

# Joint City-Greene County Planning Task Force

## Meeting Notes

January 8, 2014 – 9:00 a.m. – Greene County Archives Election Center  
Meeting #10

### Task Force Members Present:

Greg Burris, Springfield City Manager  
Tim Smith, Greene County Administrator  
Collin Quigley, Springfield Assistant City Manager  
Cindy Stein, Greene County Auditor  
Mary Mannix Decker, Springfield Finance Director  
Martha Mundt, Greene County Budget Director  
Paul Williams, Springfield Police Chief  
Jerry Moyer, Greene County Court Administrator  
Jim Arnott, Greene County Sherriff

The meeting began at approximately 9:03 a.m. with a welcome from Greg Burris, City Manager, and Tim Smith, Greene County Administrator, followed by a review of today's agenda.

The meeting notes from the December 18, 2013 meeting were addressed towards the end of the meeting.

County Administrator Smith reviewed an updated copy regarding the Safety & Justice Roundtable, Report, Four-Year Update dated January 2014, which was previously e-mailed out to the Task Force for their review. *(Please refer to Exhibit A located within the City Clerk's Office for additional information.)*

The Task Force reviewed Exhibit A.

Cindy Stein, Greene County Auditor, moved for the Task Force to accept the updated Safety & Justice Roundtable Report, Four-Year Update dated January 2014 as presented. Jim Arnott, Greene County Sherriff, seconded the motion, and it was unanimously approved by those present.

City Manager Burris thanked County Administrator Smith for his dedicated efforts in updating the Safety and Justice Roundtable Report.

City Manager Burris discussed the following two handouts, which were also previously e-mailed out to the Task Force for review: Springfield/Greene County Integrated Plan Proposal to EPA – A Citizen-Focused Approach; and a copy of a letter dated January 30, 2013 to Karl Brooks, Environmental Protection Agency (EPA) and Sara Parker Pauley, Missouri Department of Natural Resources (MDNR) regarding recommendations made from the City's citizen-based Unfunded Environmental Mandates Affordability Task Force (Affordability Task Force) (a copy of a report dated January 28, 2013 is also attached to this letter along with some additional information). *(Please refer to Exhibits B & C located within the City Clerk's Office for additional information.)*

City Manager Burris addressed that with the potential water, air, and solid waste environmental mandates for the City, Greene County, and City Utilities (CU), when combined, these could exceed \$1 billion over the next 10-15 years, which our Community cannot afford. He noted that no other issue on our Community's "radar screen" has the potential fiscal impact on local citizens as the projected unfunded environmental mandates over the next two decades.

Thus, the City, County, and CU are proposing a “pilot project” to develop a plan that focuses on environmental issues based upon the following guiding principles: Affordability; Effectiveness; Fairness; Attainability; Measurability; and Adaptability.

City Manager Burris explained with the above guiding principles, along with the proposed collaboration with the EPA and MDNR, the “pilot project” should meet all eight of the EPA’s “Principles to Guide the Development of an Integrated Plan.” He also highlighted the four following key themes being proposed as an integral part of the “pilot project’s” integrated plan: taking a holistic approach; community affordability; using local expertise and community values to develop local effective plans; and collaboration.

City Manager Burris noted that the “pilot project” could potentially serve as a demonstration program for cities across the Country. He added that the EPA and MDNR have provided feedback that they would consider the “pilot project,” which is a unique approach, at this time.

During the discussion, City Manager Burris also reviewed the recommendations from the Affordability Task Force, which are based upon seven (7) criteria that MDNR is statutorily required to use to evaluate community affordability. He noted that these recommendations were forwarded to the EPA and MDNR.

City Manager Burris discussed that within their recommendations, the Affordability Task Force Report noted that MDNR should consider the “law of diminishing returns” during their affordability analysis, as well as should allow the “older,” more cost-effective technology to be utilized until the end of its lifecycle as opposed to requiring newer, more up-to-date technologies to be used, which are more expensive. He informed the Task Force that some upcoming meetings would be held with some of the other Task Forces (i.e. Wastewater) to obtain and provide additional citizen input to address MDNR and EPA’s requirements pertaining to affordability.

Mary Mannix Decker, City Finance Director, made comments regarding the issue of affordability for all local residents, apparently since the local median family income is lower than other metropolitan areas within the State. City Manager Burris reported that the EPA uses the average family median income to base the issue of affordability at a rate of 2% of the median family income. He added that other factors should be included to base the issue of affordability.

City Manager Burris noted that local residents are currently experiencing year 3 of a 5 year increase for sewer rates (Early Action Plan), plus CU’s rate increases (i.e. regarding air quality regulations).

The Task Force briefly discussed that other areas, such as St. Louis and Kansas City, are also experiencing the challenges regarding addressing the various mandates from the EPA and MDNR.

Following the discussion, County Administrator Smith briefly discussed some of the upcoming meeting topics and meeting dates with the Task Force. He announced that the next Task Force meeting is scheduled for January 22, 2014 with a location yet to be determined. County Administrator noted that he would e-mail out an updated meeting and topic schedule through July 9<sup>th</sup> to the Task Force in the near future.

**Clerk’s Note:** Due to some Task Force members being unable to attend the Wednesday, January 22, 2014 meeting, the date was rescheduled for Monday, January 27, 2014.

City Manager Burris asked for a motion to approve the notes from the December 18, 2013 meeting. Jerry Moyer, Greene County Court Administrator, moved to approve the notes as presented. Paul Williams, Springfield Police Chief, seconded the motion and the notes were approved.

With no additional discussion, the meeting was dismissed at approximately 9:37 a.m.

# SAFETY & JUSTICE ROUNDTABLE REPORT

## FOUR-YEAR UPDATE — JANUARY 2014

### EXECUTIVE SUMMARY

It is a testament to the hard work and dedication of the many professionals who work in public safety within Greene County and the City of Springfield that significant progress continues to be made in nearly every area studied by the Safety & Justice Roundtable. Problems have been resolved in every area where financial resources and a workable management framework have been available.

The Roundtable's original report was completed on July 22, 2009. Seven priorities were identified in the report:

1. Solving Police-Fire Pension Fund shortfall
2. Reducing Jail Population
3. Improving the Family and Juvenile Justice System
4. Combining Emergency Response Agency Facilities
5. Enhancing Data Sharing and Interagency Communication
6. Increasing Staffing Throughout System
7. Expanding Facilities

The Roundtable also made specific recommendations for each area of the community's safety and justice system which was reviewed. These are listed in the body of this report.

The Roundtable reviewed progress at six month and one-year milestones after the original report. In July 2011 a two-year update was presented. This summary and following report outlines progress made since 2011. An overall characterization of progress is given along with the current advisory status: green for areas for which the community's needs are being satisfactorily met; yellow where needs are being met, but significant threats remain to retaining this status; and red for areas for which significant threats to public safety and justice programs remain.

The status of each priority is as follows:

#### **Priority #1: Solving Police-Fire Pension Fund Shortfall**

Characterization of progress since 2011: SATISFACTORY

Current Advisory Status: YELLOW

Revenue from the sales tax approved in 2009, has allowed the plan to achieve a 67% funded status as of July, 2013, but additional funding is needed since the self-funded retirement plan is now closed (no new members are being added to this plan; instead, new police officers and firefighters are being enrolled in the State's LAGERS retirement plan).

The April 2014 election allowing Springfield citizens to decide whether to continue this sales tax will be a critical determinant of the City's future staffing levels for public safety and many other areas. Failure to renew the tax will, in essence, result in a \$9 million annual cut to the City's General Fund budget that funds police, fire, and many other core citizen services. Since personnel expenses make up more than 75% of the General Fund budget, a budget reduction of \$9 million per year will impact all City service areas.

**Priority #2: Reducing Jail Population**

Characterization of progress since 2011: INSUFFICIENT

Current advisory status: RED

Jail population has increased sharply since 2011 and has risen dramatically since mid-2013 with no sign of abating. Jail staff, building facilities, and financial resources are stretched to their limits.

**Priority #3: Improving the Family and Juvenile Justice System**

Characterization of progress since 2011: MIXED

Current advisory status: RED

The Greene County Juvenile office continues to operate excellent programs, but is limited by lack of adequate facilities and the ability to attract and retain staff due to low salaries and funding limitations. Child abuse and neglect continues to be a serious problem in Greene County. Increasing state mandates and cuts in state funding continue to be significant threats.

**Priority #4: Combining Emergency Response Agency Facilities**

Characterization of progress since 2011: SIGNIFICANT

Current advisory status: GREEN

Major program goals are now being met.

**Priority #5: Enhancing Data Sharing and Interagency Communication**

Characterization of progress since 2011: SIGNIFICANT

Current advisory status: GREEN

Major program goals are now being met. Due to staffing and budget constraints the County is having difficulty supporting the additional technology.

**Priority #6: Increasing Staffing Throughout System**

Characterization of progress since 2011: MIXED

Current advisory status:

County: **RED**

City: **YELLOW**

Moderate progress was made in addressing personnel needs in the County with the passage of the 1/8-cent Law Enforcement Sales Tax (LEST II) in April 2012. However, these gains are threatened by the County's current financial situation.

While staffing levels in the County improved, the County remains behind in staffing levels in patrol and other areas of the Sheriff's Office. As budget cuts have occurred over the past several years, the County is struggling to maintain adequate support staff in information technology, human resources, building maintenance and other areas needed to provide adequate support for public safety functions. Providing competitive compensation has become a critical issue for the County where salaries are significantly below market.

The approval of the Police-Fire Pension Sales Tax by city voters in November 2009 enabled the City of Springfield fulfill its priority of refilling its public safety vacancies. However, providing competitive compensation remains a need for the City.

If the City and County are to continue to attract and retain the qualified professionals needed to provide the levels of service required to keep pace with community needs for public safety, competitive compensation strategies must be developed and implemented by both organizations.

**Priority #7: Expanding Facilities**

Characterization of progress since 2011: MIXED

Current advisory status: **RED**

In 2011, it was estimated that \$25 million in building improvements were needed for the courts, juvenile office, Sheriff's Office and municipal court. This figure does not include operational costs.

With the continuing trend in jail inmate population, it is apparent that an expansion of the jail is needed at an estimated building cost of \$25-30 million and additional annual operating costs of \$10-12 million. Short-term options to address these problems are very limited.

One area where additional progress is possible in the short term is improving "case flow" management through the criminal justice system. The Criminal Justice Coordinating Committee should begin meeting monthly to (1) focus attention on case movement and its impact on jail population and to (2) develop a strategic plan for dealing with the felony case load by maximizing the use of limited Courts, Prosecuting Attorney and Public Defender resources.

## System-wide Issues

The **2013 Community Focus Report** identifies the following issues as “red flags” for Public Order & Safety:

- Rising crime rates
- Increasing rates of domestic violence and child abuse
- Illegal drug use
- Alcohol-related traffic accidents

The **Every Child Initiative** shows great promise in reducing future rates of domestic violence, child abuse, and drug and alcohol abuse, by intervening early in child development. “Breaking the cycle” is essential if our community is to avoid increases in future public safety costs.

## Overall Summary

While notable progress has been and is being made, it is essential that providing the resources needed for public safety remains a high priority for the community, if we are to keep pace with public safety needs.

There are two significant threats which, if not addressed, will greatly limit our community’s ability to keep pace with public safety needs.

- The financial condition of Greene County’s general fund.
- Renewal of the Police-Fire Pension sales tax.

Paraphrasing the 2009 report:

**All other major advances within the system – many of which require additional funding – will be very difficult to achieve until these two issues have been resolved. Failure to address these issues will result in significant setbacks in our community’s ability to meet the challenges of maintaining a safe and economically viable community.**

## **SAFETY & JUSTICE ROUNDTABLE REPORT FOUR -YEAR UPDATE – DECEMBER 2013**

### **Background**

The Safety & Justice Roundtable was a panel of 18 citizens appointed by the City Council and County Commission in 2007. The charge given to the Roundtable was as follows:

*“The Safety & Justice Roundtable is charged with developing a comprehensive understanding of the community’s criminal justice system through studying the interconnectivity of all departments and offices within that system, identifying and prioritizing needs within the system and recommending solutions to address those needs.”*

During 2008 the Roundtable reviewed operations, budgets and toured facilities for the following offices and departments having responsibility for a portion of the community’s safety and justice systems:

- County & Municipal Courts
- Sheriff’s Office & Jail
- Prosecuting Attorney
- Juvenile Office
- Pre-Trial Services
- Office of Emergency Management
- E 911
- Springfield Police Department
- Springfield Fire Department

A final report was completed on July 22, 2009. Seven priorities were outlined in the report:

1. Solving Police-Fire pension fund shortfall
2. Reducing jail population
3. Improving the family and juvenile justice system
4. Combining emergency response agency facilities
5. Enhancing data sharing and interagency communication
6. Increasing staffing throughout system
7. Expanding facilities

In addition, specific recommendations were made for each area studied. The Roundtable reviewed progress at six month and one-year milestones after the original report. In July 2011 a two-year update was presented.

## **Purpose of this Report**

The purpose of this report is to review conditions which existed at the time of the original report in 2009, review progress made through 2011, report progress made from 2011 to the present, and summarize current conditions.

## **Top Seven Priorities**

### **1. Solving Police-Fire Pension Fund shortfall**

Situation in 2009 : Solving this problem was the Roundtable's top priority. It was clearly understood that meaningful progress could not be made in any other areas as long as the pension fund problem was not resolved.

Progress through 2011: Voters approved a 3/4-cent sales tax for the Police/Fire Pension Fund on November 3, 2009, providing an estimated \$30 million a year for the fund. City Council approved closing the pension system to new-hires on January 11, 2010. In 2010, the pension's funded ratio was up for the first time in a decade and as of July 2011 was funded at nearly 50 percent. Total assets stood at \$187 million, up from a low of \$90 million in 2009.

Current Situation: The fund now stands at 67% funded with total assets of \$254 million as of June 30 2013. It is estimated that the sales tax will need to be renewed for another 4 to 5 years in order to meet the funding level of 100% required for a closed fund. The City plans an election for renewal of the tax in April 2014. If the tax is not renewed, the City will have to make contributions of \$16.1 million annually from its general fund or 22% of the total annual revenue for the general fund. This would require deep cuts in spending for other programs if the sales tax is not renewed.

