

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

Missouri County Record

Spring 2013



Boone County, Columbia, MO

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Boone County

Dennis Weiser

Missouri Courthouses: Building Memories On The Square

Legal formalities such as open-air trials were common in nineteenth-century Missouri during pleasant weather. When rain threatened, a nearby farmhouse, church or pub would serve as well.

The niceties of civilization advanced quickly on the frontier. However, in 1824, the court built its first courthouse in Boone County. It was a foursquare, brick, two-story building. The court met on the first floor, and county offices were located on the second story. By 1845, the building was worn and ready for replacement.

The second courthouse was completed in 1847 and faced south. The building's four portico columns aligned with the four portico col-

umns of the north-facing Academic Hall (built in 1841) at the University of Missouri. George Caleb Bingham, artist and state treasurer during the Civil War, maintained a studio in the courthouse.

The old courthouse was razed and the university's Academic Hall burned during the intervening years, but the columns – all that are left of the two buildings – still stand in alignment.

Work on the courthouse pictured on the cover began in 1906. Today, the structure houses all offices having to do with the court system. The offices of the remaining elected officials are located in the adjacent Boone County Government Center.

Boone County



Columbia



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A Temporary Transportation Revenue Package

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At press time, HJR 23 was reported "Do Pass" out of the House Rules Committee on March 14, and SJR 16 passed the Senate on March 14.

In mid-February, Missouri Department of Transportation Director Kevin Keith testified in support of HJR 23 and SJR 16, explaining to legislators that if Missourians want more out of their transportation system in the future, additional investment will be needed beyond what existing revenue streams are able to provide.

Director Keith told the Missouri House and Senate Transportation Committees that MoDOT's construction budget averaged \$1.2 billion for a 6-year period, and it has fallen to less than \$700 million per year. "That's enough to maintain our current system for now, but the reality is that the condition of our system will deteriorate over time and we won't be able to take on the kinds of projects our state needs and our citizens demand."

Keith and over 20 other associations and interest groups support the two bills moving through the Missouri General Assembly – HJR 23, sponsored by Rep. Dave Hinson and 18 others, and SJR 16, sponsored by Sens. Mike Kehoe and Ryan McKenna. These bills call for a temporary 1-cent general state sales/use tax for 10 years that is dedicated to transportation and shared between the state, cities and counties. If passed, this puts the future of Missouri's transportation investment in the hands of Missouri voters. Both bills propose a constitutional amendment that simply allows Missourians the opportunity to vote on a 1-cent general state sales/use tax dedicated to transportation.

Essentially both bills follow the proposal made by Missouri Highways and Transportation Commission Chairman Rudy Farber in

January.

"We've worked hard to find ways to put every possible dollar into our system of highways and bridges," Keith said. "Nearly two years ago we embarked on the Bolder Five-Year Direction. It was an effort to right-size MoDOT and save \$512 million. We've reduced our workforce by 1,200, closed 120 facilities, and are nearly to our goal of reducing our fleet by 752 units. That's already saved \$356 million that has been put back into our program.

"But the bottom line is, we cannot cut our way to an improved transportation system."

The sales/use tax proposals would generate \$7.9 billion for transportation needs over 10 years. Medicine, groceries and gasoline would be exempt from the temporary tax. The proposals would also freeze the current gasoline tax for the 10-year period, and the Senate version would also prohibit the imposition of tolls on any existing highway or bridge during the same term. Ten percent of the revenue would be shared with cities and counties to address their local transportation needs.

[Director Keith addressed the MAC board of directors at its February meeting. He said the new revenue for counties would amount to an approximate \$39 to \$40 million or a 40 percent increase in county revenue over and above current County Aid Road Trust (CART) funding. The new monies would not be allied to any grant application process and would probably be distributed according to current CART distribution formulas. CART funding is derived from three sources: the state gas tax, the motor vehicle sales/use tax, as well as licenses and fees. It is distributed to counties based on road mileage and assessed valuation in the unincorporated areas as they bear to the road mileage and

land valuations in the unincorporated areas of the entire state.]

"We think the dedicated sales tax approach makes sense," Keith said, "because it generates the type of revenue that is needed in this state to make a difference, and because it could be used to address the needs of Missouri's total transportation system – roads and bridges, ports, railroads, public transportation and airports." Fuel tax and licensing fees currently funding transportation in Missouri may only be used for highways and bridges.

Keith added to raise the same amount of money over 10 years strictly through fuel taxes would require a per-gallon increase of at least 20 cents.

He noted both bills call for the Highways Commission to publish a list of projects to be delivered over the 10-year period prior to the vote of the people. They would also require filing a public progress report each year with regard to specific projects, budget and schedule. Keith told legislators that MoDOT will use its Planning Framework in each region of the state to ensure each transportation project selected has a high degree of regional significance and public support. He confirmed that each region of the state would develop its project list locally.

MoDOT is currently in the process of updating its long-range transportation plan with a public engagement program called "On the Move." It is utilizing a series of listening sessions, mobile tours, and virtual forums in order to hear what Missouri's future transportation priorities should be. Persons who'd like to learn more can visit www.missourionthefuture.org.

The input MoDOT receives from stakeholders and the public will be used to develop Missouri's transportation needs over the next 20 years.

Many of the projects identified through this process are those that could be delivered with the funds generated by the temporary 10-year 1-cent state sales/use tax revenue increase.

[If approved by the state Legislature, this constitutional amendment could possibly be placed on the November 2014 ballot, and MoDOT is seeking county government support of the measure.]

MoDOT Director Kevin Keith will retire July of 2013, but he is taking a medical leave of absence immediately.

MAC respects his leadership and accessibility during the years he has worked closely with county governments. We wish him the best outcome with the challenges he is facing.

