

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

Missouri County Record

Winter 2017



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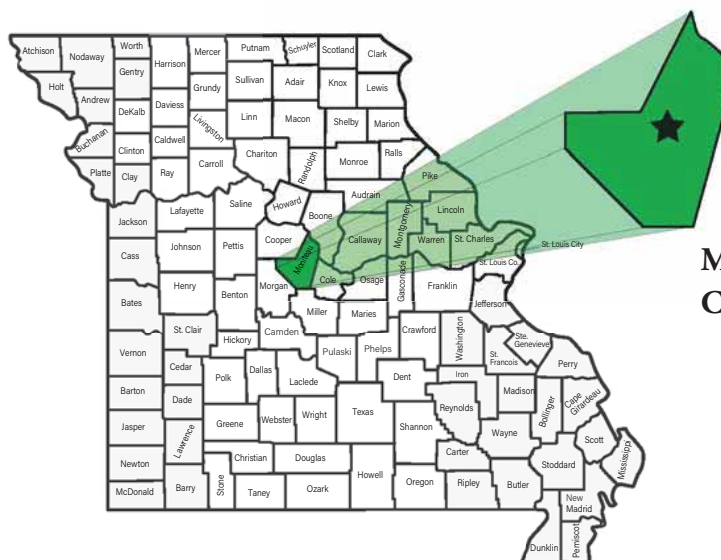
Moniteau County Courthouse, California, Mo.

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courthouse was awarded in April 1867, and construction was completed the following February. The building served the community for 37 years before it was extensively remodeled in 1905. Architect O.E. Sprouce altered the exterior appearance of the building by raising the height of the dome 20 feet and changing the slope of the roof. He also added a dome to the rounded portico over the main entrance.



Moniteau County
California



The Missouri County Record

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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.

MAC's legislative priorities for 2018

During the annual conference in November 2017, MAC members passed five resolutions which will be the focus of the association during the 2018 legislative session.

Upgrade Missouri's 911 wireless emergency services

Because Missouri is the only state in the nation without a state wireless recovery fee, the system is behind and outdated. Citizens of Missouri falsely believe they are protected with 911 service when utilizing cellular services, and many Missouri residents travel extensively throughout the year to areas in the state where they are not protected by 911 service. There are currently 16 Missouri counties that have no 911 service and 30 counties still cannot locate a 911 call from a cellphone. MAC will support legislation to design a complete and detailed plan for upgrading the system. The life of 911 service equipment is seven years, many of which are already outdated. Without the recovery fee, Missouri will never attain statewide enhanced 911 services.

Support fully funding state mandates on county government

MAC respectfully requests that the Missouri General Assembly and the governor include in the state's Fiscal Year 2019 budget: (1) an increase in the appropriation for prisoner per diem reimbursement authorized under Sec. 221.105, RSMo.; (2) an appropriation to fully fund state assessment maintenance reimbursements; (3) an appropriation to fully fund any new obligations placed on the election officials of this state, including state payment of a proportional share of primary and general election costs; (4) an appropriation to fully fund the reimbursement for the detention and care of neglected and/or delinquent

juveniles, as well as the salaries of juvenile court personnel in single-county circuits; (5) an appropriation that would relieve counties of the cost of providing office space and certain utility expenses for the various state public defenders' offices; (6) an appropriation that would relieve counties from salary and retirement contribution increases for county prosecuting attorneys; and (7) request that the General Assembly continue to refrain from implementing the requirements of SB 711 relating to property tax enacted in 2008 until full state funding for the same is authorized.

Additionally, recognizing the difficult budgetary constraints that the state of Missouri is experiencing and the dim prospects for additional state appropriations for these programs and, as a partner with the state in the delivery of these services, MAC requests the governor and the Missouri General Assembly hold county



governments harmless from any further state budget cuts in these areas.

Support a transportation funding package that addresses the state's dire infrastructure needs

Missouri's agricultural industry, a strong economic factor for the state, heavily relies on the state's roads and bridges to transport livestock

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Owen joins MAC staff as communications specialist

David Owen joined the staff of the Missouri Association of Counties on Sept. 18 and serves as communications specialist. He brings more than 13 years of experience in the field of communications and journalism.

He served as the communications director at the Missouri Department of Corrections from 2013-2017, where he oversaw the communication efforts for the state's largest department. He coordinated interviews with department



officials and inmates from requests made by local, state and national media, as well as handled all media inquiries. He also oversaw all the department's external and internal publications. Prior to working for the Department of Corrections, Owen served as the public information specialist for the Department of Insurance, Financial Institutions and Professional Registration from 2011 to 2013.

Before joining state government, Owen was a reporter for more than seven years at the Jefferson City News Tribune, where he covered local news events and sports.

Owen holds a bachelor's degree in English from the University of Missouri.

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and crops. However, there is no new state funding beside the current system. Missouri has the seventh largest system in the nation and ranks 47th in funding. Missouri currently has the ninth highest number of obsolete bridges in the nation. MAC respectfully requests the General Assembly support a new package that will address Missouri's dire infrastructure needs without the conveyance of any state-owned lettered highway or route to county government.

Oppose pre-emption of local authority

Missouri's county officials have expressed their opposition to the erosion of local authority, allowing counties greater flexibility to deal with local issues and problems. County officials believe in protecting the citizens they represent from large scale developments that infringe on their lives, and oppose the weakening or repeal of Section 229.100 RSMo., which requires county commission approval of utility easements through, across or under public roads or highways. MAC respectfully opposes the pre-emption of local authority, but does support the repeal of Missouri's prevailing-wage law.

Oppose legislation that erodes the local tax base and calls on the General Assembly to address Missouri's antiquated tax structure

In response to annual increases for the cost of county services, MAC will be calling upon the General Assembly to limit legislation that would have a negative budgetary effect on local governments without guaranteed replacement revenue.

