

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

Missouri County Record

Summer 2014



**Vernon County Courthouse,
Nevada, Mo.**

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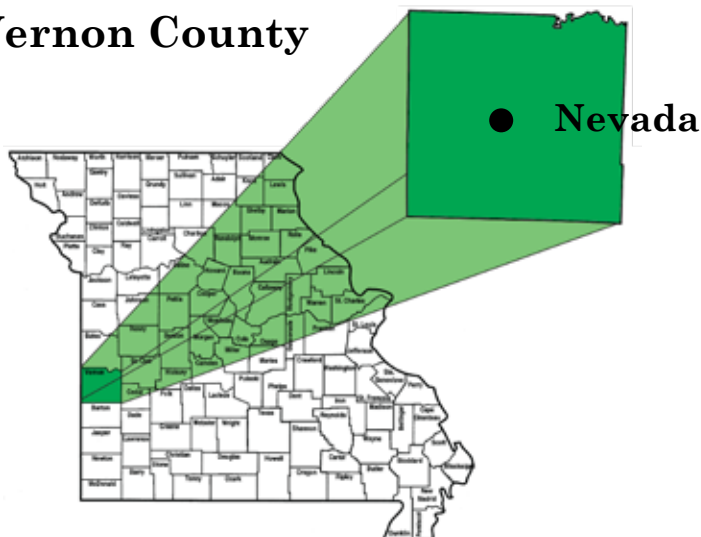
Missouri Courthouses: Building Memories On The Square

During the Civil War, the border warfare raged between Missouri and Kansas and led to the destruction of Vernon County's first courthouse (built in 1856) and the county clerk's office building (built in 1860). To avoid further devastation to the community, the county seat was moved from Nevada, and the county's pre-war records were hidden in Arkansas and Kansas and returned after the war. However, the court records from 1861-1865 were lost.

After the war, a replacement building was erected in 1868 and served the county for nearly 40 years. In 1906, county officials found the building beyond repair and sold it to make way for a replacement courthouse.

Work began in 1906, and the county accepted the completed building in 1908. The still Vernon County courthouse was added to the National Register of Historic Places on June 27, 1997.

Vernon County



The Missouri County Record Vol. 20, No. 2

A Publication Of The Missouri Association Of Counties
 516 East Capitol Avenue, PO Box 234, Jefferson City, MO 65102-0234
 Telephone: (573) 634-2120 Fax: (573) 634-3549

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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.

General Expenses Of Boarding The State's Prisoners

County governments are mandated to house state prisoners in their jails. Under Sec. 221.105, *RSMo*, the state is required to reimburse counties for their boarding expenses – only if the prisoner is adjudicated and sent to a state prison.

These expenses include food, its preparation and service equipment; utilities; salaries of jailers and jail employees; soft, consumable personal goods like clothing and mattresses; building insurance; maintenance equipment and supplies; janitorial and laundry services; medical services and drugs; as well as recreational facilities for state prisoners.

Throughout the state of Missouri, the average daily cost to house a state prisoner is \$45.

The biggest news this session is that counties received a \$3 increase in the state-paid prisoner per diem – taking it from \$19.58 to \$22.58 and representing a \$5.3 million increase for county governments.

This is historically the highest amount counties have seen, a major step forward, and one that is both overdue and desperately needed! Also on the “plus” side, several legislators further indicated that they would work for another per diem increase next year.

During budget negotiations, however, a glitch arose when Sen. Brian Munzlinger amended HB 9 to redirect the prisoner per diem to the sheriff's Inmate Prisoner Detainee Security Fund. While this move appeared to be seemingly “revenue neutral,” it undermined the budgetary authority of the county commission and was taken out in conference. Also, under Sec. 488.5026, *RSMo*, the Inmate Prisoner Detainee Security Fund is restricted to be used for the development and purchase of biometric verification systems.

When this didn't work, the senator amended a Conceal & Carry

measure again to send the prisoner per diem to the sheriff's fund and out from under control of general revenue and county commissioners. This amendment was removed in the House on a voice vote prior to final passage on May 14.

While that \$45 average daily cost figure to house a state prisoner is frequently cited, such is not the case in all counties.

Currently, Boone County's total direct cost per day is \$60.29. With passage of the new \$3 per diem increase, that means Boone County's general revenue fund (the source for prisoner boarding costs) will still be short \$37.71 per day per prisoner.

To compound the problem, there is a serious situation of county jails' being overcrowded by both violent and non-violent state offenders, thus making room and board costs reach unprecedented levels.

Counties, furthermore, prepare their budgets based on a calendar year and the “ups and downs” of prisoner per diem appropriations are based on the state's fiscal year – all of which makes it difficult to forecast anticipated reimbursements.

In 1996, the General Assembly passed legislation that gives the state the authority to appropriate “up to thirty-seven dollars and fifty cents per day per prisoner, subject to appropriations, but no less than the amount appropriated in the previous fiscal year.”

MAC remains hopeful that legislators will take a serious look at increasing the prisoner per diem again next year due to its unusually large and negative impact on county budgets.

Burn Ban Authority Now Extended To 3rd-Class Counties

Under a law passed last year, 1st-, 2nd- and 4th-class county commissions were able to promulgate reasonable regulations concerning burn bans and the use of county property. For unknown reasons, Missouri's 89 3rd-class counties were excluded.

This session, SB 672 extends the same power to all counties. There are still, however, severe restrictions for all concerned that relate to the State Fire Marshall and the Drought Monitor Index.



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Voters To Decide On Constitutional Amendments

MoDOT Sales Tax On August Ballot

This constitutional amendment increases the state sales tax by $\frac{3}{4}$ cent, with revenues being dedicated to upgrading and maintaining the state's transportation infrastructure.

If approved by voters, HJR 68 (Hinson) eliminates any possibility that tolls could be imposed or fuel taxes raised during the 10-year term of the temporary tax, which would go into effect on Jan. 1, 2015.

It would generate \$534 million per year, with MoDOT receiving \$480 million and cities and counties splitting \$54 million. Five percent of the sales and use tax proceeds must be deposited into the newly created County Aid Transportation Fund.

Moneys in the fund must be distributed to the counties in the state based on the county road mileage and assessed rural land valuation calculation in Art. IV, Sec. 30(a) of the *Missouri Constitution*, with the exception that that 5 percent of the county moneys must be distributed to the City of St. Louis.

County officials view this with mixed emotions. On the positive side, it means more revenue for county roads and bridges. On the negative side, some think it will impact counties' abilities to raise local sales taxes.

Early Voting On November Ballot

Having the potential to be overshadowed by the initiative petitions calling for six weeks of early voting, HJR 90 (Dugger) presents another option.

Upon voter approval and beginning with the 2016 general election, it requires the establishment of an early voting period prior to the general election. The period will run for six days terminating on the last Wednesday before a general election and not including Saturday or Sunday.