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Off-System Bridge (BRO) Program

Funding

The new transportation bill, MAP-21, continues funding of the off-system bridge program at \$21.2 million per year

- MHTC distributes BRO funds to counties and the City of St. Louis based on relative share of the total cost to repair or replace deficient bridges.
- Current annual allocations and program balances for each county are available on MoDOT's LPA website at: <http://www.modot.org/business/lpa/documents/121204BROSoftMatchBalance.pdf>
- MoDOT policy allows counties to borrow up to three years of future allocations for preliminary engineering or one year of future allocation for construction costs. Counties that receive small allocations or have to replace a closed bridge due to an emergency can exceed these guidelines.
- Federal funding is 80/20 which requires a 20% local match from counties.

Eligibility

- A list of eligible deficient bridges is available on MoDOT's LPA website at: <http://www.modot.org/business/lpa/BridgeEligibilityListing.htm>
- Program is intended for rehabilitation and replacement of deficient bridges. Only a minimal amount of approach roadway construction is eligible for reimbursement.
- BRO funds can be used to replace existing low water crossings that are not included on the eligible bridge list. The low water crossing must be replaced with a new bridge meeting the BRO guidelines in the LPA Manual.
- EPG 136.3.8.1.2 covers other eligibility requirements for the Off-System Bridge Program.

Program Balance

- As of 12/4/12 there is a statewide unobligated BRO balance of \$72 million that has been allocated to counties.
- Unobligated federal funds are susceptible to rescission which has occurred in the past.
- It is difficult to justify more money for transportation when such significant amounts of money are not being used. We, Missouri, have deficient county bridges that need to be repaired or replaced!

Soft Match Credit

- The objective of the soft match credit program is to remove deficient bridges from the bridge inventory.
- The soft match credit program provides an alternate way of providing the 20 percent local match on federal-aid bridge projects.
- Counties must follow soft match requirements ([EPG 136.3.10](#)) to receive credit for 80 percent of the cost of replacement or rehabilitation of locally funded eligible bridges.
 - Bridge must be on eligible list at time of replacement or rehabilitation
 - Preliminary engineering services, right of way, utility relocation, construction inspection services and construction are all eligible expenses for soft match credit
 - Soft match bridges can be constructed by qualified LPA forces
 - Soft match bridges do not require Buy America requirements
 - Final and as built plans must be signed and sealed by a registered professional engineer
- Counties can receive credit for removal of existing eligible deficient bridges even if not replaced.
- Requests for soft match credit are submitted in accordance with [EPG 136.3.10.7](#) after the bridge construction is complete and open to construction.
- BRO projects submitted for programming will automatically be setup using soft match credit for local match if the county has a soft match credit balance.
- Counties may transfer or trade soft match credit to other counties for federal BRO funds. Both counties must agree to the terms of the transfer in writing in accordance with [EPG 136.3.10.8](#)
 - No transfer can result in a county having a negative balance of BRO funds.

Work by Local Forces

- Design or construction inspection services by local forces is allowed but must be approved by FHWA.
- Construction work by local forces is strongly discouraged and must be approved by FHWA.
- Partial construction work by local forces is allowed with approval by FHWA on a limited basis provided the work is not in direct conflict with the contractors operations
 - Examples of eligible partial work are bridge removal, landscaping and traffic control for road closure.



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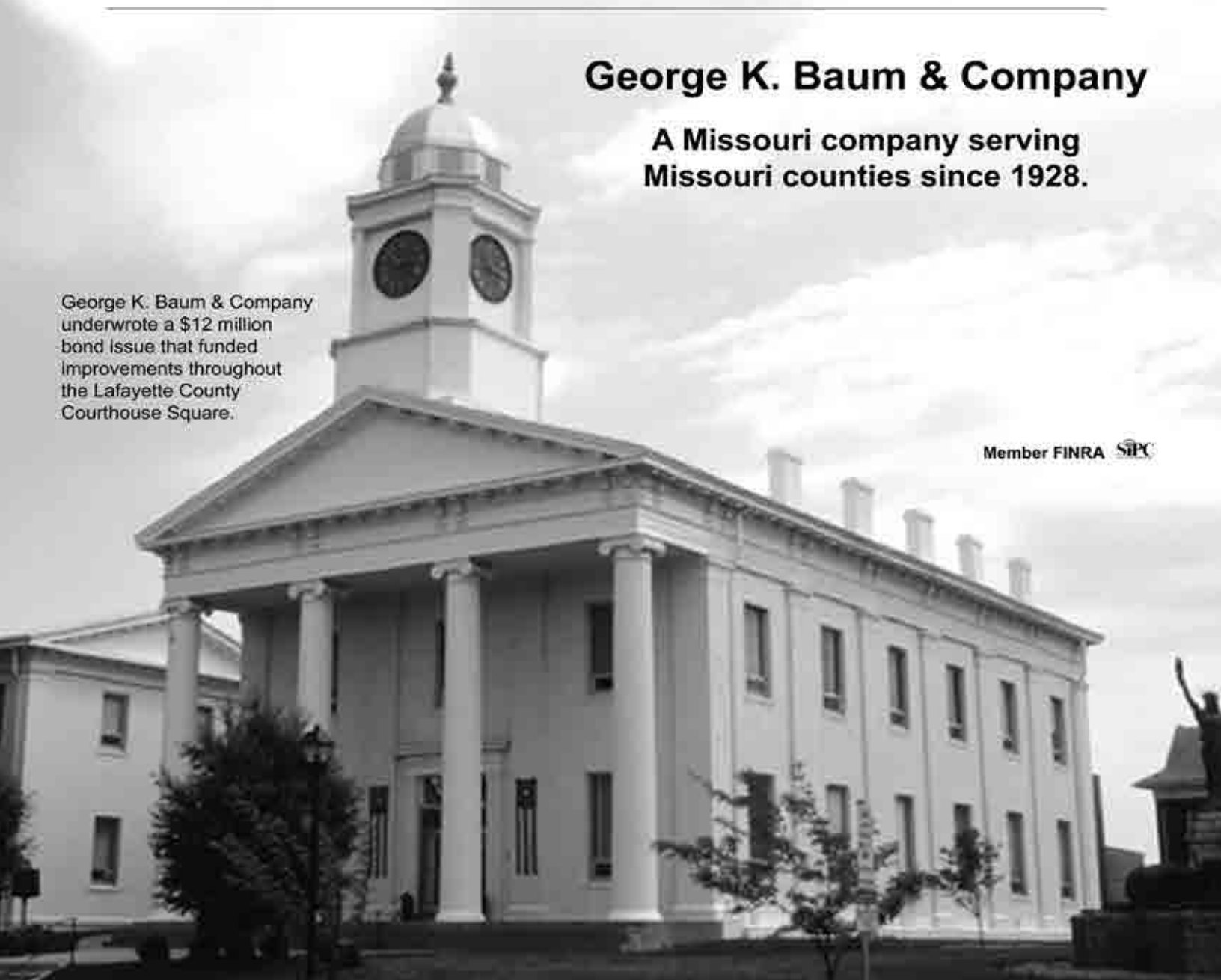
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Don't Have A County Website? It's Easier Than You Think