Additionally, MAC will request the General Assembly to address Missouri's antiquated tax code, especially as it relates to sales tax, so that both state and local governments are well-positioned in the future to meet the increasing service needs of their citizens. Local governments are losing billions of dollars because of the lack of enforcement for "use" tax collections for online, telephone and catalog sales, which also puts local businesses at a competitive disadvantage.



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Road vacations in Missouri

By Travis A. Elliott

*Ellis, Ellis, Hammons & Johnson
and MAC General Counsel*

Under Missouri law, a road may be vacated through the formal process established by Section 228.110, RSMo. A road may be vacated upon application if the road is, “useless, and the repairing of the road is an unreasonable burden on the district or districts.” Section 228.110, RSMo., was established in 1939, and similar statutory provisions dealing with the vacation of public roads have been in existences in Missouri since at least 1835. Throughout the years, courts have primarily focused on the level of public use in reviewing a road vacation.

On Sept. 19, 2017, the Missouri Court of Appeals for the Western District handed down an opinion relating to a road vacation in *Cooper v. Henry County Commission*, 529 S.W.3d (Mo. App. W.D. 2017). There, landowners filed a petition requesting that the county commission vacate two sections of road in Henry County that connected State Highway 7 to State Highway DD. The landowners filed a petition for judicial review after the county denied the petition to vacate the two sections of roads. The trial court entered judgment in the landowners’ favor and the county appealed. Upon appeal, the court affirmed, holding that there was sufficient evidence to support the trial court’s determination that the roadways in question were useless.



The landowners presented evidence that the road served no useful function in that residents did not use the road to get to their homes, farms or places of work. Although there was evidence of occasional use by a nearby farmer for a turnaround for farm equipment, as well as evidence of illegal activity including poaching, trespassing, and disposing of trash along the road, the court found there was sufficient evidence to support the determination by the trial court that the sections of road were useless, justifying the vacation. No neighboring property owners needed or used the road for access to their property or their places of employment and the county had made only minor repairs to the section of road in the prior 10 years.

As reinforced by this opinion, the primary factor for courts when evaluating a road vacation is the level of public use of the roadway.

For example, in the 1957 case of *Burrows v. County Court of Carter County*, the Missouri Court of Appeals for the Southern District reviewed the vacation of a short segment of county road about 15 miles southwest of Van Buren, Missouri. The evidence showed this valley route was subject to flooding and, at times, became impassible. Additionally, there was evidence that an alternative route of travel was available to the public. But the testimony concerning the public usage of the roadway was most important to the court in reviewing the road vacation. In particular, the testimony showed that truck drivers found travel easier along the valley road compared to the alternative hilly route. Given this evidence, the court found a “continuous public use of the valley road” and held that the petitioners failed to show the valley road was “useless” as required by Section

228.120 RSMo. In making its ruling, the court stated that the term “useless” should not be given an arbitrary interpretation.

Similarly, in the 1976 case of *Ross v. Congo Quarry, Inc.*, the Missouri Court of Appeals for the Southern District primarily focused on the number of vehicles that travelled the roadway in determining whether a segment of road was “useless.” The evidence supported several reasons to vacate the road. Specifically, there was evidence that the use of heavy equipment by the quarries in the area was damaging the road, and the road was dangerous to travelers. There was also evidence that an alternative route was available to the public. However, the testimony of a registered engineer was most persuasive to the court. The engineer made a traffic count of a segment of the road on five different dates, which recorded more than 700 vehicles that travelled the roadway during that time. The court found this evidence did not show a total lack of utility of the roadway to support a road vacation. The evidence showed everyday use of the road by residents of Greene County, and the court found that closing the roadway would be a serious inconvenience to the travelling public. The court relied primarily on the evidence related to the level of public use in finding that a total lack of utility was not established by the evidence.

Recent Missouri court opinions have continued to heavily rely on the evidence of public use of a roadway as a determining factor in reviewing road vacation decision. In the 2014 Southern District case of *Ard v. Shannon County Commission*, the court upheld a road vacation along County Road 227. The strip of roadway was located within the bed of Grassy Creek,

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New website tracks Missouri's economic performance

Finding updated information about Missouri's economy just got a lot easier. Missouri State Treasurer Eric Schmitt recently announced the launch of **MissouriDashboard.com** where citizens can easily track and monitor Missouri's economic performance.

The Missouri Economic Dashboard gives the public a snapshot of the state's economic climate and features key data on unemployment, state and national debt, exports, housing, education and more. County-by-county breakdowns are available for several of the dashboard's indicators.

"This new tool gives Missourians an easy way to check



on our state's economic status without sifting through spreadsheets and boring government reports," said Schmitt in a press release. "The Missouri Economic Dashboard will dramatically increase transparency in economic data and help keep the public, business leaders and lawmakers up to date with the latest information."

The dashboard was designed by a team of economists and government accounting experts to prioritize the most important economic indicators found within publicly available data sets. Figures will be updated regularly as new reports are published by government agencies.

MissouriDashboard.com is the first economic dashboard in the nation to be launched by a state treasurer's office. Treasurer Schmitt and his team will utilize the data collected by the dashboard to conduct a comprehensive audit of the state's economy over the coming months.

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and that part of the road repeatedly washed out when the creek flooded. Unlike the evidence in *Burrows* and *Ross*, the evidence in *Ard* showed that the section of roadway was travelled "very, very rarely," and was typically impassable and dangerous to those travelling by car. The evidence showed that no one other than the petitioners lived on County Road 227. Other than vandalism, and problems with trash and debris being dumped on the property, there was no evidence of public use. There was also no evidence of use of the roadway for business purposes, such as for hauling hay or cattle, and one petitioner testified the public would have "no good reason" to use the strip of roadway. The court held these findings were sufficient to establish that the roadway was "useless" under Section 228.110 RSMo.