Characterization of progress: SATISFACTORY

City: **YELLOW**

If the tax is not renewed, the City's annual contribution from its General Fund into the pension plan will increase from \$7.7 million per year to \$16.7 million per year -- an increase of \$9 million. This, in essence, equates to a \$9 million "cut" to the City's General Fund and will result in a considerable reduction in core city services, including public safety.

### **2. Reducing Jail Population**

Situation in 2009: The jail was described as chronically overcrowded. Average daily population was 538 in 2008. The Roundtable noted shortages of judges, courtrooms and public defenders as contributing to jail overcrowding. Additionally, the Roundtable recommended retaining the Book & Release program, implementing a bond schedule and expanding pre-trial services in order to reduce jail population.

Progress through 2011: Average daily inmate population dropped under 500 in 2009 and 2010. This decrease was attributed to the following:

- Pretrial Services
- Warrant officers, who worked to eliminate warrants which were no longer valid or could not be prosecuted. Through their efforts, the county's active warrants were reduced from approximately **18,000** to **14,500**.
- Jail Population Control Officers- worked with courts on scheduling hearings
- Three judges assigned to hear felony criminal cases
- Accelerated felony criminal trial docket through use of a docket management system
- Updated Municipal Prisoner agreement with City of Springfield.

Jail inmate population increased sharply in 2011, causing the Roundtable to raise this concern in its report: "...a variety of known and unknown factors have caused the jail population to dramatically increase in 2011, reaching **593** on July 17. The June 2011 average population was **559**."

Progress since 2011:

Jail staffing: Passage of the 2012 Public Safety Initiative 1/8-cent sales tax provided funds to hire 40 additional correctional officers, a registered nurse and 15 support staff for the jail. This will bring jail staffing levels up to the building capacity of 520 inmates. However, due to difficulties in hiring and retaining corrections officers given the poor salaries which the County can pay, after one full year of additional funding from the Public Safety Initiative Sales Tax, the Sheriff's Office has been unable to fill all of the correctional officer positions which were funded. As of this date, 25 of the 40 positions have been filled.

The 2011 update notes a jail population officer. There were actually two population control officers funded by a federal grant. These grants have expired and the positions have been eliminated. Population control functions have been assigned to other staff on a more limited basis.

Other measures taken by the Sheriff's Office:

A total of 44 beds have been added since 2011, 20 in women's housing area on the first floor of the 1983 tower (T-1) and 24 in the men's housing in D-pod. The addition in D-pod was a result of installing triple bunks in 2012 at the same time the deficient welded connections were discovered and corrected.

System-wide measures:

Pretrial Services (PTS): In summer 2011, a 90-day pilot was conducted with an objective, validated risk assessment, a best practice based upon Kentucky's successful program. The pilot was successful and use of this tool became a regular practice, which has since effected many more releases than before.

With the addition of two more Pretrial officers funded by the 2012 law enforcement tax, PTS is now able to provide more supervision of those defendants who need it. Communication with the Courts and other stakeholders has improved. The Pretrial Release Committee (a collaborative of all involved parties) has been revived and is responsible for identifying gaps in the release process and helping PTS implement the new risk assessment.

The PTS program has gained recognition across the State. Recent presentations have been given at MINK (a four-state gathering of Supreme Court judges and justices in Missouri, Iowa, Nebraska and Kansas); the Missouri Judicial College (presented to all of Missouri's trial judges); and at the Missouri Association of Counties board meeting and state conference. Greene County Pretrial Services is considered a best practice program by the Office of State Courts Administrator, and has been sought out by several jurisdictions to help them start their own programs. This has included two sites visits to date (and numerous conference calls).

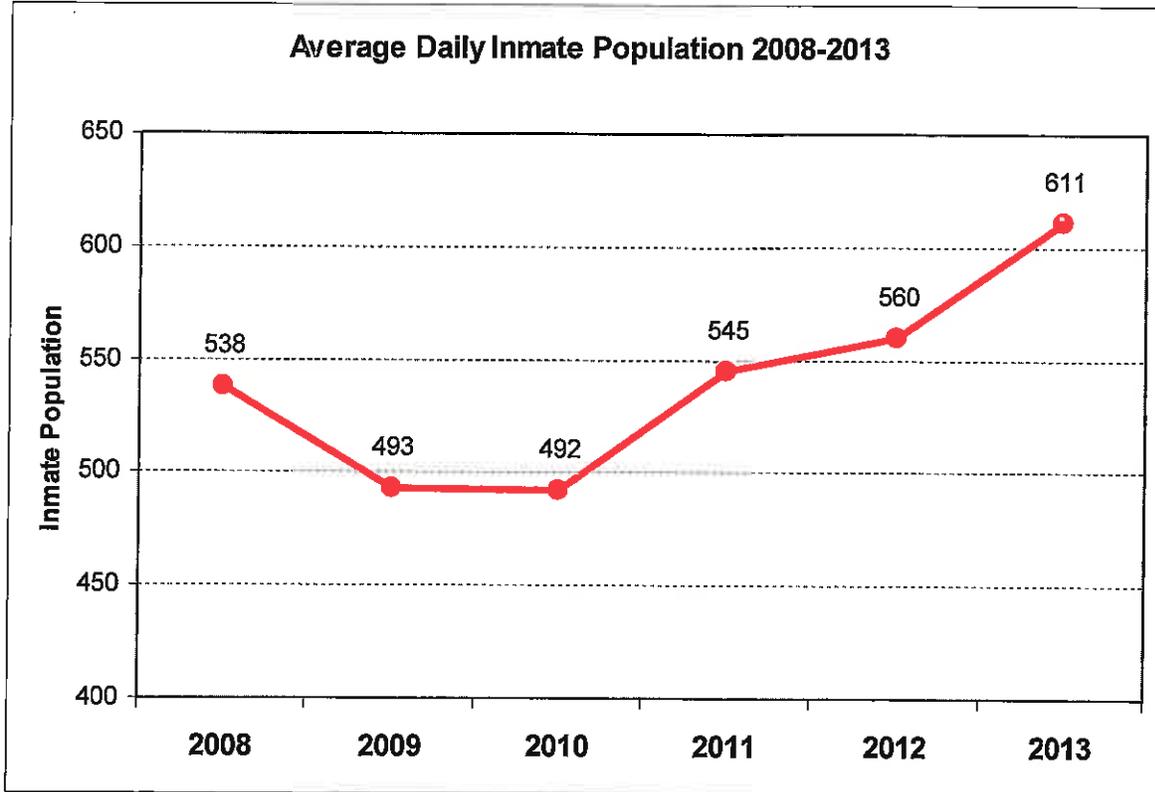
Ad-Hoc Committee on Population Control: In 2012, an ad hoc committee (consisting of the Presiding Judge, one Associate Circuit Judge, the Sheriff, Prosecutor, Courts Administrator, Pretrial Service Director and County Administrator) was formed to produce a process by which "quick releases" could be made when the jail population reaches very high levels and the normal process can not react quickly enough. The idea of the process was to find a way to release as many inmates as possible in a short time frame. Originally the "release matrix" (now called the Jail Evaluation Tool) was created for this purpose, but consensus could not be reached on the criteria to be utilized and who should have input on decisions to grant releases.

The Committee met with the Police Chief and City Prosecutor to examine ways to reduce the number of municipal inmates during periods of high population. An informal agreement set the maximum number at 25 city inmates as one part of a total review of proposed inmate population "caps" for all categories. These discussions were productive and resulted in improvements to the Jail Population Distribution Report which is circulated each morning to 45 key individuals in City and County government, as well as a report giving detail on pending municipal cases for circulation to the same group. The City of Springfield has been cooperative in reacting quickly to review their status when the population of municipal inmates rises above 25.

Justice Mental Health Collaborative Project: The Springfield Police Department and Greene County Sheriff's office are participating in the Justice Mental Health Collaborative Project funded by a grant from Department of Justice. In addition to providing Crisis Intervention Team training to area law enforcement officers, the SPD and GCSO have utilized grant funds to identify repeat offenders whose behavior is driven by mental health related issues coupled with substance abuse (drugs and/or alcohol) which are not effectively addressed within the traditional justice system. This program seeks to identify the root causes of the defendants' behaviors and to provide alternatives that are more cost-effective than incarceration to address them. In the last two years, 34 persons have been identified for consideration in this program. Of these, 13 people are in process, 10 are no longer candidates due to their refusal to participate and accept treatment and 11 people have been successfully diverted from the system and are now leading productive lives.

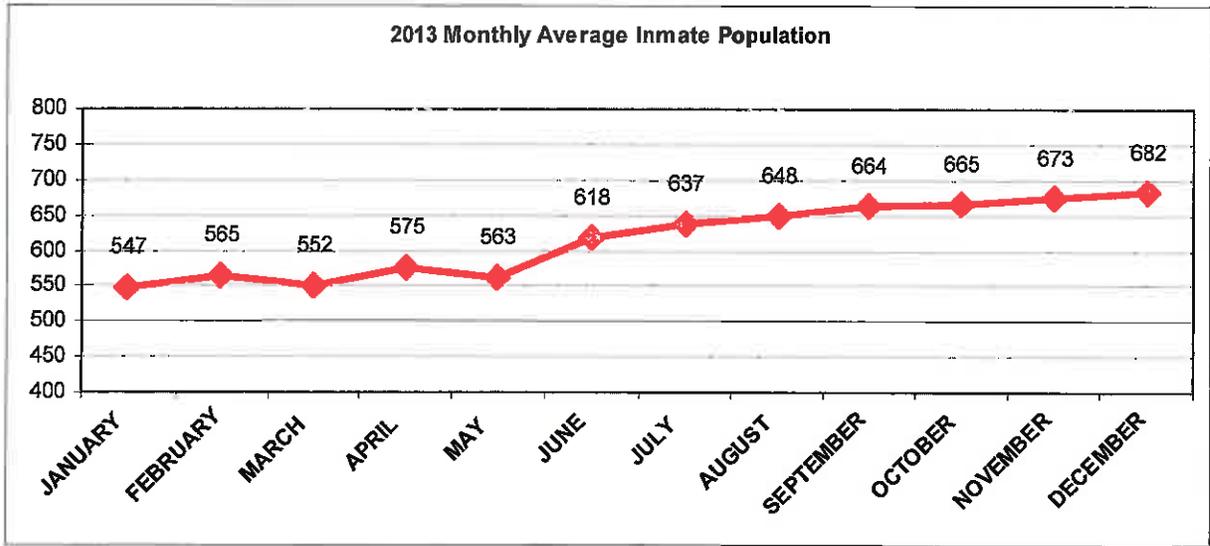
Current Situation:

On an annual basis, average daily jail population rose from 545 in 2011 to 560 in 2012 and has averaged 611 for the year 2013.



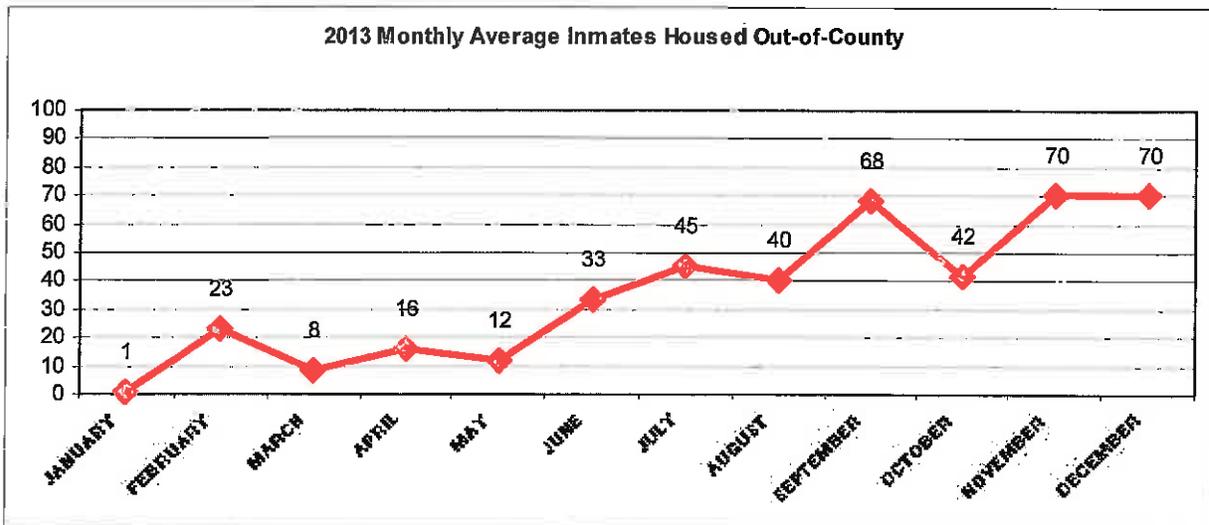
Jail population has risen to unprecedented levels since June of 2013. A record maximum population of 705 occurred on December 2, 2013. Monthly average populations for 2013 are as follows:

2013 Average Inmate Population					
Month	Avg. Pop.	Month	Avg. Pop.	Month	Avg. Pop.
January	547	May	563	September	664
February	565	June	618	October	665
March	552	July	637	November	673
April	575	August	648	December	682



As a result of overcrowding, inmates must routinely be housed out-of-County. In 2012 an average of 8.5 inmates per day were housed out-of-County. For 2013 the number averaged 36. However, the number has gone up dramatically since June. Monthly averages for 2013 are as follows:

2013 Average Number of Inmates Housed Out-of-County					
January	1	May	12	September	68
February	23	June	33	October	42
March	8	July	45	November	70
April	16	August	40	December	70



The maximum number of inmates housed out-of-County occurred on September 10, 2013 with a total of 84 inmates housed in other jails. The Sheriff's office has been resourceful in holding

down costs, negotiating rates with Henry, Taney, and Vernon counties which cost less than it costs to house them in the Greene County jail.

Even with these measures, expenses for out-of-County inmate housing are projected to be over \$400,000 for 2013 and could be as high as \$460,000 if population remains at current levels. This poses a significant threat to the County's finances. If inmate population remains at present levels, it could cost the County \$800,000 to \$900,000 in 2014.

Characterization of progress: INSUFFICIENT.