By Greg Maximovitch

Most of us use the Internet and the websites found there for a number of different reasons. Some of us like to shop online; others use it to stay in touch with family and friends; many complete their education; and others simply use it for entertainment.

It's important, however, that small government entities appreciate how even a small website can be an effective method of communication with their constituents, business investors, visitors and others.

So where do you begin? That's a question many of you have probably struggled with. What do we do first, get a domain name or setup a hosting account ... and what's the difference? Who will develop the website? Can we do it ourselves? How much will it cost? Don't worry if you're confused, many are prior to getting their site online and hopefully the information provided here will help get you on your way to getting started. But first let's consider some of the practical ways a website can be an asset for your county or community.

A website can be an asset in the following ways:

- by centralizing county or community information for easy access by constituents and staff,
- providing demographic information to potential business investors,
- establishing credibility by reassuring your citizens that their county is keeping up with the latest technology,
- improving internal and external communications,
- answering common questions quickly without disturbing staff,
- communicating during emergencies,
- receiving payments for taxes,

utilities, etc.,

- receiving comments through online forms and/or questionnaires,
- providing polling locations and election results in a timely manner,
- using a page as a community-based bulletin,
- providing tourist information and links to other related local resources and businesses, and
- by enabling mobile access to website content on phones or tablets.

Establishing Email Service

For your county to gain the most benefit it is essential you establish email for use by your staff and elected officials. Email is an effective method of staying in touch with constituents, transferring important documents, sending alerts and notifications, and documenting important discussions and events. The fact is, without an email account it is practically impossible to establish a website since website hosting companies require an email account to send login information, etc. To have a website means you must have email. Email and websites go hand-in-hand and most website hosting packages include email accounts as part of the service. Generally these are browser-based methods of accessing your email; so in other words, if you can access the Internet you can check your email. With email associated with your website hosting, you will also have a more professional appearance. For example, your email could be "collector@smithcountymo.org."

Domain Names

Choosing a domain name is one of the first steps in establishing

your website. A good domain name is one that is reflective of your county and easy to remember, for example "smithcountymo.org."

Because there are many counties that share the same name across the country, you may not get your first choice. Make a list of possible names and then use a reputable resource to find the perfect one.

Domain names are generally inexpensive, with prices ranging from \$12-\$20 per year (renewed regularly, usually annually), depending on what services you may purchase in addition to the domain name. Additional services include identity protection, etc. You can always add these services later, so don't worry too much about choosing them now.

Website Hosting

Those unfamiliar with the process of establishing a website may confuse the purchase of a domain name with obtaining website hosting. Both are entirely separate transactions that can be accomplished in the same or different locations. It's your choice. Annual hosting fees range from about \$96 to \$125 per year, with many website hosting companies offering a wide range of services such as email at no additional cost. Try to find a company that is reputable and established with its primary business as website hosting. Many companies will also offer a wider range of services--weekly backups, helpful software and other features you or your developer will find helpful. Some reputable hosting companies are hostgator.com, bluehost.com, fatcow.com, and dreamhost.com.

Developing The Website

Of course the next step is developing the website and deciding

who will build it and with what software. This is where the process of getting online seems to slow down considerably, but this doesn't need to be the case. The main thing to remember is that you want to use a method that will allow you to easily update and change the content of the website as needed and without a lot of trouble. If you are using a website designer then ask him about the programs or software he uses. You should also ask how easy it is for you (the site owner) to make changes or if it will require contacting the designer each time. [If you will be changing the content yourself, basic software such as WordPress is suggested.

Developing a good workable website doesn't have to cost an arm and a leg. Websites can range from as little as a couple

thousand dollars or into the tens of thousands. What you want your website to contain will dictate your price.]

A website can be a valuable asset for your county and a helpful tool for your constituents, as well as for your staff. Hopefully this information has been helpful and perhaps answered some basic questions.

Greg Maximovitch is the owner of 54 Design Group. He can be reached at greg@xpress-sites.com or 573-590-2436. You can visit his website at www.xpress-sites.com.



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Counties & Cities Oppose Move To Cap Tax-Exempt Municipal Bonds

The National Association of Counties (NACo), the U.S. Conference of Mayors (USCM), and the National League of Cities (NLC) called on Congress and the administration on Feb. 27 to reject any proposals to hamstring the financing of local infrastructure projects by changing the tax-exempt status of municipal bonds.

Municipal bonds provide a low-cost and efficient way for cities and counties to finance much of America's critical infrastructure, including schools, hospitals, airports, water and sewer systems, and roads and bridges.

During a roundtable at the National Press Club in Washington, DC, county and local leaders of all three non-partisan organizations released a report to highlight the broad use of municipal bonds around the country. Municipal bonds are the country's most important source of financing for vital infrastructure and are used to finance everything from multibillion transportation projects to school expansions in communities large and small.

"Municipal bonds are essential financing tools used by mayors and local officials in their communities," said USCM Vice President Mayor Scott Smith (Mesa, AZ). "Municipal bonds allow communities to build the streets, bridges, water lines, and police and fire stations that not only serve the needs of citizens, but also create jobs and drive the economy. Without them, our communities will suffer."

