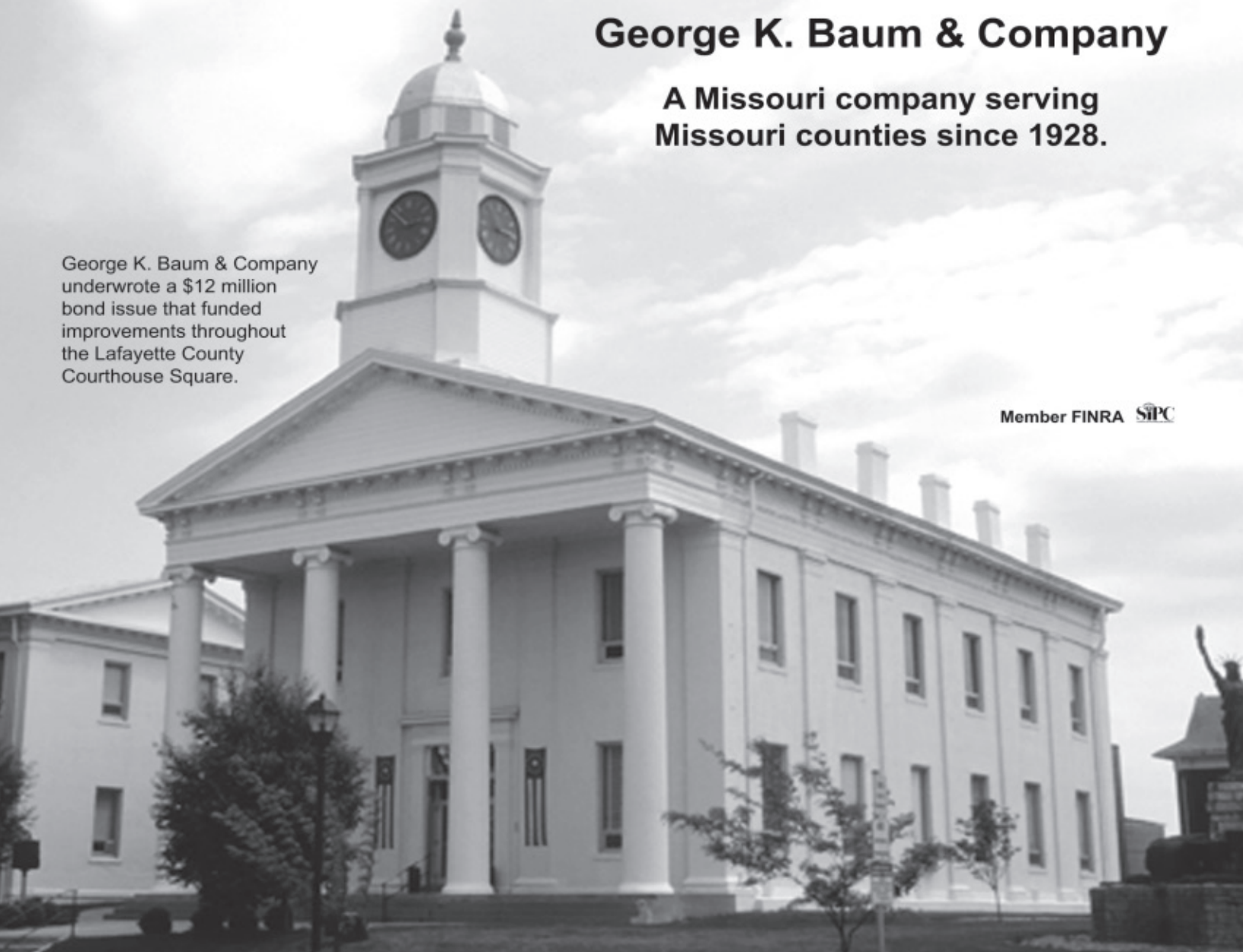
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The Battle Of Island Mound Remembered In Bates County

Oct. 29, 2012, marks the 150th anniversary of a small Civil War border battle between Missouri Partisan Guerrillas and the 1st Kansas Colored Volunteer Infantry. The skirmish occurred in Bates County and the significance of this battle reverberated all the way to the War Department in Washington, DC. For the first time in the Civil War, African-American troops engaged the enemy in battle, and their heroic efforts were declared a victory.