Current advisory status: RED

Jail population shows no sign of coming down, with few viable short term solutions.

Current plans to assist with managing jail population:

Jail remodel: The budget for 2012 Public Safety Initiative law enforcement tax included setting aside \$400,000 per year for a stop gap remodel of the jail to provide a dormitory style housing unit of 50 to 75 beds for minimum security inmates, such as municipal prisoners. This would free up badly needed space in the maximum security area. This plan called for relocating the Sheriff's Patrol, Criminal Investigations (detectives), Records divisions and property room and staff from the jail building to free up space for the additional housing. Cost estimate for this plan was \$4 to \$5 million. It was hoped that the \$400,000 set aside each year could be applied to make bond payments for these improvements over a period of 20 years. 2013 was the first full year of collections for the new law enforcement tax. Given the County's financial situation when the Public Safety Initiative funds began to be collected, County officials were reluctant to incur additional long-term debt until this fund is more firmly established. When the County's financial situation worsened in 2013, these funds were reprogrammed in the 2014 budget to fund prosecutor and law enforcement support positions that would have otherwise had to be cut from the 2014 budget.

Jail staff has recently developed an innovative plan which may accomplish the majority of this goal at greatly reduced cost. This plan calls for relocating the jail medical and mental health units, and relocating and re-purposing other areas in order to create a 50- bed dormitory housing unit on the 5<sup>th</sup> floor of the 1983 tower. Preliminary cost estimates indicated that this plan can be implemented at a cost not exceeding \$500,000. The Sheriff has identified jail commissary proceeds as a viable funding source for this plan.

Additional judges: Between 70 and 75% of the inmates held in the jail are defendants awaiting trial who can not be released on bond either because of the risk posed to themselves or society, or their inability to provide bond. These inmates can only be moved out of the jail (typically either by release, probation, or to state prison) when their cases are resolved in court. More judges are needed to decrease time needed to move defendants through the legal system. One additional judge was approved and funded by the Missouri General Assembly in 2013. The newly created associate circuit court Division 26 began session on November 18, 2013. It is hoped that the legislature will fund an additional associate circuit court judge and a drug court

commissioner in 2014. While the additional judges are badly needed, lack of funding to provide additional courtroom space is a significant hurdle which must be overcome.

The additions to the staff of the Prosecuting Attorney under the 2012 Public Safety Initiative, however, were planned based on the workload and number of judges that existed at that time. The addition of the associate circuit judge in 2013 and any further judicial additions with criminal dockets in 2014 or beyond will further strain the resources of the Prosecuting Attorney and Public Defender.

Improved Caseflow Management: As was observed by Prosecuting Attorney Dan Patterson in the 2011 update, "The jail overcrowding issue is not the root of the problem but rather, a visible symptom of the larger problem: insufficient capacity of the criminal justice system to dispose of enough cases." In order for the system to function properly, adequate resources must be provided in all three essential components of the system: courts, prosecution, and defense. It matters little if the community has sufficient numbers of police officers if there is insufficient ability for the criminal justice system to adjudicate the cases.

One of the few areas remaining where some progress can be made in reducing jail population is improving caseflow management. In late 2010 the Office of the State Court Administrator (OSCA) requested that the Bureau of Justice Assistance Criminal Courts Technical Assistance Project (CCTAP) review case flow processes in several circuits in Missouri, including Greene County's 31<sup>st</sup> Judicial Circuit, which were "...struggling with criminal caseload management." In 2011 the CCTAP team conducted a site visit to review caseload management practices. A report containing the following ten recommendations was published in February 2012:

1. The Circuit Judges hearing criminal cases should meet specifically for the purpose of reviewing case processing procedures in their divisions, and specifically to review the Docket Management Plan (DMP) to ensure that all are using the same procedure.
2. The DMP should be reviewed in terms of feasibility of reducing time periods between certain scheduled events.
3. Attorneys appearing in Court should have full authority to dispose of the case.
4. Plea offers should be transmitted as early as possible and should not change.
5. The Court should set a firm final date for a defendant to accept the plea offered by the prosecutor.
6. The Court should limit the time for a defendant to obtain private counsel.
7. Consideration should be given to scheduling fewer cases for trial each week to promote scheduling certainty.
8. Although communication among the criminal justice actors in the 31<sup>st</sup> Circuit is generally good, the Circuit should benefit from a formal mechanism to address criminal justice related issues, including case processing.
9. The proposed Criminal Justice Coordinating Council, or key criminal justice actors including the presiding Circuit Judge, should assist the Public Defender in devising a more efficient system for managing requests for lab testing in criminal cases.
10. Consideration should be given to making more use of Pretrial Services.

Nearly two years have passed since the publication of the report without significant progress on the recommendations. The Criminal Justice Coordinating Committee (CJCC), originally formed in 2003, provides an existing forum for bringing the principal stakeholders together. Toward this end, the CJCC met on November 14, 2013. At that meeting prosecuting attorney Dan Patterson, requested that the CJCC:

1. Commence meeting monthly to focus attention on case movement and effect of jail population.\*
2. Develop a strategic plan for dealing with felony case load by maximizing the effects of the Courts, Prosecuting Attorney and Public Defender working in concert.

\* CJCC meetings had been reduced from monthly to quarterly to semi-annually over the past several years as cooperation between the City and County has improved.

### **3. Improving the Family and Juvenile Justice System**

Situation in 2009: The Roundtable cited need for more staff, overcrowding in the Juvenile Building and inadequate courtroom space for Juvenile and Family Court functions.

The Roundtable recommended a community-wide advocacy effort to (1) raise awareness of and (2) address juvenile issues.

Progress through 2011: The 2011 update touted grant funding for innovative programs for at-risk youth, partnerships with public and private community partner organizations, and use of volunteers for youth programs. These programs were cited as helping the numbers of youth offenders under court supervision to remain steady while other areas of the criminal justice system experience increased activity.

No progress had been made in addressing the need for more staffing, office space, or courtroom space.

#### Progress since 2011:

The passage of the Public Safety Initiative Law Enforcement Sales Tax in 2012 provided funding to partially address staffing needs. The following positions were added in 2013:

- 7 Deputy Juvenile Officers
- 2 Probation Officers
- 1 Attorney
- 3 Support Staff

No progress has been made in addressing critical space shortages in the Juvenile Detention Center due to lack of available funding. The proposal for the 2012 law enforcement tax included improvements to the juvenile courtroom to meet current safety requirements. More information is provided below under Priority #7.

The Juvenile Office has continued to develop innovative programs and its reputation as a leader in its field has continued to grow. Significant areas of progress since 2011 include the following:

- The Juvenile Office was designated by the Office of the State Courts Administrator (OSCA) and the Annie E. Casey Foundation as one of Missouri's model sites for the Juvenile Detention Alternatives Implementation (JDAI) Plan. The Annie E. Casey Foundation has sent representatives from other agencies across the nation to observe systems in place in the Greene County office. At the October 2012 JDAI National Conference, the Evening Reporting Center (ERC) developed by the Greene County Juvenile Office was presented as a model program.
- In April 2013, the Juvenile Office was selected by OSCA and the Center for Juvenile Justice at Georgetown University as one of two implementation sites in Missouri for the Crossover Youth Practice Model (CYPM). Crossover youth are those youth whose cases lie at the intersection of the juvenile justice and child welfare systems. In the past there has been no collaborative focus between these two program areas. The vision of the Greene County Juvenile Office is to lead innovative system reform in juvenile justice.
- The Juvenile Office has been selected as a model site for programs under the Prison Rape Elimination Act (PREA). Juvenile Office staff has been invited to speak about the Greene County program at the Performance Based Standards (PBS) national conference in February 2014. Institutions cross the country are just now beginning to enforce standards enacted by Congress in 2003. This program sets standards for zero tolerance in both the adult and juvenile justice systems. The Greene County Juvenile Office is considerably ahead of other programs nationally.
- Missouri State University and OSCA have partnered to create a video featuring excellence in juvenile detention standards exhibited at the Greene County Juvenile Office. This video is slated for release for use by other courts in Missouri in February 2014.
- In October 2013, the Juvenile Office received an excellence award from the Missouri Association of Counties (MAC) for its innovative RADAR (Responding Appropriately to Drug & Alcohol Referrals) program. This program was designed utilizing existing staff and budget resources. It replaces programs which were eliminated due to the discontinuation of the Federal Reclaiming Futures grant in 2013 and will make it possible to continue to make progress in this critical area.
- Approximately 30% of referrals to the Juvenile Office involve girls and young women. In 2012 in response, Juvenile staff developed the GEMS (Girls Empowering Minds & Spirits) program. This program enhances programming and services to girls and young women who have interacted with the Juvenile office. This program recognizes the different dynamics needed in programs for girls and responds to the significant rise of the number of referrals for girls in the juvenile system. As Chief Juvenile Officer Perry Epperly put it, "It is no longer effective to simply paint boys' programs 'pink'". The

program works to increase self-esteem and instill in participants that they possess greatness within themselves.

- Juvenile staff has also developed the Diversity Awareness Partnership (DAP), another collaborative program focused on teaching youth the importance of embracing diversity and inclusion in their lives and preparing them to live in that culture. The program features artwork and writings by youth in the juvenile system. The Juvenile Office Leadership Team provides another dimension to the program by meeting regularly to address the issue of diversity and inclusion in the juvenile office workplace.
- Fostering Court Improvement is a collaborative program of the community's child welfare agencies which meets monthly at the Juvenile office to maintain focus on the issues of child welfare. At the end of October 2013, 862 children from 495 families were under the supervision of the juvenile court for abuse and neglect.

Current situation: The Greene County Juvenile Office continues to develop innovative programs and services, and to assume a leadership role in juvenile justice and child welfare programs on local, state and national levels. If this level of program excellence is to continue, it is imperative that the Juvenile office continue to be provided the financial and fiscal resources to carry out its mandates.

As resources become increasingly strained, we are losing the opportunity to train and develop men and women of professional competence and integrity to assume the significant responsibilities for managing and administering critical programs of the juvenile justice system.

A need which has not been included in previous reports is the need for a centralized location for children and parents under the supervision of the juvenile and family court to be able to interact in a supervised setting and for family support team meetings. This would also provide a centralized location for therapeutic interventions, clinical psychology and other social support services.

Characterization of progress: MIXED. Juvenile programs continue to be operated at an impressive level of excellence. However, the program is severely limited by lack of adequate financial support and facilities to house these programs.

Current advisory status: RED

#### **4. Combining emergency response agency facilities.**

Situation in 2009: Both the Office of Emergency Management and the 911 Emergency Communications Department were operating out of substandard and crowded facilities. Plans were being discussed for a new "Public Safety Collaboration Center" to house both of those offices and other emergency response operations.

Progress through 2011: A new Public Safety Center was under construction in 2011.

Progress since 2011: The Public Safety Center was completed in the summer of 2012, funded through the 911 sales tax revenue, federal grants and county bonds. The Springfield-Greene County Office of Emergency Management moved into the new secure facility in July 2012 and the Springfield-Greene County 911 Emergency Communications Department in August 2012. In January 2013, the training division of the Greene County Sheriff's Office relocated to the Public Safety Center and has been an active partner in utilizing the training spaces and others resources available. Total cost for the state-of-the-art technology and facility was \$19.6 million.

The facility has been utilized to the potential for which it was designed. From January 2013 through August 2013, 4,845 students, meeting attendees, and other visitors came through the Public Safety Center. Agencies utilizing the facility have scaled across the board from federal, state, and local agencies as well as non-governmental agencies. The facility also housed a full scale tornado exercise in April 2013 with over 100 participants working through a catastrophic event.

In spring of 2013, OEM was officially accredited with the Emergency Management Accreditation Program. At the time of receiving the accreditation, Springfield-Greene County OEM was one of 13 other local jurisdictions to complete the program. The Springfield-Greene County team was the only team in the country to receive a 100% score.

In July 2012, nearly 70 local officials from the community attended the Integrated Emergency Management Course (known to those who participated as "Disaster Camp") offered by the Emergency Management Institute (EMI) of the Federal Emergency Management Agency. Attendees represented various areas including city departments, county departments, Cox and Mercy hospitals, non-government agencies, and faith based organizations. The 5-day training course included an Emergency Operations Center drill with an EF-5 tornado scenario devastating the city of Springfield. High remarks were credited by the EMI instructors and co-ordinators. citing the Springfield-Greene County community as one of the top three of the country's most prepared communities they had worked with through similar scenarios.

Current situation:

The current focus is on program improvement, maintaining sufficient numbers of qualified staff, consolidation of services and providing reliable back-up facilities.

From its inception, one of the goals of the Greene County 911 Advisory Board has been to consolidate dispatch centers. Since the last update, the system has consolidated its Republic dispatch center into the new Public Safety Center which houses the Springfield-Greene County 911 Emergency Communications Department. This move reduced duplication and increased interagency communication (Priority #5) capability. In addition, the system has entered into an agreement with Mercy Hospital-Springfield to serve as the backup 911 center for each other should a system failure occur. This provides redundancy within the 911 system that was not available previously.

## **5. Enhancing data sharing and interagency communication**

Situation in 2009: The Roundtable cited the dire need for a new records management system in the Springfield Police Department, and a need for data sharing and greater communication between the Springfield Police Department and Greene County Sheriff's Department. The Roundtable suggested that both agencies take full advantage of the Missouri Data Exchange (MoDEX) system for information sharing.

Progress through 2011: The Springfield Police Department, Greene County Sheriff's Office and city of Republic were in the process of adopting the Niche records management system which would allow shared records between the agencies. The City's system had been fully installed, with installation for Republic and the County in progress.

Agencies were continuing to access and upload information from the MoDEX system. However, the MoDEX system was not viewed as having all the attributes needed for all records management functions.

Paul Williams was hired as the new Springfield Police Chief in 2010. Communication between the Springfield Police Department and Greene County Sheriff's Office had improved dramatically.

The Police Chief and Sheriff had reached an agreement to share the city's firing range and provisions were underway for the Sheriff's Office to use Springfield's Regional Police-Fire Training Facility , which was under construction.

Progress since 2011: Niche training and conversion has been completed for all three agencies. The Sheriff's Office went live in October 2013.

A Computer Aided Dispatch (CAD) update went live in November 2013 for all Greene County area law enforcement and fire agencies, increasing interagency communications on a daily basis, as well as in the event of a crisis/disaster.