The joint report also shows in the last decade, state and local governments financed over \$1.65 trillion of infrastructure investment using tax-exempt bonds – nearly all in just six categories:

- \$514 billion in primary and secondary schools;
- \$288 billion in hospitals;
- \$258 billion in water and sewer

facilities;

- \$178 billion in roads, highways and streets;
- \$147 billion in public power projects; and
- \$106 billion in mass transit.

If the proposed 28 percent cap had been in effect during that time, the borrowing costs to states and localities of these bonds would have increased by \$173 billion and would have prevented many infrastructure projects from moving forward. In 2012 alone, more than 6,600 tax-exempt municipal bonds financed over \$179 billion worth of infrastructure projects – the bulk of which were primary and secondary education, water and sewer facilities, and hospitals.

Of the cap proposal, NACo President Chris Rodgers (commissioner, Douglas County, NE) said, "Counties build, maintain and pay for much of America's infrastructure including schools, roads, water and sewer systems, airports, bridges and hospitals. Counties own and maintain 44 percent of the nation's roadways, 228,026 bridges, and almost one third of the nation's transit systems and airports. Counties own 964 hospitals and 677 nursing homes. Tax-exempt municipal bonds are the single most important tool that counties use for financing our critical infrastructure. Any change to the taxation status of often voter-approved debt issued by counties risks local public works projects that benefit communities and puts into question the nature of the U.S. federalist partnership."

In effect, the 28 percent cap on tax-exempt interest would be borne almost exclusively by state and local governments in the form of higher interest rates on their borrowing. Market analysts have estimated that this proposed tax on municipal bond interest would raise state and local borrowing costs by up to 70 basis points (0.70 percentage point)

or more. Because the tax would apply not only to new state and local borrowing, but also to all outstanding bonds, investors would be taxed on investment which they reasonably expected would be tax-exempt as long as they are outstanding – an unprecedented form of retroactive taxation.

"Talk of eliminating the tax exemption on municipal bonds is more about politics – on both sides – than economics," says NLC representative Houston City Controller Ronald Green. "No one can argue about how cities, counties and states have utilized municipal bonds to great effect to finance their capital projects such as roads and highways, water projects, schools, libraries, fire stations, and, while doing this, saving on interest costs with tax-exempt 'muni' bonds. The yield from taxable bonds – if that was the only option for municipalities – would pale in comparison to the increased taxes residents would have to pay to fund infrastructure projects. Or, the alternative, simply to postpone needed projects."

Finally, local leaders explained that municipal bonds represent a partnership among the federal, state and local governments, and private investors in contributing to public infrastructure, which creates jobs and improves economic efficiency. Tax-exempt bonds maintain decision-making and project selection at the state and local level, where citizens and elected officials can best determine where needs are greatest and where investments will generate the maximum return.

Tim Firestine (chief administrative officer for Montgomery County, MD, president-elect of the Government Finance Officers Association and NACo representative) elaborated on the impact that uncertainty would create. "Our county has about \$2.1 billion of general-obligation bonds outstanding at this

time, on which we pay interest of \$93 million a year. Eliminating or even capping the tax exemption on investors would cause them to look for higher-yielding investments and we would have to offer more interest to lure them back. This simply drives up the county cost to local taxpayers to maintain our infrastructure. [And] the burden will be transferred to the property tax.”

The report concludes that curtailing or eliminating the tax-exemption would raise costs for financially strapped state and local governments and would result in less investment in infrastructure, particularly at a time when jobs are scarce and the physical state of public works and infrastructure is deteriorating.



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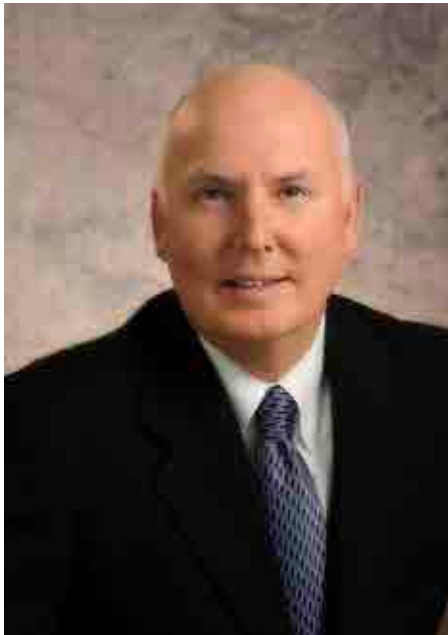
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MAC Hires New Risk Manager



Sean McGonigle joined the MAC staff as risk manager for the Workers' Compensation Self-Insured Trust on Nov. 1, 2012. He has over 25 years' experience in insurance, safety and risk management.

He most recently was the risk manager for the Missouri Public Entity Risk Management Fund (MOPERM) where he oversaw the risk management function of an 850-member public entity self-insurance pool. He coordinated the delivery of services for member counties, cities, school districts and other public entities in the state. He has also worked for a multi-line municipal self-insurance pool in the state and started his career with a major commercial insurance company. Over the years he has worked with hundreds of Missouri public entities identifying potential hazards, making solution-orientated recommendations, and providing risk management services and safety training.

McGonigle holds both a bachelor's and master's degree in safety management from the University of Central Missouri. He is also a member of the American Society of Safety Engineers and the National Safety Council.