Kansas Senator and General Jim Lane was a staunch abolitionist and by the summer of 1862 he began recruiting African-Americans for service as Kansas Volunteers. General Lane had been appointed Commissioner of Recruiting for the Department of Kansas in July and

he immediately began recruiting African-Americans. The Emancipation Proclamation was still months away and the War Department considered Lane's actions illegal; however, that did not deter Lane and when the War Department chose not to aggressively respond to Lane's bold letter

of intention, he considered it as tacit approval. When the Secretary of War finally did respond, he advised General Lane that only the President could authorize recruitment of African-Americans and that Lane had not been granted that authority. It was too late. Jim Lane was not going to be stopped by something as trivial of the lack of authorization.

Two regiments of African-American soldiers were soon established due to the recruiting efforts of Captains James M. Williams and Henry C. Seaman, both of whom were veterans of Jim Lane's Brigade. Also included in these recruits was a Cherokee Indian named John Six-Killer who brought his five slaves with him and they all enlisted. The recruits wore surplus uniforms and were issued inferior Belgian and Austrian rifles and muskets from the arsenal at Fort Leavenworth. Fort Lincoln was located in eastern Kansas and had been established in the summer of 1861. It was there that the men of the 1st Kansas Colored Volunteer Infantry received their training. They were also responsible for guarding prisoners, one of whom was a Bates County bushwhacker named John Toothman.

On Oct. 27, 1862, the 1st Kansas Colored Volunteers marched into Bates County to clear out the guerrilla

stronghold on the Marais des Cygnes River known as Hog Island. Marching along the Ft. Scott Military Road, the men arrived at the farm of Enoch Toothman, John's father. Only John's mother, Christiana and her five daughters were there. Christiana's husband, Enoch, and older son, Josephus, were gone. Captain Henry Seaman questioned Christiana about the strength of the enemy on Hog Island, which lay about two miles south of the farm, and, believing there were upwards of 400 men, Seaman sent runners back to Kansas for reinforcements.

The Toothman home was commandeered and the farm's split rail fences were dismantled and used for barricades. Someone planted the flag and the soldiers

began calling the Toothman farm, "Fort Africa." By the 29th of October, the command was running low on supplies and a foraging party of about 60 men, led by Captains Armstrong and Crew, were deployed. Seizing the opportunity to engage the enemy, the partisan guerrillas began taunting and



"The Battle of Island Mound" mural, currently displayed in the Bates County Museum.

skirmishing with the force. Armstrong and Crew got their men safely back to the farm and reported seven guerrillas killed.

The Partisans then set fire to the prairie and strong southerly winds began driving it toward "Fort Africa." An order was given to set a back-fire around the farm. John Six-Killer led his "Cherokee Negroes" out of camp on a scouting party and they soon engaged the guerrillas. Hearing gunfire, Captain Seaman dispatched yet another detachment of men led by Lt. Joseph Gardner. Despite orders to the contrary, Gardner joined Six-Killer in the fighting. Back at "Fort Africa" Captain Andrew Crew and Lt. Elkhannah Huddleston each grabbed a rifle and proceeded toward the sound of the skirmish. Captain Seaman was quickly losing control of the situation and fearing the worst, he sent out a third detachment under the command of Captain Richard Ward.