SPD and GCSO have collaborated in the selection of a common crime analysis software tool provided by BAIR Analytics. This is scheduled for January 2014. The product will utilize report data from NICHE and call data from CAD to provide statistical and mapping information internally as well as a public facing option for citizens to view. SPD will change from Crime Reports, which the department has used since 2011, in order to coordinate with GCSO.

The Sheriff's Office houses one detective with the Springfield Fire Department Arson and Explosives Unit for the purpose of joint investigations.

Regional Police-Fire Training Center -- The City of Springfield designed and constructed the Regional Police-Fire Training Center (SRPFTC) as an extension to the South District Station on west Battlefield. This station was already a "combined" facility, hosting both a police station and a fire station. From the start, the Training Center was designed to serve our entire geographic region -- not just the City of Springfield. The City recognized the community advantage of providing a facility capable of hosting training for law enforcement and firefighters from other jurisdictions, as well as our own. This facility allows the City to locally host training courses that previously required travel and over-night stays. Recognizing that cost is often a barrier to training, the City desires to make training more affordable for our entire region.

The Police-Fire Training Facility opened in August 2012 and has seen extensive use for police training by SPD and area agencies, resulting in a total of 51,611 hours of police related training being provided by SPD in the facility in the first 10 months of 2013. This includes specialty schools, in-service training, training academies for new recruits, lateral hires and cadets, as well as the Citizen's Police Academy.

For comparison purposes:

- 2011 (prior to the opening of the SRPFTC): 11 courses were offered and 200 people were trained – 120 from outside agencies and 80 from SPD;
- 2012: 23 courses offered and 597 trained – 288 outside and 309 SPD;
- 2013 (through October): 35 courses offered and 931 trained - 617 outside and 314 SPD.

The Greene County Sheriff's Office moved their training division to the new Public Safety Center and utilizes that facility for the majority of their training needs.

COOP Planning: The Continuity of Operations Planning (COOP) for the entire City has been drafted and is in the final editing and testing phase. This plan is intended to address the issue of continued operations of major City/County functions post disaster by preplanning for physical space as well as critical assets for operations. The Regional Police-Fire Training Center has been identified as potential space for operations of City/County functions such as the Emergency Communications (911) department, as well as others.

There is also the potential for further data sharing and interagency communication system-wide. In 2008 the Prosecuting Attorney's Office adopted the Karpel case management system and in 2010 the office adopted paperless files. The Prosecutor's provider Karpel is working with both the Niche law enforcement system provider and the Office of the State's Courts Administrator to facilitate the electronic passage of data from the patrol officer in Niche through the Prosecuting Attorney's Office Karpel system to the Court's judicial information system. Once this data sharing can be accomplished much redundant data entry will be reduced or eliminated.

Current situation: Great progress has been made in this area with interagency cooperation at unprecedented levels.

Characterization of progress: SIGNIFICANT

Major goals have been achieved. Due to staffing and budget constraints the County is having difficulty supporting the additional technology.

**6. Increasing staffing throughout system**

Situation in 2009: The Roundtable reported that nearly every agency studied was in need of increased staffing, including those funded by the State of Missouri. The Roundtable specifically recommended increased staffing for the 31<sup>st</sup> Judicial Circuit, District 31 Public Defender's Office, Greene County Jail, Greene County Juvenile Office, Pretrial Services, the Springfield Police Department and Springfield Fire Department. The Roundtable acknowledged that achieving needed staffing levels would be a difficult issue to address.

Progress through 2011: Springfield Police and Fire Departments were nearly fully staffed. The City of Springfield moved from a hiring freeze to a "hiring frost," meaning new vacancies occurring after March 1, 2011 were reviewed and considered for hiring on a case by case basis. In addition, the city's FY2012 budget included funding for eight previously frozen public safety positions, including three Police Service representatives, a Fire Marshal, an Assistant Fire Chief — Training, two Animal Control Officers and a municipal court staffer. Springfield Police also hired 22 new sworn officers to fill vacancies with the July 22, 2011 Police Academy graduation.

Greene County continued to operate under a hiring freeze initiated in 2008. Only essential staff vacancies were being filled, with preference given to public safety sensitive positions in the Sheriff's Patrol, Jail, Prosecuting Attorney and Juvenile offices. No progress had been made on addressing staffing shortages, in the Sheriff's Office, Jail, Juvenile Office, Pre-trial Services or Prosecuting Attorney's Office. Greene County's 31<sup>st</sup> judicial circuit was still identified by the Weighted Workload Study as needing an additional 8 judges to keep up with caseload.

Progress since 2011:

The Springfield Police Department is fully funded for 331 sworn positions for the FY 2014 budget year. Attrition rates remain between 1.5 and 2 per month. An academy class of 20 is funded and planned for February 2014 to fill 17 vacant positions along with additional anticipated vacancies. Non-sworn staffing remains fluid. SPD is in the process of filling 3 vacant positions. In addition 3.5 positions remain frozen.

The Springfield Fire Department is back to normal staffing. Nine additional firefighter positions have been added in preparation for adding a 13<sup>th</sup> Springfield fire station in the future.

Greene County's Public Safety Initiative 1/8-cent law enforcement sales tax was approved by the voters in April 2012. Revenue from this tax provides sufficient funding for the County to add the following positions:

**Sheriff's Office**

- 18 Patrol Deputies
- 6 Detectives
- 40 Correctional Officers
- 1 Registered Nurse (Jail)
- 10 Support Staff
- 2 Court Security Officers

**Prosecutor's Office**

- 5 Assistant Prosecutors
- 1 Paralegal/Investigator
- 2 Victim Witness Advocates
- 2 Support Staff

**Juvenile Office**

- 7 Deputy Juvenile Officers
- 2 Probation Officers
- 1 Attorney
- 3 Support Staff

**Pretrial Services**

- 2 Pretrial Officers

Collection of the new law tax began in October 2012, hiring of new positions began in January 2013. At year's end all proposed new positions had been hired in the Prosecuting Attorney and Juvenile offices, Pre-Trial Services and in the Sheriff's Office with the exception that only 25 of 40 jail corrections officer positions have been filled.

Hiring of positions in the Sheriff's Office has been particularly challenging due to the County's increasingly lagging salary scale as the wage freeze continues due to the County's financial condition.

The Missouri General Assembly approved two additional associate circuit court judges in 2013. However, only one was included in the budget. The newly created Division 26 court will commence operation on Monday November 18, 2013. It is hoped that the second associate judge will be included in the State budget in 2014. It is also hoped that one additional drug court commissioner will be approved. Approval of these position would still leave the 31<sup>st</sup> judicial circuit five judges short according to the 2013 update of the Judicial Weighted Workload Study conducted by the National Center for State courts in conjunction with the Clerk of the Missouri Supreme Court. Note that the additional Prosecuting Attorney staff added under the Public Safety Initiative was based upon the workload and number of criminal docket judges that existed at the time. While needed, the addition of judges to the criminal docket further strains the Prosecuting Attorney and Public Defender's ability to staff the courts.

Public Defender's Office: The Public Defender has had to reduce the number of staff attorneys assigned to Greene County from 12 to 11 in order to provide another position to address

increased need in Taney County. The Public Defender's Office is currently under a hiring freeze which will extend till June 30, 2014, or until the governor releases the \$1.4 million withheld from the Public Defender budget this year. Currently, the Public Defender Staff is looking at 1 or 2 days furlough, but if there is enough savings from the hiring freeze or the governor releases those funds, then no furloughs will be necessary.

Current situation: The County's financial conditions threatens progress made with the passage of the 2012 law enforcement tax. While the County was able to maintain positions added by the new tax in 2014 by cutting other services and by deferring the planned savings for capital projects from the 2012 public safety initiative, these options will run out in future budget years, necessitating reductions in public safety personnel in the County's general fund. Maintaining competitive salaries to attract and retain qualified personnel is a problem for both the County and the City.

Characterization of progress: MIXED. Both the City and County have made progress. However, significant threats remain to sustaining this progress.

Current advisory status:

County: RED  
City: YELLOW

## 7. Expanding facilities

Situation in 2009: The Roundtable reported system wide shortages of building facilities, noting specifically that additional courtrooms and office space was needed for the courts, the Juvenile Office and the Springfield Municipal Court. The Roundtable also noted needs for more secure and modernized facilities for emergency response operations and training facilities for the Springfield Police and Fire Departments.

Progress through 2011: The Public Safety Center and Springfield Regional Police-Fire Training Facility were under construction, resolving building needs in these areas.

Greene County had completed remodeling for two additional courtrooms in the Judicial Courts building, making the space available by relocating the Child Support Division of the Prosecuting Attorney's Office to leased space off campus.

No progress had been made for additional space in the Juvenile Office, Sheriff's Office, Jail, or Municipal Court.

Progress since 2011: The Public Safety Center and Springfield Regional Police-Fire Training Facility have been completed and are being utilized.

Utilizing seized funds, the Springfield Police Department has been able to upgrade its facilities:  
(1) SPD remodeled a portion of the old Springfield Mill and Lumber building to house the

Special Response Team (SRT) allowing them to move out of an old fire station slated to be demolished and property sold, (2) constructed a 100-seat training classroom for use by all city departments, and other outside entities, on a first come first served basis and (3) remodeled the old 911 call center building to house all property crimes investigators in one location which, in turn, opened up space for the traffic unit to be housed together at the South District Station.

A proposed ¼-cent law enforcement tax in 2011 would have included funding for expanding the Judicial Courts Facility, Juvenile Office, providing a new building for the Sheriff's Office and a new municipal court. Building improvements were cut in favor of more urgent personnel needs when the tax proposal was trimmed to 1/8-cent. As a result, no additional progress has been made.

The budget for the 1/8-cent law enforcement tax did include \$400,000 per year for remodeling the jail to add 50-75 minimum security beds, improve the Juvenile Courtroom to meet new security requirements and add office space to relieve overcrowding and privacy concerns in the Juvenile Office. It was assumed that bonds would be issued for this construction. However, due to the County's financial situation at the time collection from the tax began, it was not advisable to issue bonds. In addition, as the County's financial situation worsened in 2013, these planned savings were reprogrammed in the 2014 budget to fund prosecuting attorney and law enforcement support positions from the general revenue budget that would have had to be cut.

Current situation: The City has retained a consultant to plan the new municipal court facility. However, funding for construction has not been secured. No funding source has been secured for the badly needed expansion of the Judicial Courts and Juvenile Buildings or construction of the Sheriff's administrative space. Both the City and County are working with the state legislature on establishing additional funding sources for court facility expansions.

With continued growth in inmate population, it is apparent that the jail will have to be expanded in the near future. Cost of a jail expansion is estimated at \$25-30 million. Additional operating costs for such an expansion are in the range of \$10-12 million annually.

The Sheriff's Office is currently working on a plan to provide a 50 bed minimum security dormitory housing area within the existing facility. This will achieve the goal established in the Public Safety Initiative without the additional cost of having to relocate other Sheriff's functions from the jail. Initial estimates of cost for the remodel run less than \$500,000.

The courtroom currently utilized for Division 25 will be re-assigned to the newly created Division 26 Associate Court. Division 25 will temporarily be housed in the Historic County Courthouse. No additional space is readily available on the County campus for more courtrooms. In order to create additional courtrooms without expanding the Judicial Courts Facility it will be necessary to re-locate some functions outside of the courts facility. With the failure of the Use Tax initiative on November 5, no funding is available for this purpose.

Characterization of progress: MIXED, satisfactory for City Police and Fire facilities, limited progress toward municipal court, and unsatisfactory progress on County facilities.

Current advisory status: RFD

Expansion needs for the Courts, Juvenile, Sheriff, Jail and Municipal Court are at a crisis stage.

### **ROUNDTABLE FINDINGS BY TOPIC**

In addition to the top seven priorities, the Roundtable also reported findings and recommendations by topic for the following areas (NOTE: Findings from the 2009 report are listed below in normal text. Comments on progress since 2009 are printed in *italics* following the 2009 findings):

- Police and Firefighter Pension Fund Shortfall
- 31<sup>st</sup> Circuit Judicial Courts
- Greene County Jail and Jail Booking
- Missouri State Public Defender's Office, District 31
- Greene County Juvenile Office
- Greene County Sheriff's Office & Springfield Police Department Records Management Systems
- Springfield Police Department
- Springfield Fire Department
- Springfield-Greene County Office of Emergency Management
- Springfield-Greene County Emergency 911
- Greene County Pre-Trial Services
- Springfield Municipal Court and Prosecutor
- Greene County Prosecutor's Office
- System-Wide Recommendations

*The Roundtable's recommendations for each area are listed below. Where the progress since 2009 and the current status have not already been addressed in the Top Seven Priorities, this information is presented with the topic area.*

#### **Police and Firefighter Pension Fund Shortfall**

- The pension fund shortfall should be resolved as quickly and decisively as possible. This is a quality of life issue for Springfield and Greene County, and resolving it should be our community's highest priority. *(Discussed with Top Seven Priorities.)*

#### **31<sup>st</sup> Circuit Judicial Courts**

- Additional judges and court commissioners are needed with the 31<sup>st</sup> Circuit. *(Discussed with Top Seven Priorities.)*

- Additional courtroom spaced is needed to house additional judges. *(Discussed with Top Seven Priorities.)*
- Explore use of Grand Juries for cases, when useful or appropriate.

*A grand jury was convened in 2010 and completed its work in 2011. There are no current plans to convene a grand jury, although other jurisdictions in Missouri and elsewhere make use of a standing grand jury. Dan Patterson, Greene County Prosecuting Attorney, has suggested that the Criminal Justice Coordinating Committee should, as part of its strategic planning, examine the costs and benefits of a standing grand jury. The use of a grand jury could free up limited associate circuit judge resources by eliminating that part of the associate circuit court docket.*

- Identify likely guilty pleas to be placed at the top of the court docket and expedited, and
- Document, review and consider limiting the number and type of continuances allowed before cases can move to trial.

*The Court continues to review means for moving cases through the system as quickly as possible and has implemented changes where practical. More priority needs to be given to follow-up on the recommendations made in the 2012 Bureau of Justice Assistance report.*

- Explore additional use of video conferencing technology for preliminary hearings and other court procedures.