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2012 Calendar Year Use Tax Distributions To Counties

County	2012 Use Tax Distribution
Andrew	\$266,583.20
Atchison	\$281,625.57
Bates	\$178,353.54
Benton	\$175,272.56
Caldwell	\$148,895.65
Carroll	\$191,057.87
Cass	\$2,636,995.14
Chariton	\$143,258.80
Clay	\$3,993,552.65
Clinton	\$189,111.79
Cole	\$1,373,630.08
Dade	\$76,593.86
Daviess	\$103,567.61
DeKalb	\$138,353.25
Dunklin	\$41,722.79
Gentry	\$64,253.72
Harrison	\$129,839.28
Henry	\$203,240.20
Holt	\$234,070.14
Johnson	\$824,048.92
Lafayette	\$440,200.75
Lawrence	\$412,742.58
Lewis	\$452,400.63
Linn	\$120,813.55
Livingston	\$165,953.50
Maries	\$75,764.97
Marion	\$558,241.72
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Miller	\$234,868.19
Monroe	\$61,464.77
Nodaway	\$290,898.79
Osage	\$27,156.09
Pettis	\$577,328.95
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Ralls	\$367,567.41
Ray	\$387,067.09
St. Charles	\$7,543,095.62
Shelby	\$91,086.58
Stone	\$659,870.97
Washington	\$294,517.96
Worth	\$39,987.16

At press time and to MAC's knowledge, the following 18 counties put the "use" tax on the April 2013 ballot: Bollinger, Buchanan, Camden, Cooper, Gasconade, Grundy, Howard, Macon, Moniteau, Morgan, Perry, Pike, Putnam, Randolph, Scott, Stoddard, Sullivan and Warren. Out of the above-mentioned counties, 13 were successful in gaining voter approval. To date, 56 Missouri counties have a "use" tax in place.

Legislative "Fix" For Out-Of-State Motor Vehicle & Marine Purchases

HCS/SCS/SB 182, sponsored by Sen. Mike Kehoe, is another attempt to "fix" last year's MO Supreme Court Street decision, which barred local governments from collecting their rightful taxes on motor vehicle and marine purchases made out-of state – unless, that is, the county or city had already passed a "use" tax.

A local "use" tax is similar to a local sales tax, only it applies to purchases that are made out-of-state and brought back to be "used" in Missouri.


Since the April 2013 election, 56 Missouri counties have a "use" tax in place that protects their hometown merchants from non-taxable sales lost to out-of-state vendors or online e-tailers. The focus of Sen. Kehoe's measure is to take things back to the way they were before the high court's ruling. The proposal would eliminate both state and local "use" taxes on the storage, use or consumption of motor vehicles, trailers, boats, or outboard motors and specify that a sales tax is to be collected for the titling of such property. The rate of tax associated with titling will be the sum of state sales tax and the local sales tax rate in effect at the address of the owner of the property.

All local taxing jurisdictions that have not previously approved a "use" tax must put to a vote of the people whether to discontinue collecting local sales tax on the titling of motor vehicles purchased from vendors not located in Missouri. Without this vote, there can be no "fix" to the Supreme Court's decision.

If a taxing jurisdiction does not hold such a vote before November 2016, the taxing jurisdiction must cease collecting the sales tax.

Counties with "use" taxes in place will not be subject to this requirement.

(Continued On Page 17)



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(Continued From Page 14)

In all likelihood, voters in non-“use” tax counties will approve the question in order to avoid paying local sales tax on such a “big ticket” purchase.

Taxing jurisdictions may at any time hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15 percent of the registered voters in a taxing jurisdiction sign a petition requesting such.

The act contains a non-severability clause, and it has an emergency clause.

Be advised, however, that this attempted “fix” does not apply to Internet sales, catalog sales, or other out-of-state sales. It’s still imperative that counties try to pass the “use” tax!

While the Supreme Court decision triggered a huge revenue loss for Missouri counties and cities regarding motor vehicle and marine purchases, we still have to focus on the larger problem – the escalating and enormous revenue losses to catalog companies, online e-tailers, and other out-of-state retailers that do not have a physical presence (a nexus) in our state and “get off scott-free” by not having to collect our local taxes and send them back to us!

Streamlined Sales & Use Tax Agreement

Is Missouri the only state trying to keep business at home and level the playing field between Missouri merchants who must tax and out-of-state vendors who sell goods tax-free? No. Most all of the states are struggling to find ways to eliminate the incentive to purchase goods from out-of-state catalog companies or online e-tailers (Internet sellers).

There is a multi-state agreement called the Streamlined Sales & Use Tax Agreement (SSUTA). Their website is www.streamlinedsalestax.org. Their purpose is to assist states as they administer a simpler and more uniform sales and use tax system. As of October 2012, 24 of 44 states (some states are non-sales tax states) have passed legislation to enter into the agreement. The Missouri Legislature has not yet done so, but it is currently considering proposals to make the needed changes.

If enough states sign on as members, it will hopefully encourage the United States Congress to mandate that out-of-state catalog companies and Internet sellers must collect all state and local sales taxes. Congress is the only body with the across-the-board authority to do this! If that should ever happen, only Missouri counties that have a “use” tax in place will benefit.

SSUTA encourages “remote sellers” selling over the Internet and by mail order to collect tax on sales to customers living in the streamlined states. It levels the playing field so that local “brick-and-mortar” stores and remote sellers operate under the same rules. This agreement ensures that all retailers can conduct their business in a fair, competitive environment.

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Movement Afoot In Congress

On March 22, during debate over the FY 2014 Senate Budget Resolution, the Senate, in a major show of bipartisan support, approved an amendment to the Marketplace Fairness Act (S. Amdt. 656) with 75 senators voting in favor. This symbolic vote is an important first step toward seeing this legislation signed into law.

The amendment, led by Sens. Dick Durbin (D-IL) and Mike Enzi (R-WY), would give state and local governments the authority to collect already existing sales and “use” taxes on remote or online sales. This is not a new tax, but rather a more efficient way of collecting the sales tax already owed to state and local governments, and it will finally put local business owners and retailers on an equal footing with their online counterparts.

Budget resolutions serve as the blueprint for spending and tax policy goals for both chambers and are intended to guide the consideration of budget-related legislation for the rest of the year. The vote on this amendment is significant because it demonstrates the tremendous support for the Marketplace Fairness Act (S. 366/ H.R. 684) as Congress moves toward comprehensive tax reform this year.

The National Association of Counties (NACo) thanked Sens. Durbin and Enzi for their leadership and support on this issue. These lawmakers, along with our own Missouri Sen. Roy Blunt, have pushed tirelessly for this important legislation.