The Henry County case reinforces the standard for vacating a public road by evaluating the level of public use. The evidence in the case established very limited public use and much of the use established was predominantly poaching, trespassing and disposing of trash. Further, no neighboring property owners needed to use the roadway to

access their property or employment, and there were alternative routes available for public use. However, while the evidence showed that the roadway was used as a turnaround for large farm equipment for one nearby farmer, the court found that limited use, by itself, did not prevent the roadway from being determined "useless." Citing *Ard*, the court stated that a roadway does not need to be completely void of

any use to be found useless. The court found that this limited public use was not enough to reverse the trial court's finding that the road was "useless" under Section 228.110 RSMo.

This line of Missouri cases show that Missouri courts heavily rely on the level of public use when reviewing a road vacation, and the most recent opinion follows this trend.

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Watson will lobby for MAC and its members

Trent Watson will serve as a contract lobbyist for the Missouri Association of Counties

and its members for the upcoming 2018 Legislative Session.

Watson, who has more than a decade of experience in lobbying for companies, associations and other small interest groups, will work with MAC and its members to develop policies and strategies for the upcoming session that will focus on the goals that



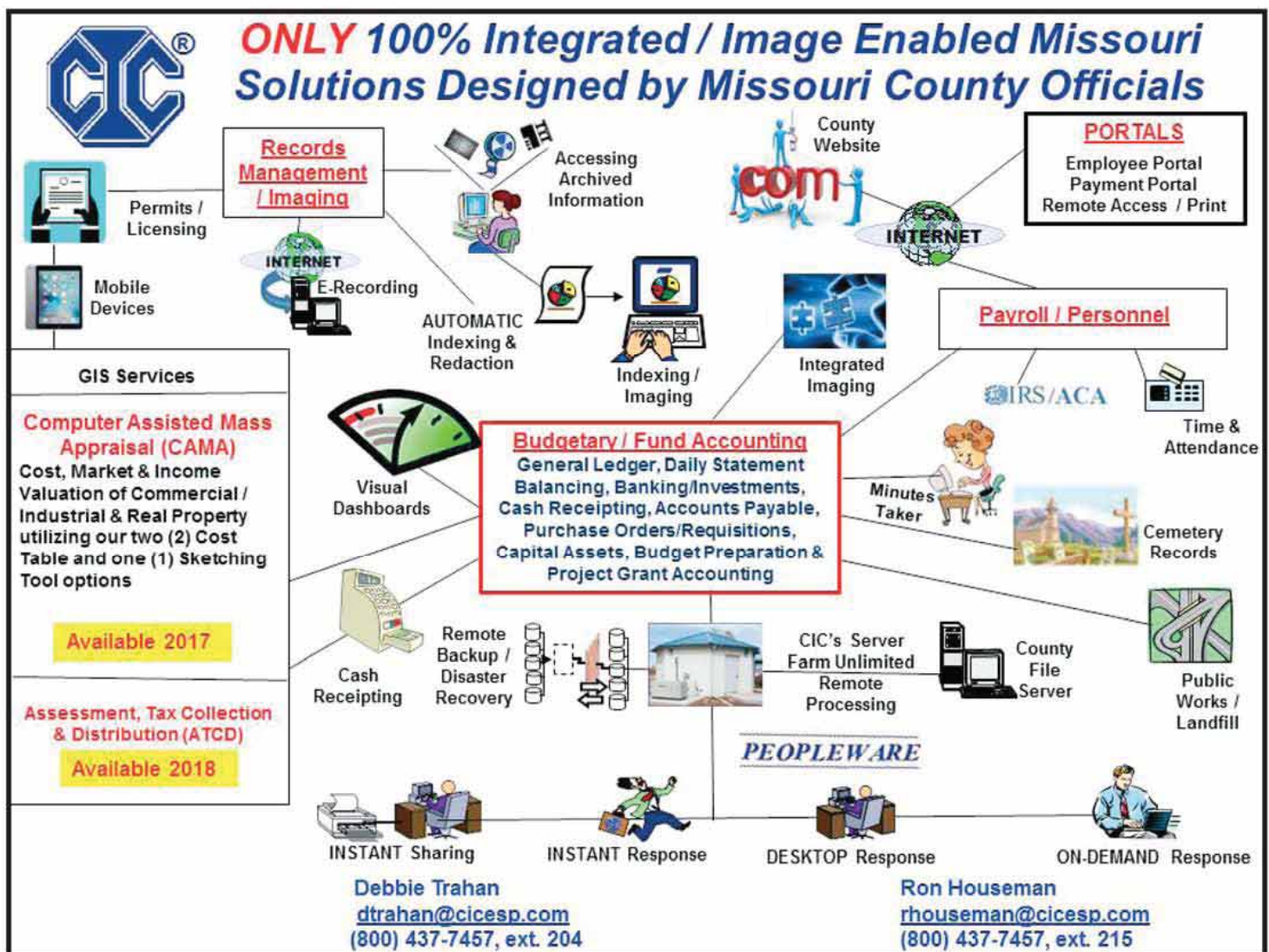
MAC members intend to accomplish in 2018.

Watson, a native of St. Louis and 1998 graduate of St. Mary's University in Winona, Minn., began his career in politics when he interned with Rep. Mike Gibbons. After his internship, he served as Environmental Coordinator for the St. Louis Regional Chamber and Growth Association.