*The number of cases for which video conference is utilized has increased by about 75% since 2011. Usage continues to increase.*

- Consider instituting night court or weekend court, to utilize existing courtroom facilities during house these courtrooms currently stand empty.

*The Court is currently studying courtroom usage and allocation and is considering a number of possible options.*

### **Greene County Jail and Jail Booking**

- Additional correctional officers are needed in the jail.
- The jail is chronically overcrowded. While Book & Release and Pretrial Services help alleviate this problem, additional measures must be implemented to keep jail population at a manageable level.

*(The foregoing two items were discussed in the section on Top Seven Priorities.)*

- Greene County and agencies booking inmates at the jail must work together to explore and address causes for delays in the booking process.

*Significant progress has been made due to increased cooperation and collaboration between law enforcement agencies. Officers booking arrestees into the jail can now utilize paper or electronic forms. The Sheriff has established an automated kiosk for monetary transactions and receipts, eliminating the need to handle cash.*

#### **Missouri State Public Defender's Office, District 31**

- The Roundtable believes the State of Missouri should increase funding for staff in the District 31 Public Defender's Office. The Roundtable believes this should be a top legislative priority for both the City and the County.

*The legislature has not provided any additional funding as of this date.*

- The Roundtable recognizes that the Springfield Metropolitan Bar Association is coordinating with the Public Defender's Office to reduce the caseload backlog.

*The Bar Association provided this service on a temporary basis for one year. It was not intended to operate on a permanent basis and is no longer being done.*

#### **Greene County Juvenile Office**

- The Juvenile Office's most pressing needs are additional staffing and space. *(Discussed with Top Seven Priorities.)*
- The group proposes a community-wide advocacy effort to raise awareness of and address juvenile issues, including delinquency, abuse, neglect, drug use, high school drop-outs, mental health issues, etc.

*No formal group has been established. However, the Greene County Juvenile Office works in close collaboration with organizations and agencies throughout the community in addressing juvenile issues.*

- The Roundtable recognizes that the Juvenile Office accomplishes a great deal of work with very limited resources. The Roundtable wishes to publicly commend Chief Juvenile Officer and Juvenile Office Director Perry Epperly and his staff for their dedication to serving the youth of our community.

#### **Greene County Sheriff's Office & Springfield Police Department Records Management Systems**

- The Springfield Police Department is in dire need of a new records management system, and must be replaced.
- The Sheriff's Office and Police Department must demonstrate an ability and willingness to share software and data without reservation.

- The Police Department and Sheriff's Office should coordinate and commit to a set schedule for what kind of information needs to be shared via MoDEX, and how often.

*(These items were discussed with the Top Seven Priorities)*

### **Springfield Police Department**

- The Roundtable believes work needs to be done in terms of recruiting.

*This has been addressed and is on-going. See Priority #6.*

- A new Police training facility should be a priority for the City.
- Resolving the Police-Fire Pension Fund shortfall should be a priority for the City.
- The Police Department is in dire need of a new records management system.

*(The foregoing three findings were discussed with the Top Seven Priorities.)*

### **Springfield Fire Department**

- The Roundtable believes a new Fire Training facility should be a priority for the City of Springfield.
- Resolving the Police-Fire Pension Fund shortfall should be a priority for the City.

*(The foregoing two findings were discussed with the Top Seven Priorities.)*

### **Springfield-Greene County Emergency 911**

The Roundtable endorses the idea of locating a future 911 call center with other law enforcement and public safety entities. *(Discussed with the Top Seven Priorities.)*

### **Greene County Pretrial Release**

- The Roundtable commends the work of Greene County Pretrial Services and the associated cost savings for the County, and urges the County to provide additional staffing needed to expand this program.

*Two additional pretrial officers were provided with the 2012 law enforcement sales tax.*

*In an effort to identify cases for which the length of stay in jail awaiting action can be shortened, the Court has recently requested that Pretrial Services provide additional detail on who is in jail, the charges upon which the defendant is being held, how long the defendant has been in jail and which court is in charge of the defendant's case. This information will be updated on a bi-weekly basis until it can be determined if it is effective in moving cases more quickly.*

## **Springfield Municipal Court and Prosecutor**

- The Roundtable believes a new Municipal Court space should be a priority for the City of Springfield. *(Discussed with Top Seven Priorities.)*

## **Greene County Prosecuting Attorney's Office**

The Roundtable recommends maintaining the current level of staffing and funding within the Greene County Prosecutor's Office. *(Discussed with the Top Seven Priorities.)*

*Thinking has changed since the 2009 report. It is recognized that a sufficient number of prosecuting attorneys is essential to keeping pace with case loads. In order for the criminal justice system to function all the "links in the chain" – courts, prosecutor, public defender, and jail – must have sufficient capacity to keep up with case load.*

## **System-wide Recommendations**

- The City and County should further explore the possibility of consolidating functions of the Police Department and Sheriff's Office and perhaps even the agencies themselves.

*In 2010, in partial response to the Roundtable report, the Springfield News-Leader convened a group to study the merger of the Springfield Police Department and Greene County Sheriff's Office. The Citizen's Law Enforcement Merger Study Group's report was released later that year. The City and County responded in a letter dated May 20, 2011, touting interagency cooperation and collaboration and functional consolidation, where viable, as a more practical means of achieving the objectives voiced by the citizen's group.*

- Several recommendations throughout the system require support from the Missouri General Assembly, including additional judges, expanding juvenile staff and expanding the Public Defender's Office. While the Roundtable has recommended the City and County make these issues top legislative priorities, the Roundtable feels the need to go further and directly appeal to our area legislators for their support.

*Greene County has included the following items related to the safety & justice system in its 2014 legislative priority list:*

- *Use State budget surplus to restore previous cuts affecting Greene County:*
  - *Jail Per Diem:*
  - *Juvenile Salary Reimbursements*
  - *Juvenile Per Diem*
  - *Assessor's per Parcel Fee*
- *Fund Associate Circuit Judge position approved in 2013*
- *Approve and fund one additional Drug Court Commissioner*
- *Maintain Medicaid benefits for inmates*
- *Revise record retention requirements to eliminate requirement for microfilming in favor of electronic scanning*

*The City of Springfield is considering the following public safety related items for its 2014 legislative priorities:*

- ***Municipal Court Capital and Operations Fee*** – *The City of Springfield asks our local delegation to introduce and support legislation that will allow a Charter city with its own municipal court building to assess up to a \$10 fee on paid citations for the purpose of funding the construction, remodel, repair, and ongoing maintenance of that city's municipal court building. The City's municipal court facility is insufficient and is located within the footprint of Jordan Valley Health Center's growth path.*
- ***Methamphetamine Labs*** – *The City of Springfield asks our local delegation to introduce and/or support state-wide legislation regulating those products containing pseudoephedrine, including the option of limiting the availability by prescription only, given the link between the availability of those products and the local manufacturing of methamphetamine.*
- ***Authority to Expunge Records*** – *The City of Springfield asks our local delegation to introduce and support legislation that will give the City of Springfield authority to expunge records of individuals convicted of a marijuana possession and/or use charge after three years without a subsequent, related conviction.*
- ***Oversight of Greene County 911 Advisory Committee*** – *The City of Springfield joins Greene County in requesting that oversight of the Greene County 911 Advisory Board be returned to the Greene County Commission whereby the Commission continues to appoint board members and approve the budget.*
- ***Eliminate Requirement for AED Medical Direction*** – *Ten other states have eliminated the need for medical direction in order to increase the number of AEDs within a community. We are not aware of any negative repercussions of this change in other states.*
- ***Reduce AED Use Liability*** – *Reduce the liability exposure to those involved in housing, providing, and using AEDs in an emergency situation (individuals, businesses, Medical Directors, and advisors).*

*In addition, the City will propose the following items included in past priorities:*

- ***Funding*** – *The City encourages the State to fully fund county jail expenses and supports measures to ensure that the actual cost of housing inmates is paid to counties. The City of Springfield encourages the State to adequately fund the criminal justice system throughout the State.*
- ***Seat Belts*** – *According to MoDOT, from 2008 to 2010, 63% of all drivers killed in crashes were not belted, and that number rises to 68% in teens. Since these deaths and injuries are preventable by wearing a seatbelt and many municipalities within the state have already implemented similar requirements, a statewide primary seatbelt law is encouraged that would allow police officers to fully enforce seatbelt use.*
- *The Roundtable recommends that the Courts, Prosecuting Attorney, Springfield Police and Sheriff work closely and cooperatively to develop a system whereby Probable Cause*

Statements are prepared and submitted and a decision made to file charges are made with the minimum amount of time following an arrest.

*Little progress has been made in this area. This should be one of the priorities of the Criminal Justice Coordinating Committee.*

- The Greene County Sheriff's Office has a large backlog of unserved warrants. The Roundtable recommends the City and County explore opportunities to check for unserved warrants when government agencies interact with the public.

*This continues to be an issue for both the City and County. The Sheriff's Office currently has a backlog of 15,098 active warrants. The following information identifies the type of these warrants:*

- *Felony – 1,085*
- *Misdemeanor – 11,445*
- *Municipal Courts – 612*
- *Infractions – 285 (89 are \$10 seat belt warrants)*
- *Traffic – 1,004*
- *Writ of Body – 267*
- *Local Ordinance – 27*
- *Jailed – 7*
- *Detained – 326*
- *Unidentified at this time - 326*

*The Springfield Municipal Court has a backlog of 16,919 active warrants, up over 5 percent since 2011. The Sheriff's Office continues to catch up as staff resources allow.*

- The Roundtable recommends continued development of alternative courts.

*The Greene County Treatment Courts include Adult Drug Court, DWI Court, Mental Health Court, Parents Choosing Change Court/Family Drug Court and Intensive Supervision Court. There are currently over 1400 offenders participating in these courts.*

*Adult Drug Court (ADC) targets the individual who has been charged with or convicted of a drug offense or whose offense was "drug driven". Since July of 2012, every person who enters ADC is administered the Risk and Needs Triage (RANT), an assessment and intervention classification tool that evaluates an offender's criminogenic risks and clinical needs to determine the level and type of criminal justice supervision and treatment services where research suggests the offender stands the best chance of success. Research has demonstrated outcomes are influenced by how well drug-involved offenders are matched to services suited to both their clinical needs and criminogenic risks.*

*Criminogenic risks are those characteristics of offenders that make them less likely to succeed in traditional forms of rehabilitation and thus more likely to return to drug use, drinking or to commit other crimes. Examples of high risk factors include an early onset of substance*

*abuse or crime, recurring criminal activity and previously unsuccessful treatment outcomes. Clinical needs are those areas of psychosocial dysfunction that if effectively addressed, can substantially reduce the likelihood of return to substance abuse, crime and other misconduct. Examples of high needs factors include alcohol or drug addiction, mental illness, chronic medical conditions, homelessness and chronic unemployment.*

*The RANT includes a series of questions related to empirically identified, criminogenic risks and clinical needs of drug-involved offenders. Offenders are assigned to one of four quadrants with two scales, one of risk and one of need, based upon their RANT score. Using the RANT helps the Court utilize existing funds efficiently by providing current and future participants with effective, individualized treatment and supervision services that support recovery and promote law-abiding behavior.*

*The Greene County DWI Court targets the individual who has been convicted of three or more DWI offenses. On a case by case basis, the Court will accept someone who has only two DWI's; this is dependent upon the individual's BAC level or other circumstances present at the time of the offense. The Greene County DWI Court is in the last year of its third term as one of four national DWI Academy Courts. The National Drug Court Institute (NDCI), in partnership with the National Highway Traffic Safety Administration (NHTSA), awards this designation based on a court's adherence to best practices. Judges and court personnel from all across the country visit Greene County to learn how DWI Courts should be managed.*

*The Mental Health Court serves municipal, associate and circuit court offenders who suffer from a severe and persistent mental illness that affects the defendant's daily functioning. The Court requires that the defendant have an Axis I diagnosis or exhibits symptomology consistent with Axis I disorders. The Court is able to accept drug court referrals that qualify for Track One (deferred prosecution) or Track Two (post plea – pre sentence) who have an Axis I diagnosis of a major mental illness and would be better served in the Mental Health Court environment.*

*The Mental Health Court program is somewhat less structured than other drug court programs. The primary focus is on providing and connecting the defendant to services that will assist him/her in gaining and maintaining stability. The length of the program depends on the particular needs of the offender. Generally the program lasts at least one year to as long as three years.*

*Parents Choosing Change Court (PCCC) and Family Drug Court (FDC) are inter-related courts that provide comprehensive supervision, drug testing, substance abuse treatment services, and immediate sanctions and incentives to parents addicted to drugs and/or alcohol. The Drug Court Commissioner and a team that includes representatives of the Juvenile Office and Children's Division, the children's guardian ad litem, the parents' attorneys, the prosecuting attorney, adult probation officer and law enforcement agencies, work together to serve the best interests of children by helping parents provide their children with a safe and drug-free environment.*

*Parents participating in FDC (a one-year program) have had their children placed in foster care through the Juvenile Court due to the parents' substance abuse issues (a civil matter). Parents participating in PCCC (an 18-month program) have a **criminal conviction** involving drugs or drug related behavior and have children who are 1) at risk of being placed in foster care or 2) who are in foster care due to the parents' drug use.*

*Parents in FDC may have criminal charges filed against them that are related to the reasons for the children's placement. If the parents in FDC are convicted, their defense attorneys argue for the parents to be able to remain in the community rather than go to prison. If the sentencing Judge agrees, the parents may be ordered to complete the one-year FDC program, then transfer to PCCC for 6 more months of supervision and treatment. When parents transfer to PCCC from FDC, there is a continuity of services because the same team is involved with the families. This collaboration between the Juvenile Court civil system and the adult criminal court is unique to Greene County.*

*A felony offender may be referred to Intensive Supervision Court (ISC) by the court, the prosecuting attorney or the probation officer at the time of sentencing; at a subsequent probation violation hearing if it appears the defendant would benefit from the increased structure offered by ISC; or upon the release of a defendant from the Department of Corrections after a 120 day commitment. The court only accepts SIS and SES cases. Often, ISC Court is the last alternative before the defendant faces incarceration. Substance or alcohol abuse is almost always a factor in the defendant's felony offense although it is not a requirement for inclusion in ISC.*

- Drug and alcohol abuse must not be discounted as primary and compounding factors throughout the criminal justice system.