Early in March, Livingston County Presiding Commissioner Eva Danner-Horton contacted Sen. Blunt about the Marketplace Fairness Act. The senator replied with the following statements:

“Our tax code should avoid punishing economic growth and allow businesses to successfully compete both at home and in the global economy. The rapid growth of digital commerce has made state and local boundaries much less important to the flow of goods and services.

“Last Congress, I was an original co-sponsor of S. 1832, the Marketplace Fairness Act, to address this competitive disadvantage between retailers. This legislation would not create a new tax, but simply would give states the option to collect the taxes they are already owed in the way that works best for them – if they choose to enforce collection at all,” replied Sen. Blunt.

On March 26, *CBS This Morning* reported that one of the biggest perks of the Internet could be going away because the federal government is looking at “beefing up” its enforcement of online sales taxes. MarketWatch senior consumer reporter Kelli Grant told the network show’s co-hosts that states are currently losing \$23 billion a year. “This is billions of dollars lost that could be going to local services,” she said, forecasting that online sales tax collections are maybe just a year or more away.

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NACo Testifies Before Senate On Payment In Lieu of Taxes

NACo has urged Congress to extend mandatory funding provisions for the Payment in Lieu of Taxes (PILT) program, in testimony before the U.S. Senate Energy and Natural Resources Committee.

Ryan R. Yates, NACo associate legislative director, said local governments have relied on PILT for more than 30 years to provide payments to counties and other local governments to offset losses in tax revenues due to the presence of substantial acreage of federal land in their jurisdictions.

Local governments are unable to tax the property values or products derived from federal lands; therefore, these payments support essential county services including law enforcement, emergency response, transportation infrastructure and access to health care.

At the March 20 hearing, NACo
(Continued On Page 29)



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Missouri Supreme Court Cases Could Influence Collective Bargaining Requirements For Counties

The Missouri Supreme Court has changed the counties' obligations when negotiating with a union or employees seeking to form a union. The first case is related to whether a public employer is bound to follow a "good faith" standard in negotiations with a union in the same way as in the private sector under federal law.

In *American Federation of Teachers (AFT) v. Ledbetter*, the public employer negotiated with a union, but then refused to ratify the agreement. The union sued claiming that the employer violated the employees' rights to collectively bargain under the *Missouri Constitution* by refusing to negotiate in "good faith." Although neither the *Constitution* nor state statute specifically sets out a "good faith" obligation, the Missouri Supreme Court determined that the term "collective bargaining" includes a good faith requirement. Public employers must "meet and confer with the union, in good faith, with the present intention to reach an agreement." The court referred the case back to the trial court to determine if the public employer had negotiated in good faith.

The Point: While counties may still reject any union proposal, if challenged, a county will need to show that it "sincerely undertook to reach an agreement" with the union and not just go through the motions until the county gets tired of meeting. This broadens counties' obligations under the law to not only honor agreements once reached, but also to work toward reaching agreements that then become contracts. Unions are now more likely to claim that a county is violating the law when an agreement is not ultimately reached. Counties will need to take more careful actions when meeting on union proposals and

to create clear records of how the county acted during negotiations and how the County relates to each union proposal, as well as to create counterproposals. They also need to keep a detailed paper trail to demonstrate that the county is complying with the law.

Counties need to take extreme care and should seek training to meet the new challenges posed by this decision. It is even more critical that the counties work together to avoid being pitted against each other for contract terms, pay and benefits. Counties can expect to spend significantly more money for unionized employees, especially in the road and bridge department and in the sheriff's department (which are the two departments likely to be unionized.)

In *Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 (FOP) v. City of Chesterfield/FOP v. City of University City*, the court consolidated two cases. In both the Chesterfield and University City cases, a majority of the police officers and sergeants signed union collective bargaining cards seeking recognition of the FOP as the police union by the respective cities. The cities refused to voluntarily recognize the union or to even hold a union election to provide employees a right to vote. The Missouri labor statute that provides assistance for most public-sector employees to elect a union representative excludes deputies and police officers. With no other options and no state statute to provide guidance, the union sued claiming that in absence of a state statute, the public employers were required by law to create a framework so employees could exercise their constitutional rights to collectively bargain.

The Missouri Supreme Court found counties have a constitutional obligation to collectively bargain with employees. However, the court also found in the absence of an ordinance provision, an election is not "necessary" when there is evidence that a majority of deputies had already selected the union as their representative by signing cards of support and "because it is not a proper role for an employer to be responsible for holding an election."

The Point: The county and sheriff, as joint employers, cannot simply refuse employee requests to unionize and bargain collectively, even though the state Legislature has not enacted a statute governing the process. When "necessary" as determined by each public employer, counties may adopt a policy or an ordinance for union elections or collective bargaining so employees may exercise their constitutional rights. The critical issue is that if action isn't on the part of a county to create a selection system, employees may force the county and the sheriff to negotiate for deputies and other sworn command staff without an election.

This case will be used by deputies, police and other unions to argue that a county ordinance or policy on collective bargaining is not "necessary," and then the county and the sheriff (as joint employers) will be required to automatically recognize a union without a secret ballot election. Of other concern is the fact that deputies may use this case to overcome the "at will" relationship that a sheriff has with his employees to gain permanent employment status if a contract is negotiated and adopted by the county commission.

These cases are particularly concerning because the court ordered the public employers to

negotiate with the employees' supervising command officers in the same bargaining unit as line officers. Labor law experts strongly advise employers to exclude all supervisors from a bargaining unit with subordinate employees because these are the persons that will enforce the work rules, impose disciplinary action, and administer agreements, as well as serve as the sheriff's front line control.

Suggestions For Protecting Counties

1. Be sure sheriffs and county commissioners get training.
2. Find out where legal help is available so as to avoid litigation.
3. Prepare to expand county budgets for additional pay and benefits.
4. Get help before you need it, rather than to try and recover after unknown or unexpected mistakes.