In 2002, State Sen. Jon Dolan hired Watson to serve as Chief of Staff, where he was in charge of drafting and passing the senator's legislation. In 2004, Watson accepted the position of Policy Director for the Senate Majority Caucus. He worked with both houses of the legislature to pass

priority legislation of the President Pro Tem and Majority Caucus. He also was a resource for caucus members and worked closely with employees at state departments to answer legislator questions.

Watson joined the full-service lobbying firm of Herzog and Rhoads, Inc. in 2005, before forming his own consulting firm, Trent Watson Governmental Consulting, LLC in 2006. Watson has worked with companies such as MetLife, Reinsurance Group of America, Nike, Comcast/NBC Universal, Boeing and others. He has also represented smaller interest groups and associations like the City of St. Joseph and the Missouri Sheriffs' Association.



MAC County Achievement Awards for 2017

Randolph County – Tax collection drive-through service

Randolph County Collector Shiela Miller has worked diligently throughout her years of service to the county trying to improve the service and efficiency of her office. Randolph County residents can stop in at the courthouse and conduct business at one of the collector's teller windows, mail in their taxes, use the drop box located outside the building or pay their taxes online. But that still didn't stop large lines from forming at certain times during the year when residents came in to pay their taxes, which caused frustration.

Looking to ensure residents had additional access to the Collector's office in a swift and convenient manner, Miller realized that adding an additional service line could help capacity and alleviate the issues of long lines and frustration. To resolve these issues, Miller proposed installing a drive-up teller window, an additional vacuum tube delivery system and a circle drive be added into the existing plans of its new administration building for a total cost of \$29,000.

Since the additional service line for paying taxes has been created, the convenience of doing business during tax season in Randolph County has been enhanced. Today, Randolph County citizens have several options for paying their taxes and conducting other business at the Collector's office. Through this solution, citizens can remain in their vehicles, while they pay their taxes and receive their receipts without ever having to leave their vehicle.

The drive-through teller has increased the ability to conduct tax business for those who are handicapped, don't want to walk through bad weather, or who have the responsibility of managing

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Officials from Randolph County received the MAC County Achievement Award for 2017 for adding a drive-through service for tax collections.

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Caldwell County Bridge 17200041 on NE Catawba Road

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small children. Those residents can now conduct business without having to stand in line while attempting to corral their children as they wait their turn at the inside window. The new drive up window is so convenient that residents don't even have to get dressed up to appear in public either.

The addition of this outside service has contributed to reducing the lines, congestion and over-crowding that always occurred during tax season. For those citizens who enjoy direct contact to a teller or who may need more assistance, this solution offers other residents an additional option to paying their taxes.

Randolph County residents can now pay their taxes at one of the teller windows inside the courthouse, mail in their taxes, use the drop box located outside the building, pay their taxes online or use the drive-through window.

St. Francois County – Recycling tax money to create a morgue

Officials in St. Francois County were facing a dilemma when the building that housed the county's morgue changed ownership.

The new owners shuttered the building in 2015, leaving St. Francois in a bind to find a building or construct a new one for its morgue, which also served 19 other counties. Without a morgue, St. Francois County and all the other 19 counties in southeast Missouri that used the morgue for autopsies would be required to take their autopsy cases somewhere else, which would have led to higher costs and longer delays in service.

St. Francois County officials mulled over the idea of building a new morgue, but at the minimum cost of \$750,000 and a required two years

of planning until project completion, there wasn't enough time, especially with a limited budget. While county officials looked at other options, a temporary morgue was put in place at the funeral home of the County Coroner to accommodate the county's needs.

County officials began talking to BJC HealthCare and Parkland Health Center, which owned several buildings in the Farmington area, about donating one of the buildings that the county was purchasing to be used as the county's morgue. After several discussions and some tough negotiations, BJC HealthCare and Parkland Health Center donated one of its buildings, which used to serve as a medical office complex, to the county for its morgue services. The two companies also donated all the equipment needed to furnish the morgue and also several truckloads of office furniture. The total appraised

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value of the building and equipment was more than \$2.6 million.

For years, county officials have earmarked \$200,000 to be added to its General Stabilization Fund at the end of each fiscal year. When the building was donated, that year's money was used to acquire and remodel the building. Less than \$6,000 was spent on legal expenses and title insurance, while the remainder was available to the county for remodeling the 26,000 square-foot facility.

With the help of a charitable donation and some sound fiscal planning, St. Francois County and 19 neighboring counties are now utilizing the services of the morgue. But the morgue only takes up 16 percent of the large complex, which allowed county officials to begin renting the vacant office space to other organizations that were renting offices with public funds. The public defender attorneys of 24th Circuit Court and eight offices



Officials from St. Francois County received MAC's County Achievement Award for 2017 for recycling tax money to create a morgue.

of the Juvenile Detention Center are now located in the complex, as well as others.

The rental income from the tenants and the savings from using public funds to lease space pays for the annual operating costs of the building. The community is now experiencing

invigorated growth and renewal rather than suffering with a large empty building complex. County officials in St. Francois County can now spend those the public funds, which were budgeted to pay landlords for lease space, toward other improvements within their community.

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Missouri falls behind in jail reimbursements to counties

By Benjamin Peters
The Missouri Times

Missouri's prisons have been a focus over the past year, as lawmakers expressed their concerns about the rising cost of legal settlements coming from the Missouri Department of Corrections.

The department has been making an effort to change the culture under the leadership of its new director, Anne Precythe, who was appointed by Gov. Eric Greitens in January 2017, but the fact still remains that the department is still causing the state to pay out millions of dollars to settle worker sexual harassment claims.

More news about the state's legal settlement funds arrived when State Auditor Nicole Galloway issued a report that showed the state had spent an additional \$36.8 million to settle various cases over the past years from several state agencies that are not usually monitored under the current system.