*Illegal drug use and alcohol related traffic incidents have been "red flag" issues listed in the Community Focus Report for the past several years and continued to be identified as "red flag" issues in 2013. Drug and alcohol abuse undoubtedly are key factors in domestic violence and child abuse, which was also listed as a "red flag" issue in 2013.*

*Since 2004, illegal drug use has been identified as a red flag in each biannual Community Focus Report and remains a major problem for the Springfield-Greene County area. While the number of meth labs discovered appears to have crested in 2010, and has declined in the past three years, the prevalence of illicit labs within the city and surrounding area contributes not only to drug abuse but to the overall crime problem.*

(Meth Lab Data Shown On Page 32)

## METH LAB DATA

<u>Year</u>	<u>Number of Labs</u>	
	SPD	COMET
2007	20	23
2008	28	36
2009	37	40
2010	67	54
2011	108	125
2012	77	107
2013*	47	58

\* Through the end of November 2013.

COMET = Combined Ozarks Multi-Jurisdictional Enforcement Team

*As noted in the 2013 Community Focus Report, notable efforts are being made by law enforcement to address this problem. For example (quoting the report): "In Greene County, all patrol officers now receive training in accident investigation, DWI detection, standardized field sobriety testing, and breath analysis of blood alcohol content. Individuals arrested for DWI are required to complete a Substance Abuse Traffic Offender Program (SATOP) for education and treatment options. Greene County also operates a DWI Court dedicated to changing the behavior of arrested offenders. In 2011, the National Association of Drug Court Professionals identified Greene County's DWI Court as one of four "academy courts" throughout the country recognized for exemplary practices."*

*In spite of these efforts, drug and alcohol abuse remains a significant factor affecting the criminal justice system.*

- The Roundtable recommends increased outreach to minority applicants for jobs within the public safety and criminal justice systems.

*The City of Springfield has implemented the following programs:*

***Diversity Internship Scholarship Program*** – Human Resources launched a diversity internship program in February 2013 with one goal being to increase strategic relationships with diversity job candidates in public safety and other occupational areas. So far four diversity interns have been hired. One diversity intern competed and was selected for a regular full-time public safety position after the internship requirements were completed.

***Multicultural Festival*** - annual attendance every January

***UNITE Publication*** – regular monthly advertising in this publication as well as other strategic diversity advertising regarding city employment opportunities

*Job Posting mailings to diversity community groups and leaders (i.e. NAACP, Southwest MO Indian Center, Grupo Latino Americano, Korean Presbyterian Church, etc.) as well as MO Career Center, local veterans' groups and universities.*

***Military Outreach/Recruitment** – in addition to increasing city jobs recruitment presence with military associated websites and publications that generally have a broader diversity audience (i.e. [www.myguidon.com](http://www.myguidon.com) – Fort Leonard Wood Website/newspaper), HR is partnering with the military to participate in the Army PaYS (Partnership for Youth Success) Program and the MO Heroes Program. (The Army PaYS Program is a recruiting initiative developed to appeal to young people interested in obtaining a quality civilian job after serving in the Army. We are using the program to specifically market our city vacancies to recent veterans who are experienced in public safety occupational areas). We have also attended several Veterans' job fairs locally and in other MO cities that have greater diversity to increase our minority recruitment efforts.*

***Minority Specific Websites** – we target minority websites for public safety positions such as [www.iabpff.org](http://www.iabpff.org) – International Association of Black Professional Firefighters and [www.i-women.org](http://www.i-women.org) – International Association of Women in Fire & Emergency Services, etc.*

***College Websites** – we target college websites that have greater community diversity to broaden our minority recruitment efforts.*

*In addition to efforts listed above, SPD has increased its web presence and initiated recruitment ads in national police publications (focused on lateral hires). SPD also attends career fairs and other events oriented toward minority applicants.*

*Greene County has adopted similar procedures.*

The Roundtable requests progress updates from the City Council and County Commission on the recommendations after six months and one year.

*Progress reports were made as requested.*

### **Two—Year Update – July 2011**

The 2011 Roundtable update listed successes in the following areas:

- Use of Grand Juries
- Springfield-Greene County (Field Guide 2030) Strategic Plan- Public Safety

*This chapter has been completed and preparations are being finalized for the goals established in the Field Guide plan to be adopted by the City Council and County Commission.*

- Community Oriented Policing
- Drug & Alcohol Abuse
- Alternative Courts

- Greene County Pretrial Services
- Video Conferencing

*The 2011 Report can be referenced online at [www.greencountymo.org](http://www.greencountymo.org). Any new information on these topics is contained in the body of this report.*

The 2011 update listed unfunded or unmet needs in the following areas:

- Jail overcrowding
- Jail staffing
- Juvenile office staffing
- Juvenile office facilities
- Prosecuting Attorney's office
- Additional judges and commissioners for the 31<sup>st</sup> Judicial Circuit
- Additional courtroom space
- Expediting guilty pleas
- Missouri Public Defender's Office
- Municipal Court
- Springfield Police Department
- Springfield Fire Department
- Greene County Sheriff's Office Patrol and Investigations Divisions

*As noted in this report, significant progress has been made since 2011 in staffing levels for both the City and County. Little progress has been made in addressing building needs with the exception of Springfield's Police-Fire Training Facility. Life cycle replacement of vehicles and equipment remains a significant funding concern for both the City and County. Jail overcrowding has emerged as an even more serious concern.*

*The comments made in the 2011 report regarding jail overcrowding bear repeating here:*

"The Greene County Jail is now operating in a state of crisis due to population.

Built with a capacity of 485 inmates, and staffed only for 450, the jail has had some success in reducing jail population since the Roundtable report was issued, bringing the average daily population of **538** in 2008 to **492** in 2010.

However, a variety of known and unknown factors have caused the jail population to dramatically increase in 2011, reaching **593** on July 17. The January-June, 2011 average population was **528**, the second highest average in eight years.

Why are there so many people in jail? Population increase is due to a combination of factors, including:

- Rising poverty — 9 percent unemployment, free and reduced lunch rate in Springfield Public Schools at 50.5 percent

- Rising 911 law enforcement calls for service, up 10 percent since 2006, including 26 percent increase in domestic assault calls
- Rising Crimes Against Property, 2005-2010
  - Springfield and Greene County combined, **14 percent increase**
  - In Greene County alone, a 43 percent increase, including:
    - Burglaries up 103 percent
    - Thefts /larceny up 22 percent
    - Robberies up 200 percent
    - Motor Vehicle Theft up 49 percent
- Rising Crimes Against Persons, 2005-2010
  - Springfield and Greene County combined, **42 percent increase**
  - In Greene County alone, a 33 percent increase, including:
    - Domestic Assaults up 18 percent
    - Non-Domestic Assaults up 78 percent
    - Rape up 550 percent
- More Springfield Police Officers on the streets
- Only high-level criminals are being detained in the jail. Lower-level offenders are booked and released.
- More dangerous people now on the streets
- Loss of one Jail population control officer — two now doing the work of three
- Recent changes in Pretrial release guidelines
- Municipal Prisoner surge (now reduced)
- Public Defender staffing
- Prosecutor's Office staffing
- Limited number of judges available for trial dates
- Other possible unknown factors

Despite the rising jail population, Springfield and Greene County fall below the national average inmates in jail. The national average is 242 prisoners per 100,000 population. The Springfield-Greene County ratio is 20 percent lower at 192 per 100,000.

There are numerous consequences and possible risks associated with a rising jail population, including:

- Release of lower-level offenders to make room for offenders who are such a danger to themselves or others that they simply can't be let out into the community. Among those typically booked and released are:
  - Misdemeanors
  - DWI 1<sup>st</sup> – 4<sup>th</sup> offences
  - Vehicle break-ins
  - Burglaries
  - Thefts
  - Assaults
  - Drug possessions
  - Lower-level sex offenders
  - Forgeries

- Ex Parte violations
- Other C and D Felonies
- Dangerous work environment for corrections officers. Typically, one officer supervises as many as 125 inmates, separated only by a line on the floor.
- Dangerous environment for inmates, which can lead to:
  - Fighting
  - Injuries and related medical expenses
  - Lawsuits
- Release of lower-level offenders impacts the jail trustee labor pool, which saves the County money in kitchen, cleaning and laundry expenses.
- Out-of-county housing expenses:
  - Sheriff has started sending prisoners to other county jails whenever the population exceeds 525 (policy currently suspended for 90 days).
  - Out-of-county prisoner housing cost the County nearly \$60,000 from March to June. Estimated total 2011 cost: \$120,000. Greene County did not budget for this expense in 2011.
- Possibility of a federal court order — An incident in the jail or a related lawsuit could result in federal court taking over control of the jail. This has happened in Jackson County, Missouri and Knox County, Tennessee. Knox County, among other court orders, was fined \$5,000 a day for exceeding the court-ordered jail population cap. A similar program in Greene County would have massive impact on the County's budget.

Greene County has done everything within its power to manage jail population with the resources now available. The Greene County Jail serves not only the unincorporated county; it serves the entire community, as well as the state. Eighty percent of the inmates in the jail are arrested in Springfield and are now awaiting trial on state charges.”

*These conditions have worsened considerably since 2011, with average daily inmate population increasing by 12% from 545 to 611. Current trends indicate that this problem will continue to get worse.*

### **Significant New Developments Since 2011**

Our community is increasingly aware that addressing Early Childhood Development is essential if long term progress is to be made in reducing juvenile and adult crime. An important corollary is addressing the issue of domestic violence. The following developments highlight the community's focus in this area:

- The Field Guide 2030 Strategic Plan devotes a chapter to Early Childhood Development.
- The Every Child Initiative, an outgrowth of the Springfield News-Leader's Every Child public service journalism was launched in 2013. Quoting a recent article: “The Initiative was conceived as a way to capitalize on heightened public awareness about the critical issues facing children — such as poverty, child abuse and neglect, poor parenting, inadequate health care, poor nutrition and lack of school readiness — and build upon existing community efforts to lead to real and lasting change.” An Executive Committee

of community leaders has been formed to oversee the initiative. More information is available at [www.everychildpromise.org](http://www.everychildpromise.org).

- A Child Advocate, funded by the Community Foundation and private donors has been added as a city staff position to work with the Executive Committee to carry out the objectives of the Initiative.
- In December 2013, the Community Partnership of the Ozarks announced the formation of the Child Abuse and Neglect (CAN) Collaborative. The CAN collaborative “provides a comprehensive approach to abuse and neglect from birth to adulthood, and also supports the efforts of the Every Child Promise which provides a strategic focus to improve the lives of children from birth to age six.” More information is available at [www.commpartnership.org](http://www.commpartnership.org).

### **REFERENCES & RESOURCES:**

The following resources can be referenced on-line at [www.springfieldmo.gov](http://www.springfieldmo.gov) or [www.greencountymmo.org](http://www.greencountymmo.org):

1. Safety & Justice Roundtable – Final Report, July 22, 2009
2. Safety & Justice Roundtable – Six-month Update, February 2, 2010
3. Safety & Justice Roundtable – One –Year Update, August 10, 2010
4. Safety & Justice Roundtable – Two-Year Update, July 25, 2011
5. Memorandum to Safety & Justice Roundtable, August 8, 2011
6. Bureau of Justice Assistance: Criminal Courts Technical Assistance Project: Review of Criminal Caseflow Practices in the 31<sup>st</sup>, 38<sup>th</sup> and 39<sup>th</sup> Circuits of Missouri and Recommendations for Improvement, February 2012
7. Bureau of Justice Assistance: Improving Criminal Caseflow, October 2008
8. Field Guide 2030, A Strategic Path to Springfield’s Future, Chapter 11, Public Safety
9. 2013 Community Focus Report

## Springfield-Greene County Integrated Plan Proposal to EPA – A Citizen-Focused Approach

March 19, 2013

The vision of the Springfield-Greene County, Missouri region is to be good environmental stewards in an affordable manner while utilizing innovative, “green” practices via local control.

### **Proposal Overview**

This is a joint, cooperative proposal to the Environmental Protection Agency (EPA) and the Missouri Department of Natural Resources (MDNR) from the City of Springfield, Greene County, and Springfield City Utilities. This proposal, however, is broader than EPA’s *Draft Integrated Planning Approach Framework* – this proposal addresses not only water stewardship, but also air quality and solid waste issues – covering the majority of environmental issues every community faces. We feel this more holistic approach is not only appropriate, but is necessary for environmental success. Communities must be allowed to develop local plans that achieve the “biggest bang for the buck” toward environmental stewardship, while making these plans affordable to their individual communities. To focus only on water quality issues ignores the fact that wastewater, storm water, drinking water, air quality, and solid waste all have proposed or current regulations and must be addressed by communities, but can only be successful if done in a manner that is affordable to the citizens of these communities. It is the citizen who will be expected to fund every one of these requirements, whether in the form of wastewater rate increases, utility rate increases, or additional taxes or fees. We are proposing a **citizen-focused approach** in this proposal.

We are most appreciative of the EPA’s October 27, 2011 memorandum (*Achieving Water Quality Through Municipal Stormwater and Wastewater Plans*), which opens the door for more creative, locally developed plans that recognize each community has its own unique set of environmental challenges and opportunities. We share the same objective as stated in this memorandum, “clean water that protects public health and the environment.” This same memorandum states, “we sometimes assess and implement the best alternative to solve one problem at a time without full consideration of all Clean Water Act obligations. This approach may have the unintended consequences of constraining a municipality from implementing the most cost-effective solutions in a sequence that addresses the most serious water quality issues first.” This proposal follows that same line of thinking, but goes further by considering more than just water issues.

We hope you find this proposal intriguing, thoughtful, and balanced.

The citizens and leadership of the Springfield-Greene County region recognize the importance of quality environmental stewardship. The largest public and non-profit entities within the region, including the City of Springfield, Greene County, and City Utilities, co-founded the Partnership for Sustainability ([www.greenozarks.org](http://www.greenozarks.org)), a group whose mission is “to determine how our community can become a center of excellence in sustainability.” Springfield’s wastewater treatment plants are award-winning operations. Our community formed (and our three entities financially support) the Watershed Committee of the Ozarks, a nationally recognized organization dedicated to water quality. These are just a few examples of the many initiatives that our community has implemented. We have provided a more complete list with a brief description of each in Appendix “A”. We know we are just borrowing our water, air, and land that will be needed by future generations.