In-person voting will be during regular business hours at the local election authority sites. Voting may be in-person or by mail using ballots similar to absentee ballots, but no excuse or reason will be required to vote early. A voter making use of early voting must be registered by the fourth Wednesday prior to the general election. A qualified voter may request delivery of one ballot by mail per general election upon written request to the Office of the Secretary of State or to his/her local election authority.

The constitutional amendment requires the state to appropriate funds for the payment of any new expenses incurred by local election authorities.

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911 Legislation Fell Short This Year – But Not Forever!

Scott Penman

Penman & Winton Consulting Group

May 16 was the concluding day of the 2014 legislative session – the final day legislation could be passed. Unfortunately, we again fell short of our ultimate goal of passing 911 consolidation and funding.

The House passed HB 1573 on March 13. The Senate took no action on the bill until two weeks out when the Commerce Committee finally heard and voted on the bill. The 2013 legislative session ended in nearly the identical stage in the process. Sen. Wayne Wallingford worked diligently to convince his colleagues to move the legislation forward.

Even though the 2014 bill fell short of passage, this effort is still many steps ahead of where we concluded last year. We are without opposition in the halls of the Capitol. Not one single special interest group now works to prevent the passage of this legislation. The majority of members of both the Senate and House support the bill.

Only a very small number of legislators oppose this legislation. However, those few who do are in positions to influence the outcome of the session. Ultimately, two Senate bills in the House were targeted to be amended, and one of the Senate opponents has agreed to work with us on this issue next year to find a solution satisfactory to all parties. This leaves only one member of the Senate with the power, will and desire to prevent passage of the legislation.

Due to the leadership, dedication and passion Rep. Jeanie Lauer brought to the issue, all key stakeholder groups were drawn together and engaged in negotiations. The momentum from last year's progress on the legislation and the large number of votes in support of the bill (over 100 "Yes" votes each year) was also key in forcing interested parties to the table to negotiate.

Every communication company in the state discussed the specific language in every section of the bill. The 911 Technical Committee members reviewed and researched dozens of drafts and variations of the bill. This process ultimately resulted in AT&T, Sprint, T-Mobile, Charter, Time-Warner, the cable association, telecommunication association, and others all being neutral on the legislation – with the only exception being the percentage rate charged to pre-paid phones. Some parts of the wireless industry wanted the rate set at 2 percent in lieu of the bill's rate of 3 percent. Centurylink is in favor of the legislation.

Callaway County Associate Commissioner "Doc"

Kritzer led the way to securing input and support from not only the County Commissioners Association of Missouri, but also the Missouri Association of Counties. Having the organized support of such a broad grouping of local governments allowed the flexibility to negotiate with other county and municipal interest groups. We ultimately enjoyed the support or neutrality of every county in the state.

Not a small part of the success we did achieve goes to our partner, the Missouri Poison Control Center. Jessica Pabst, advocacy director in Missouri for SSM Health Care (which houses the Poison Control Center) was essential to the progress of the legislation this session. Her involvement in this issue added loft and energy to the effort.

When the bill was heard in the House Local Government Committee, supporters filled the room from all across the state. The committee members were impressed by the depth and breadth of organizations supporting the legislation. Kevin Pratt, Kearney assistant fire chief, and Michael Snider, Liberty fire chief, both traveled to the Capitol on multiple occasions to provide testimony and show support for the legislation.

The 911 coalition road show tour across nine Missouri communities brought an added element of grassroots support. Jason White (on behalf of the Mid-America Regional Council – MARC) organized it, and along with April Tarrant, Lisa Schlottach, and others educated hundreds and added numerous new supporters. Law enforcement, county officials, and actual real people all were recruited to our effort.

Many, many individuals and organizations have worked on this issue for years. A legislative solution to 911 consolidation and funding is not out of our reach. The neutrality of special interest groups, strength of supporters, stature of sponsors, and the development of a Missouri customized solution are all signs this legislation can be law.

On behalf of Penman & Winton, I thank you for the opportunity to represent the MO National Emergency Number Association, the MO 911 Directors Association, and the MO Chapter of the Association of Public Safety Communication Officials.

I wish this report provided the cause for great celebration of a project finally and successfully completed. Unfortunately, we are not yet there.

But we can be!

- Missouri is the only state in the nation that has not passed wireless funding legislation.
- Statistics show that 30% of 911 calls come from landlines and 70% come from wireless devices.
- Currently, 18 Missouri counties do not have E 911.

Workings Of A Pretrial Service Program

Alia Stowers

Director of Pretrial Services for Greene County

Lately, there's been quite a buzz surrounding pretrial services and the benefits it can bring to a county.

Many jurisdictions view pretrial services as an avenue to address jail population — and it can be. The main reason to practice pretrial justice is because ... it is, in fact, justice. The *Bill of Rights* affords every citizen the presumption of innocence and the right to bail that is not excessive. However, counties tend to view pretrial defendants (the majority of county jail inmates) as “offenders,” and for most of them, the bail amounts are absolutely excessive. We like to talk about the “hardened criminals” being released into the community, but most counties have high numbers of low-risk defendants who cannot afford to pay 10 percent of their \$2,500 bail. In these cases, defendants are not in jail because of their risk levels — or even their current charges — but because of their financial situations.

According to the Bail Reform Act of 1984, pretrial detention is to be used only if **“no conditions or combination of conditions will reasonably assure court appearance of the person in court and the safety of any other person and the community.”** The juvenile justice system has made tremendous progress in the area of pretrial detention through reforms like the Juvenile Detention Alternatives Initiative; the adult system has not been as open.

The first reason to begin a pretrial services program (or even institute some pretrial justice practices) is because it is the right thing to do for defendants. The presumption of innocence requires that pretrial release decisions not be based on charge type, but on risk level (risk of failure to appear in court, as well as danger

to the community). According to Chief Justice Rehnquist in *US vs. Salerno*, **“In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”** Secondly, it is safest for our communities; many studies show that incarcerating low-risk defendants with high-risk ones increases the criminality level of the previously low-risk defendants, which creates more criminals. The final reason for pretrial services is the hundreds of thousands of

dollars a year it can save a county in jail costs.

As all judges know, a pretrial release decision is a risk management issue. No one can guarantee a specific defendant will be successful on release, but basing these release decisions on research

(Continued On Page 8)

Big 6 Legal & Constitutional Rights

Presumption of Innocence

Right to Counsel

Right Against Self-incrimination

Right to Due Process of Law

Right to Equal Protection Under the Law

Right to Bail that is Not Excessive

“Every jurisdiction should establish a pretrial services agency or program to collect and present the necessary information, present risk assessments, and, consistent with court policy, make release recommendations required by the judicial officer in making release decisions”

Standard 10-1.10

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(Continued From Page 6)
will help build credibility and ensure the most success. The best practice is to utilize a validated, objective scoring instrument on which to base release decisions; however, judges do not have this resource available to them. This is the primary purpose of a pretrial services program.