But another area with the Department of Corrections highlights an issue with money: reimbursements of the local county jails for providing services.

Missouri is the only state in the nation that does it, reimbursing counties for a portion of the defendant's entire local



Jefferson City Correctional Center in Jefferson City, Missouri, which is located in Cole County.

jail time if convicted of a state offense. And the Department of Corrections is responsible for making those payments and receiving reimbursements.

It's an issue that many county commissioners have expressed concerns with, saying the state has fallen millions of dollars behind on its payments.

Clint Tracy, presiding commissioner of Cape Girardeau County, says it is a statewide issue, as at this time, the state currently owes money to 108 counties and one independent city, ranging from a couple thousand dollars to the millions owed in St. Louis City and St. Louis County.

"The bottom line is, when someone gets arrested and is put in the county jail, they sit there for a period of time, which is called pre-trial confinement. Those days, they're waiting to go before the judge, whether it's to be sentenced or head to trial, etc.," Tracy said. "If they're determined to be innocent, they're set free, and however many days they sat in jail, the county doesn't get reimbursed for. But if they sit there for two weeks and are found guilty and are put into the state system, the county gets reimbursed for the days they were in the county jail."

There are three different types of county reimbursement payments:

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- Bill of Costs – expenses accrued as a result of various costs and fees arising out of the prosecution of certain crimes.
- Extradition – expenses accrued as a result of a fugitive being returned to Missouri to face disposition of criminal charges.
- Transportation – expenses accrued as a result of convicted offenders being delivered to the department's Reception and Diagnostic Centers.

All funds used to make these payments are appropriated through legislation.

The appropriation amount can be different from year-to-year depending on what has been requested and what has been given final approval by the governor.

According to letters sent in September from the DOC to each presiding county commissioner, the current appropriation for Fiscal Year 2018 is \$40,030,272.00. That amount is disbursed to the department in quarterly allotments, in the amount of \$10,007,568.00, and is expended within 10 business days, according to the DOC.

But the letters also explain that the current funding levels and reimbursement schedule, combined with a pre-existing backlog of approved invoices, has resulted in a delay of paying newly approved invoices.

In the 2017 fiscal year, the state paid out a total of \$34,825,476.52 in reimbursements. In the current 2018 fiscal year, the state has already paid \$9,707,023.55.

Lewis Reed, the St. Louis' Board of Aldermen president, made headlines in August with his claim that the state owed the city more than \$20 million in unpaid reimbursement for inmate incarceration costs. While he is correct that money is owed, it isn't nearly that much. In fact, according



The Cole County Jail, which is located in Jefferson City, is owed nearly \$108,000 in county jail reimbursements.

to the Department of Corrections, their records show the amount still owed to the City of St. Louis to be \$4,222,593.61.

But the state is still incurring more costs as the year goes on, and, as the letters reflect, there's still an outstanding statewide balance of \$18,703,098.04 as of Aug. 31, 2017.

That number will continue to build with each day. And if the appropriated fund is depleted, or the governor withholds funding, then they're left to wait until more funds are appropriated for that purpose or the frozen assets are released, which could further prevent that number from decreasing.

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Another issue commissioners have brought up is the rates paid over the previous years; in the last 15 years, the rate has been lower than it had been since 2002 when it was \$22.50.

"There's some rub over reimbursement rates. The statute says the county can be reimbursed up to, I think, \$35 per day, but we've done some studies that cost probably \$40. But what they reimburse us for is \$21.58," Tracy said. "That's because \$21.58 is probably roughly half of what the actual cost might be."

For the first time, as of July 1, 2017, the rate has been adjusted to reach higher than it has since the turn of the millennium, now amounting to \$22.58.

But Tracy says that the commissions aren't even getting that rate now, because once the prisoner leaves the jail and goes to DOC, the Circuit Clerk's Office is then tasked with validating the documents and getting the proper people to sign off, as well as calculate the amount owed by which rate each day was given. That process can take time, especially since many clerks are doing it by hand.

But the DOC has been working to implement a solution there.

"It is our goal to work with counties to ensure accurate payment of claims and we continue to strive to make our process more efficient. In February, we made available a fillable, auto-calculating Bill of Cost form on our website <https://doc.mo.gov/DHS/countyreimbursement.php> to ensure counties are submitting claims that are mathematically correct and utilize the correct reimbursement rate. OSCA mandated the use of this form on February 15, 2017," Susan D. Pulliam, Missouri Department of Corrections' Chief Financial Officer wrote in the letters issued to the county commissioners.

Other issues that delay the

A lot of smaller counties are struggling, and this hit-or-miss or inconsistency with reimbursements seems like a problem that could be easily fixed.

reimbursement process include errors or missing documentation.

"Common errors found during an audit are failing to obtain the court seal, double billing of days and/or cases, using an incorrect reimbursement rate and not including a warrant or judgment which includes the SES revocations," the letters read.

"If these bills aren't being submitted in a timely manner, and aren't being paid in a timely manner, then the state has no idea what it really owes," Tracy said. "It can be really counterproductive."

The department has also sought to address some of those concerns as well, saying they have recently added two additional staff members to audit invoices.

But the issue for counties can be in trying to figure their own budgets. If a county is relying on that reimbursement as part of their

budget, a delay in that process could put both the county and its citizens in a troublesome spot. The county jails, especially in less-populated areas, could potentially be one of the most costly operations they have.

"A lot of smaller counties are struggling, and this hit-or-miss or inconsistency with reimbursements seems like a problem that could be easily fixed," Tracy said.

The Department of Corrections reminded each commissioner in their letters that the totals owed to each county are subject to audit and the amount reimbursed could change.

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See what Missouri owes for county jail reimbursements as of Oct. 31, 2017 on page 22.