Fierce fighting ensued and the skirmish quickly devolved into a contest of man against man and man against horse. The Partisans were mounted but the men of the 1st Kansas held their ground. The fires raged, and brutal hand-to-hand combat measured the resolve of the men. Eight men of the 1st Kansas Colored Volunteer Infantry lost their lives, including

Captain Crew. Just north of the Toothman cabin, seven graves were dug for the enlisted men, including John Six-Killer, while Captain Crew's body was laid in a wagon to be transported back to Kansas. The day after the battle reinforcements arrived, but the men on Hog Island were long gone. Quickly departing during the night, they left behind many horses and nearly 100 head of cattle which were promptly commandeered by the Kansas troops. On the first day of November, the men marched out of Bates County and returned to Fort Lincoln.

In the days following the battle, Bates County guerrilla leader, Captain Bill Turman, was overheard to say, "The black devils fought like tigers." Such was the legacy of the first African-American men to engage the enemy in battle. By January 1863, President Lincoln's Emancipation Proclamation allowed for the recruitment and training of black soldiers and on January 13th of that year, the men of the 1st Kansas Colored Volunteer Infantry were finally mustered into the Union Army.

Sadly, neither Lt. Patrick Minor, the first African-American to lead fellow members of his race in combat during the Civil War, nor Captain William Matthews were allowed to be mustered into federal service because of the

color of their skin, despite the testimony and efforts of the white officers of the regiment; however, one year later they were both back in Union blue as officers in the Independent Colored Kansas Battery.

The men of the 1st Kansas went on to fight in battles that carry the names of Sherwood, Cabin Creek, Honey Springs, Prairie-de-Anne, Jenkins Ferry, Camden, and

Poison Springs. During their service they suffered 188 combat related casualties, the most of any regiment raised in Kansas during the Civil War. These men helped to pave the way for the enlistment and acceptance of African-American soldiers. By the war's end, some 186,000 African-American soldiers fought for the Union and struck a blow for freedom, but the first blow was struck at the Battle of Island Mound in Bates County, MO.



1st Kansas Colored Volunteer Infantry Memorial located on Bates County Courthouse grounds.

In 2008 a statue was dedicated on the Bates County Courthouse Square. The only Civil War monument in the county is a statue of a 1st Kansas Colored Volunteer Infantryman and the base plaque tells the story of the Battle of Island Mound. Funds for the statue were raised within the county over a period of years and it is the fulfillment of a vision brought forth by members of the Amen Society, civic organizations, interested individuals, businesses, and countless citizens who contributed to the cause. A

grand dedication ceremony was held in 2008 on the 146th anniversary of the battle. The State of Missouri's Dept. of Natural Resources has purchased 40 acres of the Enoch & Christiana Toothman Farm and will hold an official dedication ceremony on Oct. 26-28, 2012, for the



Battle of Island Mound State Historic Site. Bates County is proud to remember and honor this very significant event in the history of this region.

This article was compiled and submitted by the Bates County Museum. Quotes and information contained in this article were obtained from the book, Skirmish at Island Mound, by Chris Tabor.



Five Months After The Skirmish At Island Mound

"Harper's Weekly devoted the centerfold of its March 14, 1863, issue to a large wood-cut engraving of the fight at Island Mound. This engraving became a recruiting poster for enlistment efforts of all African-American units" -- excerpt, Skirmish at Island Mound, by Chris Tabor.

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Hausman Selected To Serve On MoDOT Committee

Buchanan County Associate Commissioner Dan Hausman has been selected to serve on MoDOT's Local Public Agency (LPA) Advisory Committee. The 12-member committee is comprised of representatives from counties, cities, regional planning commissions, and engineering firms.

Hausman was chosen from among 31 engineering firm, 24 city, and 16 county applicants. Employees of the Greene and St. Louis County Highway Departments are the two other county government members of the LPA Committee, which is charged with developing policies, improving communication, and influencing the overall direction of Missouri's local transportation program.

These days, city, county and state agencies seek to make the most of limited funds and are finding ways to complete federally funded projects on time, on budget, and in compliance with federal law.

One of the committee's main goals is to update the *Missouri Local Public Agency Manual for Transportation*. Local agencies use this online guide to ensure their compliance with federal funding requirements from the earliest idea phase of a project through its completion. Improvements to the manual include easier-to-read text, handy checklists, and flowcharts.