While most pretrial services programs serve two purposes (to make recommendations to the courts regarding release decisions for pretrial inmates, and to supervise moderately risked defendants who are released on their own recognizance), if a new program cannot do both, it should start with assessing risk. It is important for the courts, county commission, sheriff, and community to know whom they have in a county jail. For instance, many community members are surprised to know that on any given day approximately 85 percent of the Greene County jail inmates are pretrial (still awaiting adjudication). Since Greene County Pretrial Services do not exclude inmates based on charge, it is notable that approximately 75 percent of those assessed are determined appropriate for release (approximately 25 percent score for release; 50 percent score for release with pretrial supervision; and the final 25 percent score for detention). Remember, this risk level is based on research, not on the defendant's behavior in

“The pretrial release decision is a reflection of pretrial justice; it is the primary attempt to balance the rights afforded to accused persons awaiting trial with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance.”

Marie VanNostrand, and Gena Keebler, “Our Journey Toward Pretrial Justice,”
Federal Probation, 71, No. 2, (September 2007): 20

the courtroom or on the current charge (of which he or she is not yet legally guilty). Greene County Pretrial Services supervision has a 92 percent success rate of defendants appearing in court, and an 88 percent success rate of the defendant accruing no new charges while on supervision.

However, research is not prophecy. It cannot predict the behavior of an individual defendant; it can only show patterns of large sample groups that fall into the same categories of risk as that defendant. Many judges are understandably hesitant to release a defendant to his/her own recognizance.

So, what is the alternative? It is rare for a judge to hold a defendant without bond, so most of the time a bond is set; it may be that a judge assumes the defendant cannot pay the bond, therefore ensuring the

defendant's appearance in court and community safety. Let's not assume this option, since it would require a judge to knowingly set an excessive bail. Instead, let's assume that judges feel most comfortable with release as long as the defendant has a bondsman.

National research shows that monetary bond **slightly** improves appearance rates for high-risk defendants (“high-risk” is based on the validated risk assessment; keep in mind, these are the same defendants a pretrial assessment would recommend continue to be detained on their bail amount). Monetary bond does **not** improve appearance rates for low-risk defendants, and can have negative effects. Monetary bond has **no** positive impact on community safety.

Therefore, one must ask, “Is the exclusive use of monetary

Pretrial Services Provided By Greene County

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bond in our jail system helping the community, the court system, or the county budget?"

But the bond industry should not view pretrial services as a competitor. In Greene County, by the time we assess a defendant, submit the report to the judge, and the judge makes a decision to release, most defendants have now been in jail at least two weeks. The assumption is that these defendants would have bonded out by now if they could afford to do so. So, what about the many low- and medium-risk defendants who are in our county jails, not because they pose a risk to the community or appearance in court, but because they cannot afford their bail? Pretrial services could be a great solution.

Benefit To The Community

Appearance rate: 85%
Criminal safety rate
(no new law violations): 87%
Average length of supervision:
312 days

Alia Stowers, the director of Pretrial Services for Greene County, Missouri, has served in that role for approximately three years, and has been in Criminal Justice for approximately 10 years. She has spoken throughout the Midwest on the topic of Pretrial Justice and is an available resource for those interested in starting their own programs. Please email Alia.Stowers@courts.mo.gov.

Costs & Savings

Costs = \$159,450

Financial Benefits:

- Jail days saved in 2012: **57,999.**
- At **\$45/day** to house inmates, this comes to a cost avoidance for 2012 of **\$2,609,955.**

Alternate view:

- Greene County would have needed an additional 159 beds/day to house these inmates.
- Overall cost avoidance for 2012: **\$2,450,505.**

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*Source: Thomson Reuters

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Introducing MAC's New General Counsel

The Missouri Association of Counties has recently contracted with Travis A. Elliott as its new general counsel.

Elliott is affiliated with the firm of Ellis, Ellis, Hammons & Johnson PC in Springfield, Mo. The firm represents numerous public entities, including cities, counties, school districts, hospitals, fire protection districts, ambulance districts, and universities in state and federal courts.

"While I would serve as the primary contact as general counsel, the benefit of selecting this firm extends to the collective experience and knowledge of the firm's attorneys," said Elliott.

Founded in 1977, the firm has seven attorneys (with over 125 years of combined legal experience) that practice in a variety of areas including labor and employment, civil litigation and appeals, business and corporate law, education and hospital law.

"We have significant experience in advising public entities on legal questions arising in the day-to-day conduct of public business," continued Elliott. "For example, we are regularly asked to attend the meetings of governing bodies to provide guidance and legal advice, as well as to provide updates on the status of pending legal issues. In addition, we are routinely called upon to draft and review ordinances, resolutions, policies and contracts, and we are committed to doing so in a timely and efficient manner."

Counselor Elliott will be re-instating MAC's Pre-Paid Legal Services Program in the very near future.

Elliott received both his B.A. degrees in Political Science (with Honors) and Philosophy from the University of Missouri-Columbia in 2004. He received his J.D. from the same institution in 2007.

Following a lengthy resume analysis and interview process of



numerous applicants, Travis Elliott was chosen by MAC's 9-member Selection Committee. Members included President Shelley Harvey, President-Elect Bonnie McCord, 2nd VP Darryl Kempf, 3rd VP "Doc" Kritzer, Treasurer Wendy Nordwald, and Past President Carol Green. Also serving were Matt Selby, Stone County prosecutor; Beverlee Roper, Platte County associate commissioner; and Janet Thompson, Boone County associate commissioner – all three of whom have legal degrees themselves.

Who's in your Jail?

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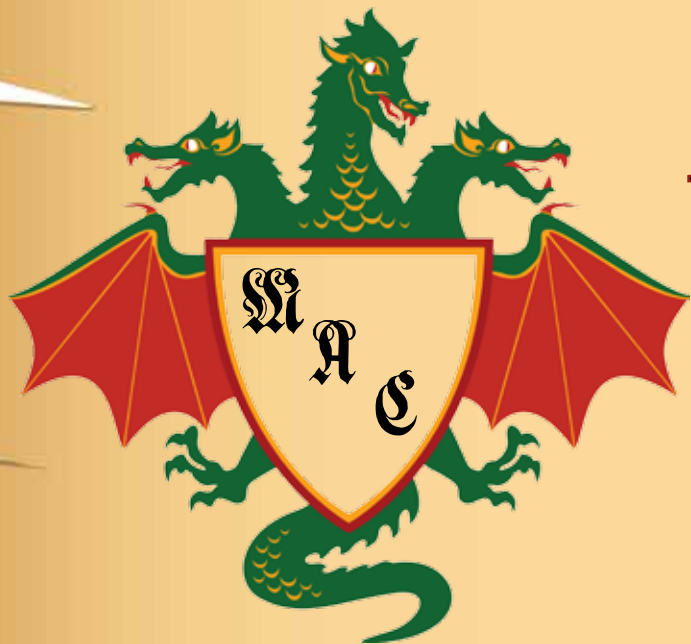
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___ (X) County Officials' Late or At-Site Registration after Nov. 13 = \$140

___ (X) Spouse's Early Registration by Nov. 13 = \$60 (payment must accompany registration)

Spouse's Name (If attending) _____

___ (X) Spouse's Late or At-Site Registration after Nov. 13 = \$80

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Must Counties Use The State Rate?