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What Missouri owes counties for jail reimbursements as of Oct. 31

Adair	\$0.00	Greene	\$1,763,021.24	Pemiscot	\$154,116.38
Andrew	\$0.00	Grundy	\$11,735.90	Perry	\$112,275.46
Atchison	\$15,341.16	Harrison	\$34,036.12	Pettis	\$220,474.66
Audrain	\$124,343.90	Henry	\$116,155.64	Phelps	\$164,205.16
Barry	\$196,972.94	Hickory	\$20,760.98	Pike	\$36,064.80
Barton	\$78,573.74	Holt	\$1,559.28	Platte	\$307,518.66
Bates	\$61,767.38	Howard	\$14,874.70	Polk	\$77,861.44
Benton	\$66,212.54	Howell	\$25,966.00	Pulaski	\$165,721.86
Bollinger	\$61,669.44	Iron	\$100,965.03	Putnam	\$11,426.84
Boone	\$531,471.98	Jackson	\$1,193,499.08	Ralls	\$33,413.98
Buchanan	\$187,101.41	Jasper	\$218,368.60	Randolph	\$319,680.64
Butler	\$219,264.12	Jefferson	\$362,221.94	Ray	\$26,505.38
Caldwell	\$0.00	Johnson	\$118,730.00	Reynolds	\$28,115.50
Callaway	\$244,388.92	Knox	\$7,467.88	Ripley	\$80,170.60
Camden	\$68,004.01	Laclede	\$162,619.78	Saline	\$171,940.40
Cape Girardeau	\$450,366.72	Lafayette	\$163,383.66	Schuyler	\$0.00
Carroll	\$9,058.26	Lawrence	\$109,374.19	Scotland	\$17,730.54
Carter	\$8,549.80	Lewis	\$13,812.28	Scott	\$222,874.60
Cass	\$394,608.20	Lincoln	\$97,236.44	Shannon	\$0.00
Cedar	\$38,487.08	Linn	\$22,927.82	Shelby	\$15,561.80
Chariton	\$21,464.30	Livingston	\$55,745.54	St. Charles	\$373,442.76
Christian	\$205,246.46	Macon	\$16,331.50	St. Clair	\$49,706.08
City of St. Louis	\$2,608,520.62	Madison	\$47,433.62	St. Francois	\$386,385.22
Clark	\$1,633.60	Maries	\$0.00	St. Louis	\$2,121,941.24
Clay	\$601,686.04	Marion	\$175,828.24	Ste. Genevieve	\$0.00
Clinton	\$6,949.60	McDonald	\$107,175.28	Stoddard	\$167,654.28
Cole	\$89,847.84	Mercer	\$5,248.28	Stone	\$78,127.80
Cooper	\$78,683.16	Miller	\$93,727.70	Sullivan	\$6,862.84
Crawford	\$204,594.37	Mississippi	\$117,980.02	Taney	\$236,076.19
Dade	\$10,548.82	Moniteau	\$22,618.06	Texas	\$100,869.86
Dallas	\$3,754.52	Monroe	\$0.00	Vernon	\$61,478.02
Daviess	\$43,002.32	Montgomery	\$48,046.04	Warren	\$110,808.20
DeKalb	\$61,647.82	Morgan	\$102,651.06	Washington	\$71,179.18
Dent	\$41,788.68	New Madrid	\$192,254.84	Wayne	\$143,701.38
Douglas	\$33,837.66	Newton	\$75,089.40	Webster	\$101,156.90
Dunklin	\$277,896.14	Nodaway	\$22,850.06	Worth	\$0.00
Franklin	\$242,528.58	Oregon	\$11,486.13	Wright	\$77,795.28
Gasconade	\$21,503.58	Osage	\$10,938.10		
Gentry	\$2,220.40	Ozark	\$19,796.26	Total	\$19,250,296.73

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Task Force wraps up meetings, approves recommendations

The Justice Reinvestment Task Force wrapped up its meetings and unanimously approved its final recommendations at the December meeting. The task force will submit a final report and its recommendations to the governor by Dec. 31.

The plan approved by the task force calls for an investment of nearly \$189 million over a five-year period to help curb the rising growth of the state's prison population by correcting several issues in the criminal justice system that will enhance public safety at local levels, expand access and the effectiveness of treatment for individuals with substance use and mental health issues, and reduce technical revocations to prison by 20-30 percent.

The task force, which was formed by Gov. Eric Greitens' executive order in June, has been discussing issues surrounding the state's criminal justice system and growing prison population.

At their final meeting, task force members were told by Council of State Governments (CSG), which is a nonprofit organization collecting and analyzing data for the task force, that by investing \$189 million over the five-year period would potentially save the state from building two new prisons at a cost of nearly \$485 million. CSG Director of Research Andy Barbee told task force members that if Missouri didn't build the two prisons to deal with its rising prison population, it could be facing the same public safety issues Texas did in the 1990s when the state's prisons were overcrowded.

"They kept taking reactionary, short-sighted actions to dump people out of the prisons as fast as they could," Barbee said.

Before voting on the recommendations, members were shown that the current behavior health landscape in both rural and urban areas



Justice Reinvestment Task Force members listen to the November presentation on county jail reimbursements at the Missouri National Guard Ike Skelton Training Center in Jefferson City.

of Missouri needed to be upgraded to help those with substance use and mental health issues. CSG Policy Advisor Steve Allen told members the lack of community-based programs to deal with these issues is causing a vicious cycle of reoffending, pointing to the fact that two-thirds of the people that had their supervision revoked in 2016 went back to prison because they were not in any type of community-based treatment while on supervision.