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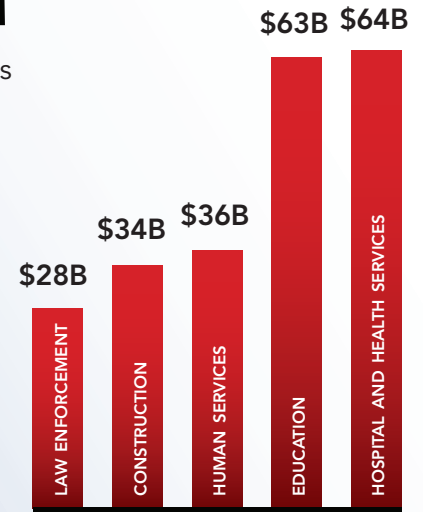


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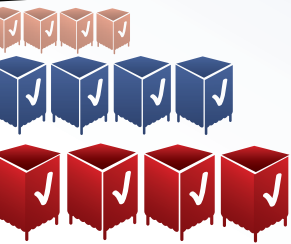
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EVERY TWO YEARS



There are more than

18,000



ELECTED COUNTY OFFICIALS

Preventive Health

Counties provide flu shots and other preventive health services through

1,947

HEALTH DEPARTMENTS



Counties own

75%



of publicly owned **NURSING HOMES**

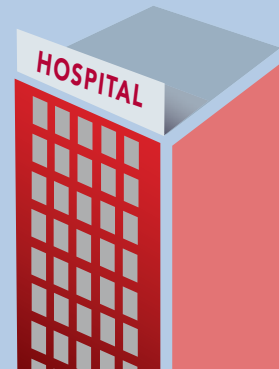
Counties own

964

hospitals and spent

\$68.3 BILLION

on healthcare services in 2007



Counties employ more than

3.2 MILLION

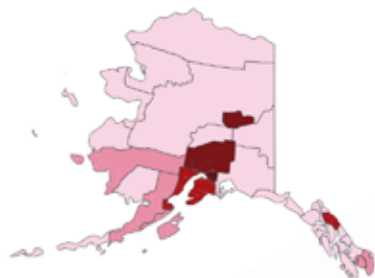
Americans delivering a variety of services

- Healthcare
- Transportation
- Public Safety and Jails
- Courts
- Mental Health Services
- Build Local Economies
- Restaurant Inspections
- Community Colleges
- Recycling
- Solid Waste Management
- 911 Emergency Systems
- Parks and Recreation
- Elections
- Record Keeping

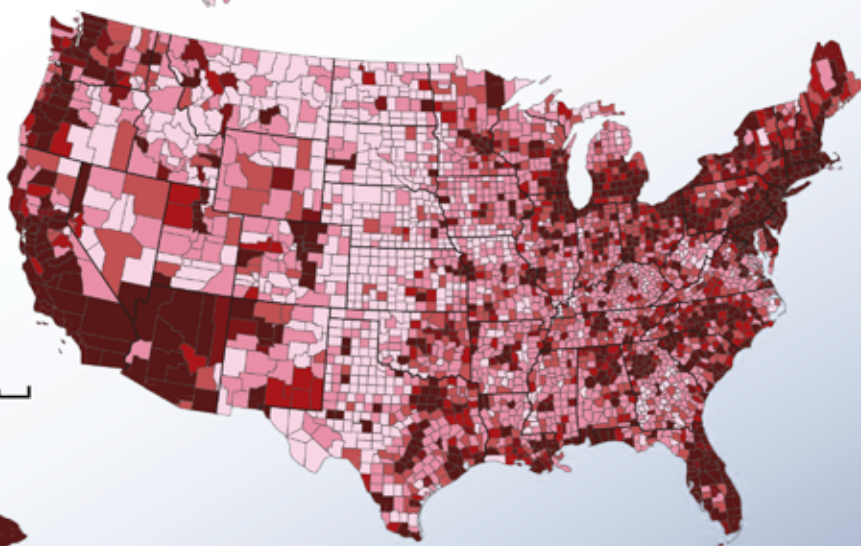
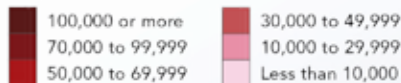
Services

The United States Has **3,069** County Governments

County Population Range



Population



500 Miles

9,787,747

62

Loving Co. Texas Los Angeles Co. California

Infrastructure

Counties invested

\$60

BILLION

on infrastructure in 2007

(highways, roads, bridges, utilities, water, and sewer)



Counties spent

\$34

BILLION

on construction of county facilities

Law Enforcement



3,105

county sheriff and police departments nationwide

11.8M

Persons admitted to county jails in 2011

Transportation

Counties own and maintain



44%
of America's Roadways,

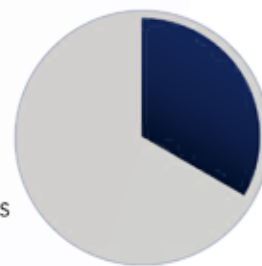
228,026

of America's Bridges,

and almost

1/3

of America's Transit Systems and Airports



Department Of Natural Resources To Award \$5 Million In Loans For Energy Saving Public Projects

The Department of Natural Resources' Energy Division is providing approximately \$5 million dollars in loan financing for qualified energy efficiency and renewable energy projects.

Energy-saving investments that are eligible for the Energy Efficiency and Renewable Energy Loan are insulation, lighting systems, heating and cooling systems, renewable energy systems and other measures that reduce energy and use cost.

Recipients repay the loan with money saved from implementing the energy improvements. An energy saving loan is not defined as a debt since it does not count against debt limits or require a public vote.

Applicants may apply for loans valued between \$5,000 to \$500,000. However, loans below \$5,000 will not be considered, but loans over \$500,000 will be considered if funds remain after the review and priority ranking of applications. The loan principle plus 2.5 percent is repaid with semi-annual payments during a 10-year or less period. An additional 1 percent administrative fee is added to the repayment amount.