State Mileage Rate Remains At 37 Cents Per Mile

At press time, the state mileage allowance remains at 37 cents per mile for privately owned automobiles on state business. Chap. 33.095, *RSMo*, permits any county (with the exception of 1st-class charter who have their own authority) to pay a mileage allowance at the rate authorized by the state Commissioner of Administration.

Due to Missouri's up-and-down budget problems, the state rate (one of the lowest in the nation) has remained at 37 cents since May 2010. For continued updated information, log on to oa.mo.gov and search for "state mileage rate."

Most counties do follow the state rate.

However, a previous legal opinion points to the fact that the county commission can set the rate at whatever level it chooses.

When Chap. 50.333.10 is read

in light of the other statute (the one cited above), the county commission can set the rate at whatever level it chooses, especially in light of the introductory wording "notwithstanding any other law."

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

Just as county governments may continue using the 37-cent per

mile rate authorized by the state or establish their own rates, this same rate will apply when determining the rate for workers' comp cases (for an injured employee's reimbursement for travel expenses for medical treatment), as well as for witness reimbursement. However, two new mandates have been passed subsequent to Chap. 33.095. According to Chap. 57.280.1, *RSMo*, sheriffs who use their own vehicles for work purposes shall receive the mileage rate allotted by the IRS. Until Dec. 31, 2014, that amount is 56 cents per mile.

In addition, Chap. 50.333.10, *RSMo*, states that officeholders and employees shall be paid at the highest rate allotted to any officer. In counties where sheriffs use their own vehicles for work purposes, county officials are entitled to the IRS rate of 56 cents.

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The Function Of Missouri's Ethics Commission

The Missouri Ethics Commission (MEC) is charged with enforcement and retention of information and reports pertaining to conflict of interest laws relating to public officials and employees, lobbyist reporting laws, personal financial interest reporting laws, and campaign finance disclosure laws.

The Commission consists of six members, each appointed by the governor with the advice and consent of the Senate for 4-year terms. Commissioners serve in a non-partisan manner and not more than three can be of the same political party. Each member must be selected from a different congressional district. A chair and vice-chair are elected biannually. The Commission employs an executive director to oversee the day-to-day operations of the agency along with a 21-person professional and non-partisan staff.

The MEC makes transparency and access to public information a priority in its operations. The website provides detailed financial information about campaign expenditures and contributions and includes many publications, brochures, and web tutorials explaining Missouri's ethics laws, requirements and regulations. The MEC is dedicated to providing customer service and training for public officials, candidates and others wanting to understand ethics laws.

Conflict of Interest

(Secs. 105.450-105.467, *RSMo*)

Conflict of interest is generally defined as a conflict between the private interest and the official responsibilities of a person in a position of public trust. MEC enforces specific laws that define conflicts of interest by public officials and employees. Conflict of interest issues are governed by the *Missouri Constitution*, *Missouri Revised Statutes* and the applicable local ordinances, charters, policies and procedures of each political subdivision.

Public or elected officials are prohibited from receiving a financial gain for themselves, their spouses or their dependent children (Chap., 105 *RSMo*). This includes influencing decisions made by the political subdivision they serve that could result in such financial gain. The conflict of interest laws also address the issues of receiving additional compensation through employment, providing services/conducting business with the political subdivision and other activities or actions.

Examples of such prohibitions include the following:

1. A county official cannot also be a county employee.
2. A county official cannot perform services for the county (i.e. snow-removal) if the service is over \$500/transaction or \$5,000/annually UNLESS it is awarded under contract after public notice, competitive bidding,

and the official's bid was the lowest received, not lowest and best. The official must not participate in the vote to award the contract, request for bidding process, or receive or use any confidential information related to the bid for services. (NOTE: If the official does have a transaction, it must be disclosed on the official's Personal Financial Disclosure (PFD) statement, if required by the subdivision's conflict of interest ordinance/resolution.)

3. A county official cannot hire or appoint or vote to hire or appoint a relative within the 4th degree of consanguinity or affinity to a position of employment or a volunteer board or commission (nepotism). The penalty for nepotism is automatic forfeiture of office. Legal action may be pursued to remove the individual from office or employment (Art. VII, Sec. 6 – *Missouri Constitution*). View MEC's *Relationship Chart* @ <http://www.mec.mo.gov/WebDocs/PDF/Misc/RelationshipChart.pdf>

Examples:

- a. A county official cannot hire a first cousin to work in his/her office.
- b. A county official cannot hire his/her child to work on a summer road crew.
- c. A county official cannot appoint his/her uncle to the Planning and Zoning Board.

For more information and examples on conflict

(Continued On Page 16)