Allen recommended that Missouri improve its effectiveness in prison-based treatment, as well as access to community-based treatment and support services. But in order to do that, Allen said the state would have to strengthen its access to those programs by expanding its behavioral health workforce, especially in rural areas of Missouri.

The behavioral aspect of the approved plan accounted for nearly \$134 million, but the funding would be used for incentivizing contracts based on outcomes, creating and expanding statewide programs, and go toward finding ways to increase the behavioral health workforce.

But before the task force approved the recommendations at its final meeting,

the meeting in November attracted a lot of attention because it focused on the state's reimbursements to county jails.

Jail reimbursements have been a contested topic for a number of years due to the lack of state funding, but a little more fuel was added to the fire in September when the department notified officials in every county across the state that it was more than \$19 million behind in reimbursement payments.

At the November meeting, Missouri Department of Corrections Director Anne Precythe, who chairs the task force, told members the focus of the meeting was not on what the state owed but how it can address the problem of county jail reimbursements moving forward.

"When we talked about county reimbursements, we are talking about two separate issues" Precythe said. "One is the deficit that the counties are owed. That is one separate issue that is not addressed by this task force. The other issue is how to look at what is costing us money in our local jails, who's coming to jail and what are we reimbursing for."

Missouri reimburses county jails for the number of days a person is housed in a jail from arrest until the transfer to the Department of Corrections if that person is convicted of a felony. However, the amount the state pays has been a sticky subject. In 1996, legislation was passed to increase the reimbursement to \$37.50 per day, but that amount was subject to appropriation. Since the new per diem law was enacted, the amount has never been higher than \$22.58 due to what has been appropriated by the General Assembly and signed off on by the governor.

During that meeting, Barbee told task force members that wading into county reimbursements and finding a solution wasn't going to be easy.

"Everybody agrees that something different has got to be done," he said. "But there's clearly an understandable trepidation and anxiety about how big of a change that will be and what that

Top 10 Counties in Population		10 Counties with the Highest Average		10 Counties with the Lowest Average	
County	Avg. Days - Filing to Sentence	County	Avg. Days - Filing to Sentence	County	Avg. Days - Filing to Sentence
Statewide	191	Statewide	191	Statewide	191
St. Louis (county)	254	Schuyler	804	Ralls	31
Jackson	228	Cass	404	Monroe	43
St. Charles	124	Knox	353	Maries	58
St. Louis (city)	291	Greene	319	Wright	64
Greene	319	St. Louis (city)	291	Stoddard	64
Jefferson	166	Franklin	259	Andrew	65
Boone	150	St. Louis (county)	254	Grundy	76
Jasper	252	Jasper	252	Marion	81
Clay	184	Cole	236	Caldwell	82
Cass	404	Lawrence	231	Shelby	82

Long case processing times are found in both high and low population counties in Missouri.

will mean to those counties."

The data presented by CSG showed Missouri's jail population has increased by 50 percent since 2000, and the average number of days it takes for people to be sentenced for felony offenses has gone up by 10 percent, growing from 173 days in 2010 to 191.

CSG also said the amount of time defense attorneys spend on cases is contributing to delays in processing cases, showing data that the time spent

on cases by public defenders is well below what is determined to be the optimal.

"That right there tells you that the public defense system is not able invest the kinds of time that are necessary to provide the representation that they want," Barbee said. "That's going to further slow down the system."

The delays in processing cases has a direct impact on the number of claims

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that were being filed for county jail reimbursements. In Fiscal Year 2017, nearly 19,000 claims were made for jail reimbursements, with 34 percent of those claims (6,399) being for 91 days or more.

During the November meeting, Barbee said jails could develop risk assessments to see if certain individuals needed to be in jail, use citations in lieu of arrest and eliminate bond schedules as a way to better utilize jail beds for those individuals who are consider a greater public safety risk. Task force members also agreed that streamlining the process for making reimbursement claims could help.

But while some of the diversion strategies and streamlining of processes used to submit reimbursement claims were a welcomed idea, the thought of moving from the current system to one where counties get money up front through a grant proposal that would



Missouri DOC Director Anne Precythe, far right, talks to task force members during the November presentation on county jail reimbursements.

allow the development of pretrial services was something that some task force members had a hard time digesting.

Task force member and Audrain County Presiding Commissioner Steve Hobbs, who serves as a representative for the Missouri Association of Counties, didn't think a front-loaded

grant program could be a viable system for Missouri's counties.

"If we're talking about moving from paying people by the click for people in jail to a grant writing process – so that if you meet these criteria we'll give you that money – and you're planning on passing that through the General Assembly, you are going to have 330



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commissioners down here in a matter of moments,” Hobbs said. “Now if you’re talking about incentivizing counties to look at some of these other things and setting examples of how it could work that lead to a better outcome, then you might have a chance.”

Cole County Sheriff John Wheeler was also a bit skeptical of a grant proposal process because he uses the funds from jail reimbursements to offset his operating costs.

“I applaud what we’re trying to do here,” Wheeler said. “... The problem we have, and I’m speaking for the sheriffs, is money. You can come up with the best program that would reduce recidivism by 50 percent, but I couldn’t implement it in my jail because I don’t have the staff or money.”

Rather than change the current system of submitting claims for an upfront allocation and possibly have the whole issue get put on the back burner, Hobbs jumped at the chance to meet with Barbee and CSG Policy Analyst Ben Shelor to discuss other avenues that would allow for the counties and state to save money while retaining jail reimbursements.

During a Dec. 11 meeting at the MAC office, Hobbs suggested a pilot program that would allow select offenders, who are in the pretrial phase of their case and are eligible for the program, be put on electronic monitoring. If offenders on electronic monitoring were then sentenced to the Department of Corrections, the state would reimburse those counties for the cost of time spent on electronic monitoring, which is around \$12 per day.