We recognize the value of protecting our environment, and as Missouri Department of Natural Resources has stated, we are considered a “model community” in this regard. Thus, we are not attempting to avoid our duty to protect the environment – just the opposite. We realize our stormwaters and wastewaters flow through our watershed into our drinking supply. We believe, however, that a “shotgun approach” to local environmental stewardship will result in costs that are unaffordable by most communities, including ours. Our organizations recently sponsored and provided technical support to a citizen’s “Affordability Task Force” that evaluated the potential impact of the various unfunded environmental mandates headed our way and issued recommendations to MDNR, as well as concerns about the overall affordability of existing and planned mandates. This citizen-based group estimated that, unless things change, our community could be required to pay as much as an additional \$1 billion or more toward these unfunded mandates, and our low-income citizens could be paying 18% of their income to cover the costs of these mandates by 2030. This is not a sustainable approach; we must seek a better way to achieve these goals.

We believe a more localized approach – ***using local expertise to develop a local plan that achieves effective results at a reasonable cost to citizens*** – is perhaps the only sustainable strategy for the long term. If our communities are pushed too far, at too great an expense, a public backlash is likely that will swing the pendulum the other direction and we will relinquish the gains we’ve made during the past few decades. We agree with EPA that it is time to re-think our collective approach to this problem with a balanced strategy, and we are proposing a new approach.

### **Proposal**

When combined, the potential water, air, and solid waste environmental mandates for Springfield, Greene County, and City Utilities could exceed \$1 billion over the next 10-15 years, an amount our community cannot afford. Thus, we are proposing this “pilot project” to develop a plan focused on environmental issues based on the following guiding principles:

- Affordability – Ensure that the plan is affordable to the community’s citizens.

- **Effectiveness** – Ensure that the plan addresses environmental issues in a manner whereby citizens receive the “biggest bang for their buck.” Recognize that every community is unique, and ensure each community gets an opportunity to address the environmental needs that are greatest in their community.
- **Fairness** – Ensure that the plan results in all communities being treated equally and fairly.
- **Attainability** – Ensure that the plan outlines actions that can reasonably be accomplished within the “community affordability” limit.
- **Measurability** – Ensure that the plan includes performance measures that track progress over time and indicate which projects are “best practices” that can/should be adopted or adapted by other communities, if applicable.
- **Adaptability** – Learning must be a part of the process moving forward. For the plan to be effective, we must be able to adjust and improve our plan based upon our experiences and results.

We feel that these should be the tenets of any environmental mandate placed upon our (or any) community. Working with the Missouri Department of Natural Resources, we are proposing to develop a local solution by using local expertise and community values to determine how we can best improve our environment while still making that solution affordable to our (your) citizens.

Our guiding principles (listed above), along with our proposed collaboration with MDNR, meet all eight of EPA’s “Principles to Guide the Development of an Integrated Plan” within the EPA’s draft *Integrated Planning Approach Framework* as follows:

1. We will work with MDNR to “reflect State requirements and planning efforts.”
2. We will “utilize existing flexibilities in the Clean Water Act” to be good stewards of our environment.
3. By focusing on the most effective solutions, we will “maximize the effectiveness of funds.”
4. Per our vision statement, we will “incorporate effective innovative technologies, approaches, and practices, including green infrastructure.”
5. In support of our fairness and affordability principles, we will “evaluate and address community impacts and consider disproportionate burdens resulting from current approaches as well as proposed options.”
6. By continuing the implementation of our Early Action Plan, even without a signed Consent Judgment, we are proving we will “ensure that existing requirements to comply with technology-based and core requirements . . . are not delayed.”
7. Our proposed plan will “ensure that a financial strategy is in place” – this is the essence of our affordability principle.
8. Per the collaborative nature of our community, we will “provide appropriate opportunity for meaningful stakeholder input throughout the development of the plan.”

We would like to highlight four key themes that we propose be integral to the development of an Integrated Plan – taking a holistic approach, community affordability, using local expertise and community values to develop locally effective plans, and collaboration.

### **Taking a Holistic Approach**

A community cannot truly prioritize its actions and allocation of resources without considering all of its environmental requirements. If we focus only on water-related mandates, we will neglect air and solid waste issues. Our proposal is to address all environmental requirements collectively, then set our community's priorities in an affordable manner based upon our unique circumstances.

The October 27, 2011 memorandum from EPA states, "We write this memorandum to make sure we proceed as one EPA . . . ", but this memorandum only addresses water issues; it does not address air and solid waste issues. Thus, this strategy does not seem to ensure EPA is proceeding as one entity.

Our proposed "pilot project" would take a holistic approach to environmental planning and compliance actions. To address water issues, we propose an approach similar to that espoused by MDNR in their "Our Missouri Waters Initiative" – working collaboratively to establish water quality goals for each watershed, establish key benchmarks for measuring progress, and establish a reasonable timetable for implementation of the mutually acceptable plan to achieve those goals.

### **Community Affordability**

A primary focus of our proposed Integrated Plan must be to attain "community affordability."

While we appreciate the EPA's draft *Integrated Planning Approach Framework* recognizing that the "appropriate sequencing of work" is an important consideration, the need is more than just to re-sequence our existing set of unfunded mandates or add a few months or years to the implementation schedule; the need is to determine what is affordable to our communities and determine what we can best do to protect public health and our environment within that limit. Communities do not have unlimited resources. We are not proposing an evolutionary change to simply "rearrange the deck chairs on The Titanic;" we are proposing a revolutionary change to ensure we don't sink the ship.

As a community, we only have existing funding sources for wastewater (sewer rates), landfill (tipping fees), and our utility rates (water source, electricity, and natural gas). Our proposal is to develop an Integrated Plan that evaluates all environmental needs holistically and results in a list of environmental actions that will address the highest priority needs in the community. We are not proposing to abandon our community's \$50 million wastewater Early Action Plan; we are committed to completing and funding that plan.

When considering community affordability, we will need to determine how to define “affordable” for our community as related to environmental mandates, and we propose that a citizens’ stakeholder committee help determine this. Our approved wastewater (sewer) rate increases necessary to cover the cost of our Early Action Plan will consume 1% of our Home Median Income (HMI). Since our community has no established funding source for stormwater mandates or air quality mandates, and any mandates associated with our water supply or electricity supply will result in utility rate increases. What is a reasonable “funding increase cap” on a community when all of these initiatives are considered together? This is the conversation municipalities need to have with EPA. Will the EPA initiate future environmental mandates on communities that result in a requirement to initiate higher fees, new taxes, and higher utility rates?

Implementing all of these additional fees and taxes will have a significant negative impact on our region’s economic development and our community’s quality of life. Why would a new business locate here if they must endure additional fees and/or taxes to address unfunded environmental mandates in our region, but not others?

The “difficult financial conditions” referenced in the October 27, 2011 memorandum does not just apply to today. We must work together to recognize that communities throughout the nation have limited resources to apply to environmental mandates. We propose to develop an Integrated Plan that ensures we get the “biggest bang for our buck.”

**Use Local Expertise and Community Values to Develop a Locally Effective Plan**

The Ozarks is a unique place. The karst topography provides opportunities and challenges. Our declining water table is a concern. We have antiquated infrastructure in older parts of our community. Other parts of the country have their unique characteristics, too.

We hope to utilize our limited resources in a manner that goes the furthest toward achieving our shared goal of maintaining the quality of our water, air, and land. We realize that, at times, the “letter of the law” can be at odds with the “intent” of the law. As regulators ourselves, we also realize that it is nearly impossible within the formality of written regulations to avoid conflicting requirements that can consume financial resources with little progress toward the goal or intent of the law.

Fortunately, we have many local experts – individuals on our staffs and within the larger community – that care about protecting public health and our environment. And these local experts know our local challenges. A cookie-cutter approach will not work. Applying mandates and rules from a different part of the country is not usually the most effective path. Thus, we are proposing that we be allowed to use local expertise – the individuals most familiar with our community’s environment – to develop a locally effective Integrated Plan.

It is our intention to utilize an Integrated Plan Citizen Advisory Committee to help prioritize the locations where we, as a community, should focus our efforts.

**Collaboration**

Our community is known for its high levels of collaboration. It is in that spirit of community collaboration that we are appealing to EPA and MDNR to work with us, and all other communities, to ensure that all environmental mandates are affordable, effective, fair, attainable, and measurable. We can develop a planning process that ensures all stakeholders, including our citizens, have a seat at the table.

It is our interest to work in partnership with EPA and MDNR to develop a more holistic integrated plan and develop a model that can be replicated throughout the country.

**Seeking Endorsement**

One of EPA's "overarching principles" in their draft *Integrated Planning Approach Framework* is that "the responsibility to develop an Integrated Plan rests with the municipality that chooses to pursue this approach." We understand that "the devil is in the details," but before our community invests significant time and resources to develop a proposed Integrated Plan for EPA's and MDNR's consideration, we are seeking confirmation that the general direction outlined in this proposal is supported. If this proposed "pilot project" is a non-starter, we must consider other options.

We truly appreciate this opportunity to propose the development of this type of Integrated Plan as a "pilot project," and we are hopeful you will give it fair consideration. We would welcome an opportunity to meet with you to discuss this idea and determine how we can work together to achieve our mutual goals. We look forward to hearing from you.

Greg Burris  
City Manager, City of Springfield

Tim Smith  
County Administrator, Greene County

Scott Miller  
General Manager, City Utilities of Springfield

Exhibit C

CITY of  
SPRINGFIELD



January 30, 2013

Karl Brooks, Ph.D, Region Administrator  
Region 7 Office WWPD/10)  
Environmental Protection Agency  
11201 Renner Blvd.  
Lenexa, KS 66219

Sara Parker Pauley, Director  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

Dear Dr. Brooks and Director Pauley:

We are writing to share with you recommendations from our citizen-based Unfunded Environmental Mandates Affordability Task Force (the "Affordability Task Force") and to solicit your feedback. We made a commitment to provide this information to the Missouri Department of Natural Resources (MDNR) by January 31, 2013.

You have both recently referenced the Springfield-Greene County region as a "model community" regarding environmental care and consciousness. As a community, we are very proud of our track record of environmental compliance and stewardship. We do recognize that we must protect our environmental resources for future generations and that a large portion of our local quality of life and economy relies on quality environmental stewardship. We are both proud and appreciative of the comments you have both made about our community in the recent past.

As you know, the City of Springfield, Greene County, and Springfield City Utilities have been working cooperatively to develop a proposed "Integrated Plan" framework that would allow a more holistic approach to the various unfunded environmental mandates that all communities are facing – waste water, storm water, drinking water, air quality, solid waste, and more. Our "Integrated Plan" framework attempts to consider all of these issues together instead of each one separately and to focus resources where the community can achieve the "biggest bang for the buck."

As you also know, one of our primary concerns is our community's ability to afford to implement the various anticipated unfunded environmental mandates that we face, most of which are driven by federal requirements. In response to this concern, the City, County, and City Utilities decided to involve citizen stakeholders in a conversation about the nature and scope of projected future environmental mandate compliance costs. As a result, the Springfield-Greene County Unfunded Environmental Mandates Affordability Task Force was created. Their report, including specific recommendations, is enclosed. The Task Force presented their recommendations to the Springfield City Council, Greene County Commission, and Board of Public Utilities for their review and comment in an open, public meeting on January 28, 2013. We are very appreciative

**OFFICE OF THE MAYOR**

840 Booneville Avenue, P.O. Box 3368  
phone: (417) 864-1651  
homepage: [www.springfieldmo.gov](http://www.springfieldmo.gov)

Springfield, Missouri 65801-9368  
fax: (417) 864-1649  
e-mail: [CityCouncil@springfieldmo.gov](mailto:CityCouncil@springfieldmo.gov)

of MDNRs willingness to work with the Task Force during their deliberations. Input from MDNR staff was extremely beneficial.

In this report, we have attempted to provide a complete estimate of the total potential cost to comply with all the known environmental mandates mentioned above. We are unaware of any other agency or community which has compiled an assessment of the total anticipated/potential cost of all environmental mandates. We think this approach will be informative for our community and your agencies. If you are aware of any other community that is approaching these mandates in this type of holistic manner, please provide contact information.

We ask that you read the enclosed report and consider how your agencies can help us address the recommendations. No other issue on our community's "radar screen" has the potential fiscal impact on our citizens/ratepayers as these projected unfunded environmental mandates over the next two decades.

We look forward to working with you as partners to develop guidelines and programs through which we can achieve our mutual goal of clean air and water at a cost our community can afford. We believe we are uniquely positioned to join EPA and MDNR in a groundbreaking effort. We hope our pilot program will provide a valuable new approach for your agencies and other communities in order to better focus shared (local, state, and federal) resources to achieve the greatest public health and environmental benefits over an appropriate implementation period. We also believe this kind of assessment can yield a more level playing field for communities nationwide in terms of affordability and prioritization of environmental mandates.

Again, thank you for your continuing assistance and consideration. We look forward to hearing from you soon.

Sincerely,



Robert Stephens  
Mayor, City of Springfield



Jim Viebrock  
Greene County Presiding Commissioner



Mike Peters  
Chairman, Board of Public Utilities

c: Senator Roy Blunt  
Senator Claire McCaskill  
Congressman Billy Long  
Local State legislative delegation

Enclosure

# Report from the Springfield-Greene County Unfunded Environmental Mandate Affordability Task Force

January 28, 2013

## Background

Based upon a collective concern about projected costs of near-term unfunded environmental mandates and their potentially devastating impact on our community's citizens, the City of Springfield, Greene County, and Springfield City Utilities have worked together to develop a draft "integrated plan" proposal that encourages EPA and MDNR to consider all unfunded environmental mandates holistically and their collective impact on a community over time. The creation of this Task Force was a result of the development of this proposal. The City, County, and City Utilities felt it was important for community stakeholder input into the formulation of recommendations regarding community affordability.