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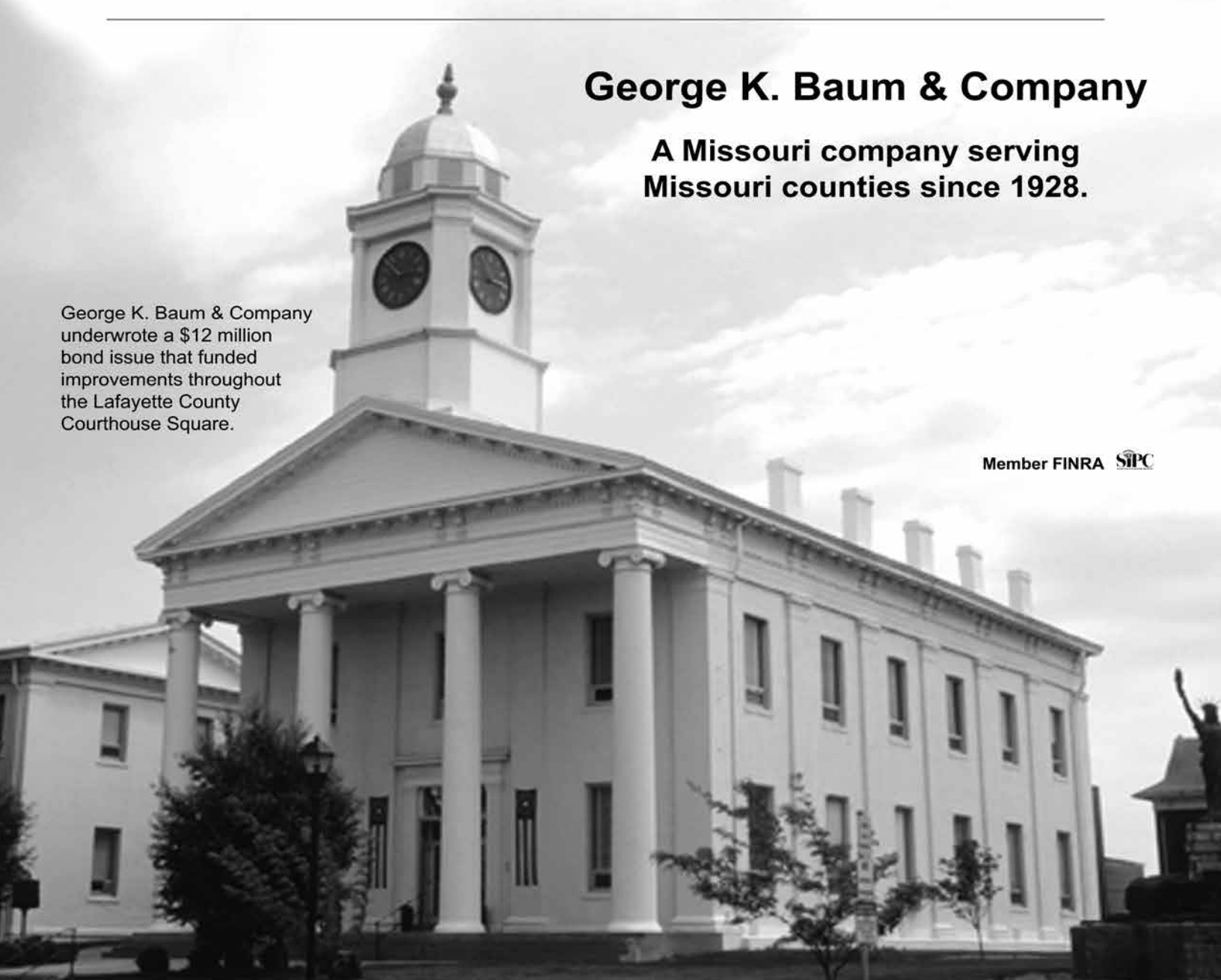
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(Continued From Page 14)

of interest issues, including purchasing/bidding requirements, use of public funds and more, view MEC's *Conflict of Interest Guide* @ http://www.mec.mo.gov/WebDocs/PDF/Complaint/Conflict_of_Interest-Purchasing_Flyer.pdf.

Advisory opinions issued by the MEC may also be consulted for guidance.

MEC Advisory Opinions

Upon written request, the Commission may issue an advisory opinion to a person directly affected by the application of law. Any advisory opinion issued shall act as legal direction to the requesting person. Upon issuing the advisory opinion, the Commission redacts the name of the person who made the request. Anyone examining an advisory opinion should be careful to note that the opinion pertains to the specific facts therein and to the law as it existed on the date of the response. Review past opinions on the MEC's website; search by topic or by topic and keyword.

Personal Financial Disclosure (PFD)

(Secs. 105.483 – 105.492, *RSMo*)

The purpose of filing a PFD statement is to disclose any potential conflict of interest between a county official and the county. Filers must include financial information for themselves, their spouses and dependent children. The financial information disclosed includes only sources of income and holdings, but not dollar amounts.

State statute allows a county to adopt its own ordinance/resolution at least every other year setting forth which county officials must annually file a PFD and what information must be disclosed. At a minimum this would include each official that had a business transaction over \$500 with the county and the chief administrative officer and chief purchasing officer. The county is also responsible for enforcing the provisions of its

ordinance, including any penalties for those who fail to file or file late. If a county does not adopt such an ordinance/resolution, then each elected official must annually file a PFD. PFDs are due each year by May 1st, or if newly appointed within 30 days of the appointment date, or if a candidate is in an election 14 days after filing closes for such office.

Campaign Finance

(Chap. 130, *RSMo*)

Candidates running for re-election or new candidates must follow the requirements of the campaign finance disclosure law, including record-keeping and reporting responsibilities. The law also sets out factors used to determine when a candidate must form and register a campaign finance committee. The factors include the type of office a candidate is running for, the amount of money accepted (contributions received) and the amount of money spent (expenditures). See MEC's *When to Form & Register a Committee* brochure @ http://www.mec.mo.gov/WebDocs/PDF/CampaignFinance/Forming_Registering_Committee.pdf.

A candidate for a county office may have up to \$1,000 of activity before having to form a committee. This activity could consist of solely the candidate's own money; however, if the candidate accepts contributions from others and spends those contributions, both the contribution and any expenditures from that contribution is counted toward the \$1,000 threshold. For example — candidate spends \$600 of her own money; she receives a \$250 contribution; the total activity is now at \$850. Candidate then spends the \$250 she received; total activity is now at \$1,100. This candidate must form a committee because total activity exceeds the \$1,000 threshold. Also, a candidate receiving one or more contributions totaling more than \$325 from a single contributor must form a committee even if the candidate has had less than \$1,000 in activity.

Once a committee is registered with the proper election authority, disclosure reports must be filed quarterly and also for each reporting period specific to the candidate's election. Candidates running in a county with a population over 100,000, any

(Continued On Page 20)

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2014 MAC Legislative Conference





(Continued From Page 16)

partisan judicial candidates, and candidates for county clerk must register their committees with the local election authority and the MEC. All other candidates for county office are required to register their committees with the local election authority.

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Anyone publishing, circulating or distributing printed matter about a candidate or ballot measure must have the proper paid-for-by disclaimer on the face of the item. The disclaimer must specifically state "Paid for by" followed by the sponsor's proper identification. "Paid for by Candidate" is not a satisfactory disclaimer to meet this requirement. For specifics, see MEC's *Campaign Material Identification Requirements* (Paid-for-by disclaimer) Brochure @ <http://www.mec.mo.gov/WebDocs/PDF/CampaignFinance/CampaignMaterialsIdReq.pdf>.

The MEC offers training for campaign finance requirements and both candidates and treasurers are encouraged to attend. Attendees can go online to register for a webinar, for in-person training hosted by either the MEC in Jefferson City or the local county Board of Election, or they may visit the MEC website at www.mec.mo.gov to view an online tutorial.

Complaints

(Secs. 105.957, *RSMo*)

Any individual may file a complaint with the MEC if that individual believes a candidate or other individual has violated campaign finance disclosure laws, personal financial disclosure laws, conflict of interest laws, lobbying laws, or any order, ordinance or resolution dealing with the official conduct of an elected or public official.

The MEC may refuse to investigate any conduct that is the subject of civil or criminal litigation. The MEC cannot investigate

complaints that ...

- refer to conduct occurring prior to the expiration of the statute of limitations for criminal conduct;
- are related to conduct occurring more than two years prior to the complaint date and are not criminal violations;
- allege misconduct by a candidate for public office, other than failure to file campaign finance reports timely and accurately, a Personal Financial Disclosure statement or campaign finance disclosure reports, from 60 days prior to the primary until after the general election; or
- make any allegation against a candidate or a candidate committee,

within 15 days prior to the primary or general election in which the candidate is running for office.