Commissioner Hausman is currently in his second term of office, is a licensed professional engineer, and is a small business owner of a lumber yard.

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Ron Houseman Elected To NACo Executive Committee

Taney County Presiding Commissioner Ron Houseman was elected regional representative to the Executive Committee at the National Association of Counties' March 3-7 Legislative Conference in Washington, DC.

NACo's Executive Committee is composed of four officers, four regional representatives, and the association's executive director.

As the voice for the Central Region, Houseman will represent the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin.

The regional representatives are responsible for providing input to the NACo president and other officers with respect to policy and business of their regions, maintaining close contact with counties in their regions, keeping member counties informed of association activities, and assisting membership recruitment and retention in their regions. Regional representatives serve two-year terms.

The NACo Executive Committee presides over a large board of directors composed of state association nominees; affiliate, Western Interstate Region, Large Urban County Caucus and Rural Action Caucus nominees; at-large presidential appointees; and past presidents.

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- **Wednesday, May 2** – White River Conference Center, Springfield, MO
- **Thursday, May 3** – Hilton St. Louis Frontenac, St. Louis, MO

Check back for details online at www.mocounties.com, linked on our homepage under "MAC News."



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National County Government Month ★ April ★ 2012 ★ www.naco.org/NCGM

County government services and programs play a central role in our communities and the lives of millions of Americans. The county provides services that protect our homes, schools and neighborhoods; ensures that we have clean water and functioning wastewater systems; maintains safe roads, bridges, airports and transit systems; provides access to health care; and operates our courts and jails. Some counties maintain parks and recreation programs, libraries, waste and recycling facilities, and serve as the safety net for our children, the elderly, the disabled, the mentally ill and anyone in need.

This year's theme is "Healthy Counties, Healthy Families." This fits in well with NACo President Lenny Eliason's presidential initiative – "Healthy Counties" – a county-by-county public awareness campaign to promote healthy living and lifestyle choices in communities across the country.

Link your National County Government Month (NCGM) activities to this theme by promoting your county's health services, wellness programs, recreational programs and other services.

Popular events include public tours of county facilities; speaking with students, community organizations and business leaders; holding student essay and art contests; and sponsoring "family day" events on county grounds.

The goal is to inform the public about your county's services in fun and interactive ways.

As an added impetus, NACo is holding a contest to recognize those counties that sponsor outstanding programs to reach out and educate citizens about county government during the month of April. The entries will be posted online and will serve as a database of ideas for other counties to use.

Online applications must be received by Friday, May 25, 2012, to be eligible for competition.

Winning counties will be recognized during the NACo Annual Conference in Pittsburgh. **Three counties will receive the top award – two free registrations that can be used at any NACo conference. The prize is worth more than \$1,000!**

Entries will be divided into three categories: **rural** counties (population less than 100,000), **suburban** counties (population between 100,000 and 500,000), and **metropolitan** counties (population above 500,000).

Those counties chosen for second place will receive one free conference registration.

The online application form is posted on the NACo website – www.naco.org/ncgm.

Also on the homepage is a link to a host of promotional materials – flyers, posters, banners, buttons, etc.

Only Boone and Franklin Counties placed entries in 2011!

A Look Back To 2011 Highlights

In **Bernalillo County, NM**, commissioners read to children during after school programs and held a mock county commission meeting at the high school.

Cape May County, NJ, hosted two public meetings to inform local veterans about available services.

Hampton County, SC, set up tents and tables from 14 county departments in the courthouse square so residents could learn more about county services.

Chatham County, GA, held a "Take a Soldier Fishing – Wounded Warrior Bass Tournament" and sponsored a County Fair Day at the administration building.

Peoria County, IL, displayed photos of the community serving local veterans, armed forces and military families.

Robeson County, NC, elected officials visited many of the schools to discuss the role and responsibilities of county government.

Lancaster County, SC, sponsored an essay writing contest, "The Veteran in Your Life."