Those who apply for a loan must submit a completed application form to the department by Aug. 1, 2013. The department may request more information to determine the feasibility of a project and its financial risk. Additionally, applicants cannot be in violation of federal, state, or local laws, ordinances and rules.

Loans will be awarded on a competitive basis. Applications will be ranked on the energy savings project's score, which is determined by dividing the cost of the project by the estimated yearly energy cost-savings. Projects with the lowest payback score in each

sector allocation will be funded until all funds are allocated. Loan agreements will be awarded by Oct. 31, 2013.

For more information contact Missouri Department of Natural

Resources, Division of Energy, Attention: Loan Clerk, PO Box 176, Jefferson City, MO 65102-0176, or call 1-800-361-4827, or visit www.dnr.mo.gov/energy/financial/loan.html.



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Early Voting Commission Recommends New Election Proposals

Missouri Secretary of State Jason Kander may be new to office, but the political “hot topics” of elections and early voting aren’t. Kander’s newly created Early Voting Commission announced their recommendations for a Missouri voting fix.

The commission, comprised of 11 members, represents all regions and political parties of the state. They met throughout the month of February to discuss the merits of early voting. Five Missouri county election authorities served on the commission: Carroll Co. Clerk Peggy McGaugh, Schuyler Co. Clerk Bree Shaw, Camden Co. Clerk Rowland Todd, Jefferson Co. Clerk Wes Wagner and St. Charles Co. Elections Director Rich Chrismer.

“We have to preserve security in our elections while increasing efficient access for eligible voters,” Kander said. “An affordable plan for early voting could help alleviate long lines at the polls on Election Day by adding a much-needed convenience for Missourians across the state.”

The commission’s recommendations include the following:

Reform the current absentee ballot law to allow registered voters to cast absentee ballots by mail without needing to state an excuse.

Currently, voters must meet one of five conditions to vote absentee. Voters would still have to request in writing to acquire an absentee ballot and obtain a notary seal or signature on the absentee ballot envelope. However, the commission recommended that the notarization be waived for military voters, permanently disabled individuals, and those voting absentee as a result due to illness or physical disability, including caregivers.

Allow registered voters to cast early ballots on voting equipment at a central voting location prior to Election Day to replace current in-person

absentee voting.

In order to free up long lines and reduce absentee voting, the commission suggested each election authority establish a central voting location where any voter can vote early for any reason on electronic voting equipment. They also recommended early voting take place six weeks before Election Day and to have voters sign poll books instead of fill out absentee forms. In addition, the state would pay for any additional expenses that might arise as a result of the early voting.

Create satellite voting locations during November presidential elections.

Another proposal included the option of creating satellite voting locations during the November presidential elections. However, at least one satellite location must be created for jurisdictions that contain over 175,000 registered voters. The satellite locations would be open for at least four hours a day for a minimum of 14 days. As well, the cost would be borne by the state.

Early voting lists should be kept confidential and should

only be disclosed twice prior to the election.

Currently, absentee voter requests are kept confidential with exceptions; the commission recommended similar guidelines for early ballot voters.

“We’re hopeful the commission’s recommendations to provide a convenient early-voting program, which would be fully funded by the state, will be a well-received proposal,” Peggy McGaugh said.

With the Missouri Legislature’s proposing several bills on the subject, the recommendations by the commission were introduced as legislation on March 12. HB 848, sponsored by Rep. Myron Neth, contains the four sanctions proposed by the commission.

“I asked my bipartisan Early Voting Commission to advise me on a fair, secure and affordable way for eligible Missourians to vote in advance of Election Day,” Kander said. “The commission issued four recommendations, which are the basis for this legislation. Republicans and Democrats agree that early voting makes sense.”



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(Continued From Page 19)

also cautioned the committee against pursuing legislative efforts to consolidate PILT with other federal land management revenue-sharing programs such as Secure Rural Schools. Testimony by the group Headwaters Economics promoted such a consolidation to “reduce costs to federal taxpayers” and redistribute funding under a new program to counties “that have the greatest economic needs.”

In 2012, PILT payments to over 1,850 counties nationwide totaled \$393 million. As a result of the sequester, funding for FY 2013 will be reduced by a total of \$21 million for the entire program. Due to increases in program authorization levels, the cuts will reflect about a 2.3 percent or \$9 million reduction from the FY 2012 program level.

Yates said, “While Congress may seek to fund both SRS and PILT on the same legislative ve-

hicle, NACo opposes any effort to consolidate PILT with any natural resource based revenue-sharing program.

“Any consolidation of these two would be disastrous for federal land counties and would ultimately politicize an otherwise apolitical and straightforward federal program.”

NACo also provided guidance on possible legislative efforts to reform or streamline the PILT formula including the elimination of population caps and prior-year payment reductions from the program’s distribution formula.

“Visitor populations are not taken into consideration by the current PILT formulas,” Yates added. “Counties are required by law to provide services to people — regardless of their place of residence.” Regarding population caps, the federal government should not reduce its tax obligation to local governments, solely because of other land-

management revenue agreements between governments, he said.

The hearing also highlighted provisions in the Senate’s FY14 budget resolution that would include a deficit-neutral reserve fund for rural counties and schools to provide for the reauthorization of SRS or changes to the PILT program, or both. The commitment from the Senate Budget Committee provides a major step forward toward securing the government’s financial commitment to rural, public land counties.

“Counties look forward to working with members of the committee and staff to develop and pass legislation that will continue the historic partnership between federal and county governments by extending continued mandatory funding for the PILT program for FY14 and beyond,” said Mike Murray, NACo Public Lands Steering Committee chair from Lewis and Clark County, MT.

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Top Right: Sen. Blunt, Steve Holt- Jasper, Co., Darieus Adams- Jasper Co., Karen Miller- Boone Co., Paul Koeper- Cape Girardeau Co. and Margie Bowman- Ray Co. **Bottom Left:** Sen. Blunt, Missouri county officials and Bob Woodward **Bottom Right:** Sen. Blunt and Ron Houseman- Taney Co.

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