Within five days of receipt of a complaint, the MEC sends a copy of the complaint and the complainant's name to the person/entity that the complaint is brought against (respondent). The statute requires that any MEC investigation and hearing held related to a complaint remain closed. The final disposition of the complaint is made public.

For more specific information about any topic in this article visit the MEC website at www.mec.mo.gov.

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Recorder Nominated To Commission

Ed Wildberger, Buchanan County recorder and former state representative, was nominated by the governor as MAC representative on the Sentencing and Corrections Oversight Commission. The Commission is tasked with monitoring and assisting the implementation of HB 1525, the Justice Reinvestment Act (JIA), and evaluating recidivism reductions, cost savings, and other effects resulting from the implementation. The commission shall determine ways to reinvest any cost savings to pay for the continued implementation of the JIA and other evidence-based practices for reducing recidivism. The commission shall also examine restitution for crime victims, including the amount ordered and collected annually, methods and costs of collection, and restitution's order of priority in official procedures and documents.



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“The Anvil Guy”



Wilkinson with anvils from his collection — the larger anvils are a model of how they fit together and show the fuse. The smaller, clear anvil was carved and engraved for his daughter's wedding.

St. Francois Commissioner Gay Wilkinson has what you call a bit of an obsession. Wilkinson, a national anvil-shooting champion, shot his first anvil in March of 1995, and he has been hooked ever since.

Q. How did you get started?

A. In 1985, I met an older gentleman who made a reference to “ringing the anvil” at the closing of an all-day event when he was just a boy. I asked what he meant by that, and he told me about shooting a blacksmith anvil into the air and the ringing sound it makes. He didn’t know how it was done, but said it was the grand finale of the event. Everyone looked forward to it.

It was several years later (1994), I met a local man, Tom Sawyer Nichols. He was 89 years old and had been “shooting” anvils for 40 years. He was happy to find someone who was interested.

Nichols showed me how to shoot anvils and helped me understand the historical importance of blacksmithing in our early development as a nation. Nichols was adamant in not cheapening the event by merely shooting the anvil. He said I should

gather everyone around and “make a speech.” He said to tell them about the importance and history of blacksmiths.

Q. What is the process of shooting an anvil?

A. There are several ways in which to “shoot” anvils.

I lay down a heavy steel base plate to place the anvils on. The bottom anvil is upside down. The top anvil is right side up. There is a charge of fine black powder (one pound) in between the anvils with about nine inches of green cannon fuse to ignite the powder. Light the fuse and get away!

Q. What is the history of shooting



Over the years, Wilkinson has carved over 1,000 anvils.

anvils?

A. Anvils have been shot since the beginning of our nation for several reasons, primarily for celebration. When Davey Crockett was elected to U.S. Congress, they launched an anvil in celebration. When telephone service came to Deadwood, South Dakota, they celebrated by shooting 39 anvils. Many times the towns’ blacksmith served as the Justice of the Peace and performed weddings over the anvil, forging the union of marriage and celebrating by making a loud boom with black powder and his anvils.

Q. How many anvils have you shot?

A. I’ve never kept track. I believe it would be between 500 and 1,000 times. I know I’ve bought more than 20 cases of black powder. I don’t know how much more I could have bought over 20 years. There are 25 one pound cans in a case of powder. It can be purchased legally through the internet and delivered by UPS or Fed EX.

Including the hazardous material shipping fee, the freight fee, and the cost of the powder, you are talking about \$20 to \$25 per pound.

Q. When did you know you were hooked?

A. I was hooked the very first time I did it. I still get as big a kick as I did the very first time. There is so much information to process while watching; it is truly a sensory overload. It is spectacular!

Q. How did you perfect it?/ How did you become a champion?

A. Like everything else, practice improves skills. I’ve gotten plenty of

“Generally speaking, every time we shoot the anvil, it scares us – but mama, that’s where the fun is!”

practice over the years. It doesn’t take much to make me want to do this.

My biggest fear is that there will be a terrorist act committed where black powder was used and the availability of black powder will be impacted. I’d be out of business without black powder.

Q. When did you start competing?/ How many competitions have you been in?

A. My first competition was 1996 in Laurel, Mississippi. I went annually until 2000, when I finally won the traditional anvil shoot for the World Anvil Shooters Society (WASS). I’ve competed in quite a few contests and have lost to better shooters far more than I’ve won. However, it doesn’t matter much to me if I win. I had fun.

Q. How do you predict the landing?

A. Where it lands is largely determined by how solid the base area is, how level the base plate remains and conditions such as temperature, barometric pressure and

even humidity. It will perform better on some days than others.

Q. What opportunities has it brought you?

A. I am afforded access to events that would not be otherwise available **because I’m “The Anvil Guy.”**

I have been featured with my grandson on four televised events and many articles for magazines and newspapers. Larry the Cable Guy came and spent the day with me learning how to shoot anvils. How many people can say that? To me, the cool thing is to look back at my grandson on these productions and see him as he looked at 13, 14 and 15 years old. We have a video record of something we’ve done together. Hopefully, he’ll carry this on when I’m too old and frail to lift and carry these monsters.

We do everything we possibly can to ensure safe fun. If someone were to get hurt, I’m not sure I could continue this. I want to do this for quite a while yet.



“I really don’t know how many anvils I have. I do know I have a ton – maybe more – of anvils (literally). My wife thinks I have too many,” Wilkinson said.



St. Francois Commissioners Patrick Mullins and Wilkinson with the anvils placed and read to shoot.



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NOAA Publishes Updated Rainfall Data for Missouri

Charles E. Patterson, Ph.D., P.E., and Joseph P. Wilson, P.E., P.H.
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In June of 2013, the National Oceanic and Atmospheric Administration, in conjunction with the National Weather Service, released the updated *NOAA Atlas 14, Precipitation-Frequency Atlas of the United States*, Volume 8 Version 2.0 for the Midwest. The updated Atlas 14 rainfall data supercedes the National Weather Service *Hydro-35*, published in 1977, *Technical Paper 40*, 1961, *Technical Paper 49*, 1964, and the Midwest Climate Center Bulletin 71, 1992. These documents are the source data for design criteria for hydrologic analysis and hydraulic design.

The rainfall analysis for *Atlas 14* incorporates a regional approach to the frequency analysis that is more robust than previously performed on the individual rainfall data stations. The updated *Atlas 14* frequency analysis includes an additional 20 years to 50 years of record for most rainfall data stations in and around Missouri.

The graphs presented to the right compare the rainfall depths for Princeton, Jefferson City, Sikeston and Joplin, Missouri for varying durations. A different Annual Exceedance Probability was selected at random for each location to provide a general reference showing the differences between *Atlas 14* and previous publications.