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Serving Those Who Serve Us

In January, MAC signed up to take part in a community service project sponsored by the Missouri Society of Association Executives (MSAE).

MSAE is a professional society which consists of approximately 250 regular members holding management positions with state associations, and 200 associate members consisting of firms, corporations, and hotel facilities engaged in promoting products or services to associations.

MAC Executive Director Dick Burke is a former president, and Communications Director Jay Shipman is currently on the board of directors. Three others on the MAC staff belong to MSAE and regularly attend meetings.

The MSAE board of directors took on a National Guard Adoption Project that began in November 2011 and continues through June 2012. The project is keeping our service members connected with Missouri. On at least a monthly basis, MSAE members (like the Missouri Association of Counties) are sending packages to the Missouri National Guard Unit, 1SB6 (First Support Battalion, Mission 6) stationed in Egypt.

There are 93 soldiers in the 1SB6 – 63 men and 30 women. More than half have never been deployed before. They are from 45 different hometowns, with the largest number hailing from Jefferson City and Columbia. Six are from out-of-state.

The soldiers are not in need of daily necessities.

Nonetheless, they are far from home and away from their families, serving our country in a foreign land for an entire year. Any reminder of home and things we take for granted each day are most appreciated – things to help pass the time and take their minds off the loneliness.

After committing to take part in the project, the MAC staff packed a USPS priority box with the following items: three packs of all-occasion greeting cards, two paperback novels, a Neil Diamond CD, four movies (*127 Hours*, *Inception*, *Happy Gilmore* and *Eat, Pray, Love*), five magazines (*Sports Illustrated*, *Entertainment Weekly*, *Elle*, *Motor Trend*

and, of course, *The Missouri County Record*), Nature Valley cashew snack bars, Swiss Miss cocoa mix, and Pepperidge Farm cheese crisps.

Mailing costs were covered by MSAE.



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(Continued From Page 9)

Additionally, a different group has submitted 22 different versions of petitions relating to income, earnings and sales taxes. The biggest change is the sheer amount of petitions people are submitting initially.

Solutions

This dramatic increase in the number of petitions our office has to deal with leads us to look for bi-partisan ways to improve the process in several different ways.

It is important that Missourians have a method to petition their government for change -- this is a value and a process we should be proud of. However, it is also something that should not be abused to the point where it just

becomes part of a political game that not only wastes time and energy, but taxpayer dollars and resources.

How can we best put in adequate safeguards that maintain this democratic process while at the same time providing some protections to safeguard against abuse? The Secretary of State's Office is proposing an idea that was recently filed as a bill in the state Senate (Senate Bill 817) called the "Initiative Petition Integrity Act".

The bill would require groups to show at least some support for their idea to even start the process. With this legislation, after the form of the petition is approved, petitioners must collect and submit 1,000 sponsoring signatures from registered voters in Missouri within 45 days. This requirement will ensure that the petitioner has the desire, the ability, and the grass roots support to gather signatures. It also requires the Secretary of State to post initiative petitions online prior to certification of the official ballot title and allows Missourians 15 days to submit comments regarding an initiative petition.

Additionally, the bill would strengthen the integrity of the signature gathering process by:

- Barring individuals with forgery convictions from gathering signatures.
- Banning paying signature gatherers "per signature" because that encourages people to collect faulty or fraudulent signatures.
- Requiring that anyone who signs a name other than his/her own is guilty of a class one election offense.

These ideas are common sense changes to the process that keep it working well for everyone, and the issue has bi-partisan support. We recognize the importance of allowing citizens the right and ability to petition their government for change. We must also discourage abuse of the system so it can truly benefit Missouri for years to come.

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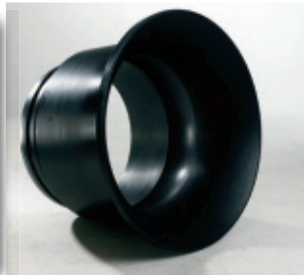
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