“If we look at (programs) like that, I believe we could lower our pretrial jail population, which in turn, lowers the cost to the state for the ones going to the Department of Corrections,” Hobbs said.

CSG members were impressed with the idea and presented it to the task force members at the final meeting with Barbee calling it a “win-win for both counties and the state.”

While a lot of fine tuning needs to be done on the approved plan before any implementation begins, Precythe did say that CSG would help throughout

the long process.

“Justice reinvestment takes time,” Precythe said in November. “Phase two of this is implementation. The Council of State Governments is still at the table with us to help us implement.”

To view slides of all the presentations, visit www.csjusticecenter.org/jr/ and click on Missouri in the map.

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Auditor says giveaways undermine state's fiscal health

As part of her Budget Integrity Series, Missouri State Auditor Nicole Galloway released a report in October of the state's tax incentives and exemptions. The review included hundreds of tax breaks intended to spur economic activity in the state, but found the legislature lacks an accurate way to account for or track their fiscal impact.

"There's no system in place to determine whether taxpayers are getting promised economic benefits from special interest giveaways," Auditor Galloway said in a press release. "Unless the legislature does a better job assessing the costs and benefits of their policy decisions, the state will continue to jeopardize its fiscal health and threaten critical services for Missourians."

During the legislative process, bills receive a fiscal note, an estimate of the impact the proposed legislation will have on state funds. The report found that these cost estimates are sometimes formulated with out-of-date information and require much greater economic analysis than is currently performed. In addition, there is no follow-up process to evaluate the accuracy of the estimates and actual impact of new laws.

The report looked at a 2015 law that



Cost of Tax Incentives and Exemptions

Report No. 2017-113

October 2017

created a new method of allocating corporate income from interstate sales between states. The bill's fiscal note estimated the legislation would have a cost of \$15.2 million each year. However, in the first two years since the law was implemented, corporate income tax collections have decreased by \$177 million — five times the amount predicted in the fiscal note.

The audit also reviewed the discount offered to retailers in exchange for paying sales taxes on time. Missouri's discount is the second highest in the nation. A similar discount is offered to businesses that remit their employee withholding taxes on time, which is a discount only offered in Missouri. Over a two-year period, these two discounts account for up to \$282 million in taxes citizens paid, but are instead funneled to corporations.

"While Missourians absorb dramatic restrictions on higher education funding and cuts to prescription drugs and in-home nursing care, the state is

giving away millions to corporations for simply doing what the law requires," said Galloway. "Promoting a good business climate doesn't have to be at odds with protecting taxpayers."

The report also found that the state does not monitor the effect of sales tax exemptions, making it difficult to know the actual fiscal impact. Missouri has 209 sales tax exemptions for items like commercial laundries, fitness classes, and medical equipment. However, the Department of Revenue only tracks the specific impact of three individual exemptions.

In addition, the report also showed that a lack of action by the General Assembly to allow the state to participate in the Streamlined Sales and Use Tax Agreement has cost the state millions in potential sales tax revenue.

To review the report, visit the auditor's website at www.auditor.mo.gov and find the October 2017 report titled, "Cost of Tax Incentives and Exemptions."

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State Treasurer discusses future of Linked Deposit Program

State Treasurer Eric Schmitt met with business and finance leaders in October at the Springfield Area Chamber of Commerce to gather feedback about his office's low-interest loan program. The meeting is part of Schmitt's ongoing effort to gain insight from Missouri's small business and agriculture communities about how the Missouri Linked Deposit Program can better serve their needs.

"I've met with dozens of small businesses, farmers and community banks since taking office in January to figure out how we can improve the Missouri Linked Deposit Program," Schmitt said in a press release. "In the coming months we'll be leveraging that insight to revitalize the program so it can reach its full potential and further expand economic opportunity across our state."

Missouri-based small businesses with



Photo courtesy of Missouri State Treasurer

Missouri State Treasurer Eric Schmitt speaks with business and finance leaders in October at the Springfield Area Chamber of Commerce to gather feedback about the Missouri Linked Deposit Program.

up to 99 employees are eligible to receive a loan through participating institutions with the support of the Missouri Linked Deposit Program.

Approximately 115 lenders with 350 branches throughout Missouri currently participate in the program.

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The Missouri Linked Deposit Program partners with lending institutions to provide low-interest loans to help create and retain jobs, expand the economy and strengthen communities statewide. By reducing the interest rate on certain loans that borrowers can use to improve their businesses, the program helps qualified lenders from Missouri better serve Missouri-based companies and agricultural operations. The program also provides funds for local governments to serve the interests of their constituents. Using the program allows lenders to lower the interest rates to the borrower by about 2-3 percent.

The Missouri Linked Deposit Program is well-funded with a total of \$720 million available, and the Treasurer's office is prepared to use the program to its highest potential. The program has proven successful in creating and retaining jobs, expanding the economy and strengthening communities statewide for nearly 25 years.

The program's eligibility guidelines have expanded through the Treasurer's economic development legislation, Invest in Missouri, making low-interest loans available to more borrowers including small businesses, alternative energy producers and consumers, agriculture operations, and local governments.

The programs types of programs available for the Missouri

Linked Deposit Program and the amounts available for them are: Small Business Program; Job Enhancement Program; Alternative Energy Program; Agriculture Program; Local Governments Program; and Multi-Family Housing Program.

The Missouri Linked Deposit Program for Local Governments provides low-interest loans to cities, counties and other political subdivisions for capital improvements or other significant public programs such as: purchasing fire trucks, improving infrastructure and enhancing public safety.

For more information about the Missouri Linked Deposit Program or to download a loan application for a specific program, visit www.treasurer.mo.gov/linkededdeposit.



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