For the examples shown, the differences between the updated frequency data and the superceded data range from a decrease in rainfall depth of 17 percent to an increase of 15 percent in rainfall depth, depending on the annual exceedance probability, duration, and location.

The updated *Atlas 14* precipitation frequency estimates for a recent design project were 12 percent less than rainfall depths previously published by NOAA

resulting in modeled flowrates that were reduced by 29 percent. Conversely, locations with an increase in the precipitation frequency estimates will result in increased computed flowrates.

Precipitation frequency data is used for the design of bridges, highway and street drainage facilities, flood control structures and the delineation of regulatory floodplains. The *Atlas 14*

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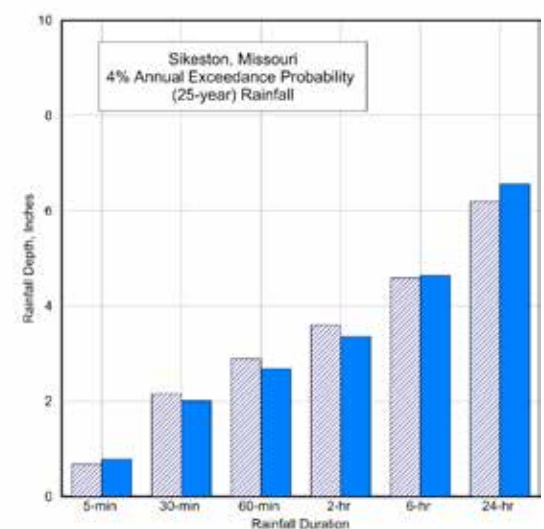
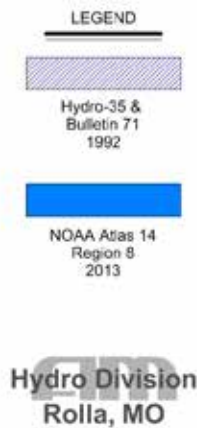
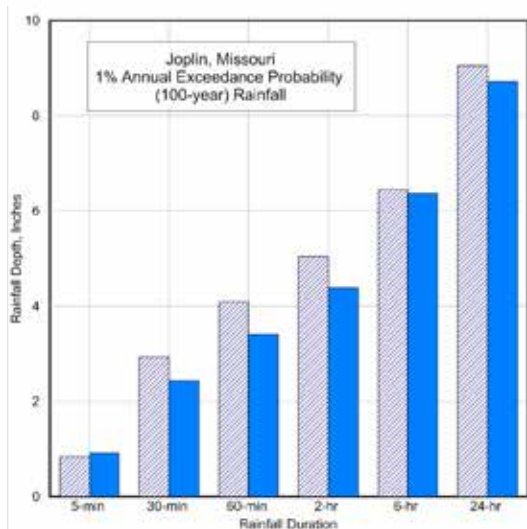
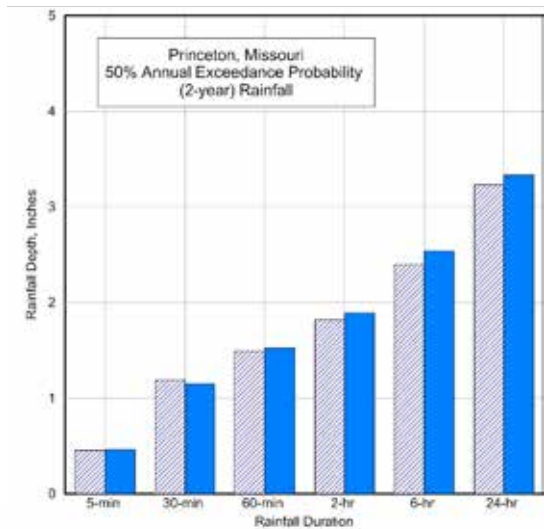
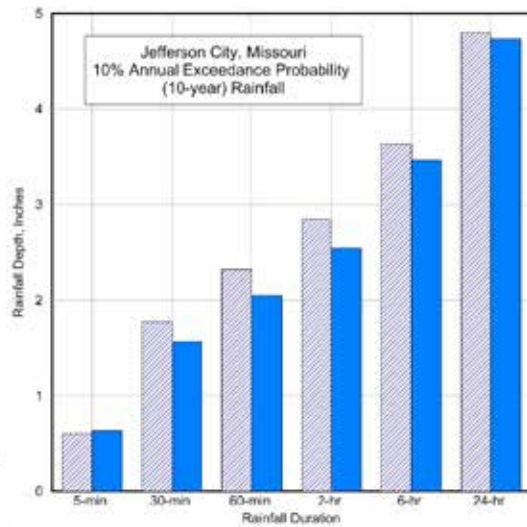
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precipitation estimates are the best available data and should be used in analysis and design to provide the appropriate level of flood protection, minimize liability, and avoid expensive over-design.

Patterson is a senior hydraulics engineer and Wilson is professional hydrologist and Hydro Division manager for Allgeier, Martin and Associates, Inc. in Rolla, Mo, (800) 994-9487.

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Richard P. Moore, Attorney At Law - Clayton, MO 314-726-3040

Banking/Finance/Investments:

BancorpSouth Equipment Finance - Hattiesburg, MS 800-222-1610
Edward Jones - St. Louis, MO 314-515-5940
George K. Baum & Co. - Kansas City, MO 816-283-5108
Central Bank - Jefferson City, MO 573-634-1234
L.J. Hart & Company - St. Louis, MO 800-264-4477
Oppenheimer & Co. Inc. - Kansas City, MO 816-932-7023
Piper Jaffray Inc. - Leawood, KS 913-345-3200
Stifel, Nicolaus and Company - St. Louis, MO 314-342-2242

Construction (Bridge/Building/Drainage):

Oden Enterprises Inc. - Wahoo, NE 402-443-4502
MTS Contracting Inc. - Springfield, MO 417-865-9991
Septagon Construction Management - Sedalia, MO 660-827-2112
Snap-Tite/ISCO Industries LLC - Westfield, IN 317-498-9350

Computer Systems & Software:

DEVNET Inc. - Sycamore, IL 815-758-2071
GovernMENTOR Systems Inc. - Independence, MO 816-254-7610
IMS, LLC - Mexico, MO 573-581-2800
Vanguard Appraisals - Cedar Rapids, IA 319-365-8625
54 Design Group - Mexico, Mo 573-590-2436
WTI Systems - St. Louis, MO 314-492-5072

GIS & Mapping:

Midland GIS Solutions - Maryville, MO 660-562-0050
Tyler Technologies/Incode - Ames, IA 800-646-2633
GIS Workshop Inc. - Lincoln, NE 402-436-2150

General Business:

Missouri One Call System - Jefferson City, MO 573-556-8116

Insurance & Employee Benefits:

Arthur J. Gallagher & Co. - St. Louis, MO 314-965-4346
Forrest T. Jones & Company Inc. - Kansas City, MO 800-821-7303
Missouri Public Entity Risk Management Fund (MOPERM) - Jefferson City, MO 573-751-1837
Nationwide Retirement Solutions - Denver, CO 303-452-8051

Energy Services:

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Missouri Petroleum Council - Jefferson City, MO 573-522-2352

Equipment/Supplies (Road & Construction):

Berry Tractor & Equipment Co. - Springfield, MO 417-831-2651
Coastal Energy Corp. - Willow Springs, MO 417-469-2777
Ergon Asphalt & Emulsions - Catoosa, OK 918-408-0845
Fabick CAT - Fenton, MO 417-866-6651
G.W. Van Keppel Co. - Kansas City, MO 816-921-4040
Knapheide Truck Equipment Co. - Jefferson City, MO 573-893-5200
Purple Wave Inc. - Manhattan, KS 785-537-5057
SealMaster St. Louis - Bridgeton, MO 314-739-7325
Ritchie Bros Auctioneers - Odessa, MO 816-661-3912
Rudd Equipment Co. - St. Louis, MO 314-487-8925
Tri-State Construction Equipment - Ashland, MO 573-657-2154
Victor L. Phillips Co. - Kansas City, MO 816-241-9290

Government Supplies/Services:

Advanced Correctional Healthcare - Peoria, IL 309-272-3412
Mark Twain Regional Council Of Governments - Perry, MO 573-565-2203
Meramec Regional Planning Commission - St. James, MO 573-265-2993
MO Dept. of Labor and Industrial Relations - Division of Labor Standards - Jefferson City, MO 573-751-6558
Missouri Division of Workforce Development - Jefferson City, MO 573-522-8619
MO Dept. of Economic Development/ Division of Energy - Jefferson City, MO 573-751-7057
Missouri Local Technical Assistance Program (MO-LTAP) - Rolla, MO 573-341-7200
Missouri Vocational Enterprises - Jefferson City, MO 800-392-8486
Northeast Missouri Regional Planning Commission - Memphis, MO 660-465-7281
Pioneer Trails Regional Planning Commission - Concordia, MO 660-463-7934
State Emergency Management Agency (SEMA) - Jefferson City, MO 573-526-9102

Telecommunications:

AT&T - St. Charles, MO 636-949-4272
Call One - Chicago, IL 312-606-5003

Reducing The Potential For Work-Related Injuries

3 Begun in 1987, The MAC Self-Insured Workers' Comp Trust is 87 member counties strong. The Trust's prime objective is reducing work-related injuries. If

you need assistance with safety/risk management in your county, contact Sean McGonigle, MAC Trust Risk Manager at 573-634-210 or SMcGonigle@mocounties.com.

A county office environment presents a unique set of potential injuries apart from other lines of work. Working virtually 100 percent indoors in a seated position and usually talking on a phone, writing or typing on a computer paves the way for some of the top injuries such as back and neck pain, vision strains, and pain in the hands and wrists to develop.

Other injuries occur from mistakes that could happen anywhere: objects left out to trip over, furniture that is not well-maintained, spills on the floor, and electrical cords in the walkway.

The Most Common Accident: Falls

Falling down is not only the most common office accident, but it is also responsible for causing the most disabling injuries according to the Centers for Disease Control and Prevention (CDC). In fact, office workers are 2 to 2 ½ likely to suffer a disabling injury from a fall than non-office workers. The most common causes of office falls are:

- tripping over an open desk or file drawer, electrical cords or wires, loose carpeting, or objects in hallways/walkways;
- bending or reaching for something while seated in an unstable chair;
- using a chair in place of a ladder; and
- slipping on wet floors.

Get the Proper Workstation Ergonomics

Over time, using a workstation that does not fit your body (i.e. your chair does not support your back, your computer screen is too high or low, your wrists are at an uncomfortable angle while typing, etc.) can result in musculoskeletal problems of your neck, shoulders and back, poor posture, eyestrain and carpal tunnel syndrome.

Along with setting up your

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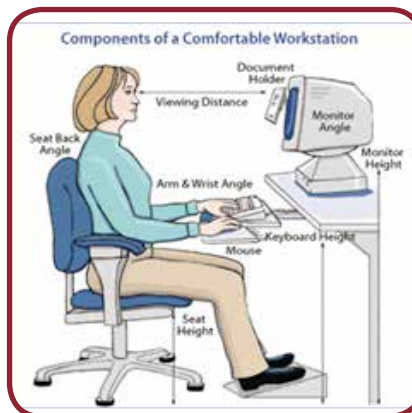
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workstation properly, it's essential to take breaks and change your position (whether seated or standing) frequently. For instance, look away from your computer screen for 30 seconds every 10 minutes, and get up to stretch every half hour. This will help to take some of the strain away and reduce your risk of being injured from making repetitive movements (such as typing) without a rest.



How To Set-up An Ergonomically Correct Workstation

You can use these basic guidelines to improve your workstation right now.

- Adjust your chair so that your thighs are horizontal with the floor, your feet are flat, and the backrest supports your lower back. If your feet do not rest comfortably on the floor, use a footrest.

- Adjust your keyboard or chair height so that, while you're typing, your elbows are at a 90-degree angle and your wrists are straight.

- Adjust your computer monitor so that the top of the screen is at your eye level.

- Use a document holder so your papers can be kept at the same level as your computer monitor.

- Make motions such as typing and stapling with the least amount of force possible.

- Adjust the window blinds or lighting so there is no glare on the computer screen.

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U.S. Communities

U.S. Communities aggregates the purchasing power of more than 90,000 public agencies by offering participating public agencies the ability to make purchases through existing, competitively solicited contracts between a supplier and a public agency.

Each lead public agency awards its contract to a supplier after a competitive solicitation process designed to ensure that the participating public agencies receive the highest quality products and services at the lowest possible prices.

Once the lead public agency has awarded a contract with the supplier, the lead public agency allows other public agencies in need of similar products and services to make purchases through the existing contract through U.S. Communities. This ensures that all participating public agencies have access to the same terms

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and conditions of the existing competitively solicited contract.

Through U.S. Communities, all contracts are available to state and local government agencies, public and private K-12 school districts and higher education organizations, and nonprofit businesses.

Public agencies pay no costs and

are charged no fees to participate. The suppliers pay a minimum administrative fee to participate through U.S. Communities. This pays for operating expenses and offsets costs incurred by national and state sponsors.

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New Traffic Control Solutions Contract

TAPCO, Traffic & Parking Control Co., Inc. was awarded a three-year contract to provide traffic-control products and solutions through U.S. Communities. This contract was awarded through a competitive solicitation process and is eligible for use as of March 1st.

The contract delivers solutions and services for traffic and parking expenditures. Through this contract, TAPCO provides over 12,000 discounted products along with custom solutions and services.

2014 Pending Contracts

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- Facilities Maintenance Outsourcing
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- K-12 Food Distribution Services and Products

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Sandy Neal, SPHR
Vice President

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