The Task Force was formed because Springfield and other Missouri communities could be collectively facing billions of dollars in environmental mandates and regulations over the next few decades. Mayor Stephens charged the Task Force to look at the different factors in the community that determine whether or not the community can afford to deal with the coming mandates and regulations.

The City, County, City Utilities, and Task Force members recognize that the majority of these unfunded mandates originate at the federal level (EPA), and this places the MDNR in a position of having to enforce EPA's mandates while communities express concern about affordability. That said, DNR does have authority over several aspects of federal law (deadlines for compliance, variances, etc) which have a direct bearing on community affordability.

**This report will outline the specific recommendations the Task Force developed.** Attached hereto is a copy of the Task Force's Charge (Attachment A) and a summary of the meetings which were held (Attachment B).

A representative from the Missouri Department of Natural Resources (MDNR), Larry Groner (Fiscal and Administrative Manager) assisted the Task Force by explaining the recently developed formula/framework, presented MDNR's position on affordability, and responded to questions that arose during the Task Force meetings.

The City, County and City Utilities have committed to providing MDNR with our collective affordability feedback by January 31, 2013.

## Recommendations

The following list was developed to provide input on what could be changed or added to MDNR's Draft Guidance for Conducting and Developing an Affordability Finding. The Task Force feels these recommendations are reasonable actions that can be accomplished. In some instances, MDNR should seek additional information from the community, which places the onus on the community to provide the requested information. Currently, the Draft Guidance states that MDNR "may" consider additional information; the Task Force feels that MDNR staff should be directed to ask communities for specific additional information items as well as anything else the community believes should be considered in assessing its financial capability.

The Task Force, along with the City of Springfield, Greene County, and Springfield City Utilities, recognizes that in order for a more holistic approach to be considered for environmental mandates via integrated planning, serious support for this approach will need to originate from the uppermost levels of management of both the EPA and MDNR. Consequently, while we desire a formal policy change at the national level and will continue to work toward this goal while recognizing this process could take many years, our community is currently seeking approval of an integrated plan "pilot project" that will allow flexibility to develop new approaches in the near term. Our pilot will potentially serve as a demonstration program for cities across the country.

The Task Force's recommendations are noted under each of the seven (7) criteria that MDNR is statutorily required to use to evaluate community affordability.

1. Assess the entity's financial capability and ability to raise or secure necessary funding.
  - a. **Recommendation:** MDNR staff should not "penalize" a community for having been good financial stewards and maintaining a positive bond rating or other financial indicator. Good financial stewardship does not necessarily equal a community's ability and willingness to increase funding toward unfunded environmental mandates.
2. Assess the affordability of pollution control options for the individuals or households of the community.
  - a. **Recommendation:** MDNR staff should consider wastewater, stormwater, drinking water quality, air quality, and solid waste costs collectively, along with any and all other unfunded environmental mandates, when evaluating community affordability.
3. An evaluation of the overall costs and environmental benefits of the control technologies.

- a. **Recommendation:** MDNR staff should consider the “law of diminishing returns” during the affordability analysis. At some point, investing additional public funds toward an unfunded environmental mandate will yield a lesser return and warrants increasing scrutiny, particularly in light of other social needs.
  - b. **Recommendation:** The Task Force recommends that if newer, more up-to-date technology is more expensive, but the existing technology still achieves a high level of environmental protection, then the “older,” more cost-effective technology should be allowed to be used until the end of its lifecycle. This would limit the constant upgrades (and corresponding costs) that would otherwise be experienced by all communities as technologies continually improve.
4. Ways to reduce economic impacts on distressed populations in the community, including but not limited to, low and fixed income populations, included considerations of: a) allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and b) allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained.
  - a. **Recommendation:** The MDNR staff should study the state-wide impact on lower income residents of complying with the Clean Water Act, plus paying for air quality, safe drinking water, and solid waste compliance. The Task Force is very concerned about the devastating impact these unfunded mandates could have on low-income citizens in our community and other communities. Appendix C provides a summary of the estimated costs per household (at three different income levels) of projected future environmental mandates. Appendices D, E, and F provide the supporting data from the City of Springfield, Greene County, and City Utilities. (Note: Projected household costs are broken out into three geographic areas. The City, County Urban Service Area, and County unincorporated area data do not overlap. Thus, a household is assumed to either be considered (a) a City household and incur both City and City Utilities projected costs, (b) a County Urban Service Area household and incur both County Urban Service Area and City Utilities projected costs, or (c) a County unincorporated household and incur both County unincorporated and City Utilities projected costs.)
5. An assessment of other community investments relating to environmental improvements.
  - a. **Recommendation:** MDNR staff should consider the environmental investments already made by a community. Staff should consider the

good faith efforts made by a community in the past in an effort to maintain environmental compliance.

6. An assessment of factors set forth in EPA guidance, including but not limited to, the Combined Sewer Overflow (CSO) Guidelines for Financial Capability Assessment and Schedule Development that may ease the cost burdens of implementing wet weather control plans, including but not limited to, small system considerations, the attainability of water quality standards, and the development of wet weather standards.
7. An Assessment of any other relevant local community economic condition.
  - a. **Recommendation:** MDNR staff should consider the issue of “overlapping debt” when considering “other relevant local community economic conditions.” [Overlapping debt - the debt of a political entity, such as a city, where its tax base overlaps the tax base of another political entity, such as a city within the county or state. Overlapping debt is important when determining the affordability of a program because the burden of all jurisdictions (city, school district, county, state) falls on the individual citizen.]
  - b. **Recommendation:** MDNR staff should consider how economic conditions affect business decisions of employers and households, including the direct impact of increased environmental mandate fees and utility rate increases on the economic climate and affordability of the municipality/county. Special focus should be placed on those “target industries” that are especially sensitive to increased environmental compliance costs.
  - c. **Recommendation:** MDNR staff should consider the “economic sensitivity” of employers within a community to increased environmental mandate fees/costs, including the consideration that U.S. companies are competing with international companies that are not subject to similar environmental regulation compliance costs.
  - d. **Recommendation:** MDNR’s community financial affordability analysis should consider the community’s ongoing cost of system maintenance and replacement of aging infrastructure.
  - e. **Recommendation:** MDNR staff should consider any additional community commitments that have been made to citizens (e.g., response to a natural disaster or when elected officials make a commitment not to raise taxes while another community priority is being fiscally addressed).

Additionally, the Task Force **recommends** that MDNR adjust the affordability guidelines document to address stormwater, wastewater, and any and all unfunded environmental mandates. The document currently references measures that are specific to wastewater (e.g., number of connections) and which could be better tailored to a stormwater analysis.

The Task Force would like to express its appreciation to Mr. Larry Groner and the Missouri Department of Natural Resources for their cooperation and willingness to provide information throughout this process. The Task Force recognizes the difficult position MDNR finds itself, attempting to balance enforcement of EPA-initiated unfunded mandates with local community affordability, and appreciates MDNR's spirit of cooperation as we attempt to implement an integrated planning pilot program that could benefit communities across the State and country.

**Task Force Membership:**

- Rob Dixon, Springfield Area Chamber of Commerce (Chair)
- John Rush, City Council, City of Springfield
- Steve Meyer, Director of Environmental Services, City of Springfield
- Roseann Bentley, Greene County Commission
- Tim Davis, Water Quality Field Operations Manager, Greene County
- Skip Jansen, Board of Public Utilities, Springfield City Utilities
- Jared Rasmussen, Olsson and Associates
- Bill Bryan, Merrill Lynch
- Frank Evans, Lathrop & Gage
- Dean Young, CU Citizens Advisory Committee, Springfield City Utilities

**Support Staff:**

- Greg Burris, City Manager, City of Springfield
- Larry Groner, Missouri Department of Natural Resources
- Scott Miller, General Manager, City Utilities
- Sheila Shockey, Shockey Consulting
- Tim Smith, County Administrator, Greene County

**Attachments:**

- A) Task Force Charge
- B) Summary of Task Force Meetings
- C) Summary of Projected Costs for Future Unfunded Environmental Mandates
- D) City's Projected Costs for Future Unfunded Environmental Mandates
- E) Greene County's Projected Costs for Future Unfunded Environmental Mandates
- F) City Utilities' Projected Costs for Future Unfunded Environmental Mandates



December 3, 2012

Dear Unfunded Environmental Mandate Affordability Task Force Members:

I want to thank you for agreeing to serve on this important community task force. I look forward to hearing your recommendations.

Enclosed you will find a document that provides your task force's membership and charge. As you can see from the timeline within the charge, the task force must approach its work with a sense of urgency in order for our community to submit recommendations to the Missouri Department of Natural Resources by January 31, 2013.

I have asked Mr. Rob Dixon, Springfield Area Chamber of Commerce, to chair this task force. I am confident Rob will lead the task force in a focused manner such that you will complete your work by January 31<sup>st</sup>. Additionally, you will have technical assistance available from a representative of Missouri Department of Natural Resources and a representative from Shockey Consulting.

I do not expect this process to require very many meetings or a large time commitment, but I will allow Mr. Dixon to determine the meeting schedule as he deems appropriate. Given the amount of money potentially at stake, it is important that the Task Force complete its work in a thorough manner.

As a Mayor-appointed task force, your work will be subject to the Missouri Sunshine Law. Also enclosed is a list of the guidelines for remaining in compliance with these requirements.

Again, thank you for agreeing to participate in this important process.

Sincerely,

Bob Stephens  
Mayor

Enclosures:

- Unfunded Environmental Mandates Affordability Task Force Membership and Charge
- Guidelines for Compliance with the Missouri Sunshine Law

OFFICE OF THE MAYOR

840 Boonville Avenue, P.O. Box 8308  
phone: (417) 864-1651  
homepage: [www.springfieldmo.gov](http://www.springfieldmo.gov)

Springfield, Missouri 65801-8368  
fax: (417) 864-1649  
e-mail: [CityCouncil@springfieldmo.gov](mailto:CityCouncil@springfieldmo.gov)

Affordability Task Force

December 3, 2012

Page 2

c: Springfield City Council  
Greene County Commission  
Board of Public Utilities  
Greg Burris, City Manager  
Tim Smith, Greene County Administrator  
Scott Miller, General Manager of City Utilities  
Larry Groner, Missouri Department of Natural Resources  
Sheila Shockey, Shockey Consulting

## **Springfield-Greene County Environmental Mandate Affordability Task Force**

### **City of Springfield:**

- John Rush, City Council
- Steve Meyer, Director of Environmental Services, City of Springfield

### **Greene County:**

- Roseann Bentley, Greene County Commission
- Tim Davis, Water Quality Field Operations Manager, Greene County

### **City Utilities:**

- Skip Jansen, Board of Public Utilities
- Dean Young, CU Citizens Advisory Committee

### **Chamber of Commerce:**

- Jared Rasmussen, Olsson & Associates
- Rob Dixon, Springfield Area Chamber of Commerce (Task Force Chair)

### **Citizens At-Large:**

- Bill Bryan, Bank of Missouri
- Frank Evans, Lathrop & Gage

### **MDNR Technical Representative:**

- Larry Groner, MDNR (non-voting)

### **Technical Resource:**

- Sheila Shockey, Shockey Consulting (non-voting)

### Task Force Charge:

To (a) review and evaluate the Missouri Department of Natural Resources' current draft "community affordability" framework, (b) consider the extent to which the existing criteria are appropriate for determining the level of "affordability" for a Missouri community, (c) recommend any modifications and/or additions to MDNR's existing criteria and framework, (d) provide a written report of findings and recommendations by January 18, 2013, and (e) deliver a verbal report to the members of Springfield City Council, the Greene County Commission, and the Board of Public Utilities at a special meeting prior to January 31, 2013.

The Task Force consists of representatives from many stakeholder groups, all of whom will be impacted by the level of community affordability determined for our city, county, and utility. The Task Force members are encouraged to think broadly and consider all sectors that will be expected to contribute funds, if additional funds are necessary from our community to comply with unfunded mandates.

The Task Force should consider that MDNR will likely use a single formula/framework to determine community affordability in all cities and counties within Missouri, so any recommended changes should not be specific to Springfield, Greene County, or City Utilities, but can (and should) take into account those factors facing our community. A representative from MDNR will be available to the Task Force to assist as needed, including explaining the recently developed formula/framework.

The City, County, and City Utilities have committed to providing MDNR with our collective feedback by January 31, 2013. Thus, the Task Force's written report should be completed by January 18, 2013 to allow a verbal report to the City Council, Greene County Commission, and/or Board of Public Utilities at a special meeting that can be called for such purpose prior to January 31, 2013.

City, County, and CU staff will provide the final, written report to MDNR, including any concurrence or concerns expressed by the members of the elected and appointed bodies.

The Task Force must abide by the Missouri Sunshine Law (see attached).

## Procedures for Meetings of City Appointed Boards, Commissions, Committees, Subcommittees, and Task Forces

All items that are listed have been taken from the Missouri Sunshine Law, the ethics handbook, or Roberts Rules of Order based on the City of Springfield policies.

- A. All meetings of the committee or subcommittee are public meetings and must be conducted in accordance with the **Sunshine Law**.  
<http://ago.mo.gov/pdf/MissouriSunshineLaw.pdf>

- B. All committee and subcommittee meeting **agendas** must be **posted** not less than 24 hours prior to the scheduled meeting.

A meeting agenda showing the name of the board, commission, committee, subcommittee or task force; the time, date, location of the meeting; ADA compliance statement (\* see example below), and the proposed topics of discussion should be sent to the City Clerk's Office by 12:00 p.m. on the Friday of the week preceding the meeting. This allows the City Clerk's Office to post the meeting and reflect it on the City's calendar of weekly events. Remember, weekends and holidays do not count in the 24-hour posting requirement.

- C. **Agendas** must be followed and **minutes** must be taken.

The chair(s) are responsible for creating an agenda, ensuring that minutes are taken at all meetings, and that those minutes are reviewed and approved by the committee members during a subsequent meeting and forwarded to the City Clerk's Office. Minutes must be maintained for all meetings and subcommittee meetings of the body. These minutes should contain a record of the attendance of the committee members, a concise summary of the discussion, and a record of all actions taken by the committee. The minutes should be brought back to the next committee meeting for approval by the applicable committee or subcommittee. After approval has been given, the approved minutes should be sent to the City Clerk's Office, either electronically or by hard copy, to be maintained as a public record. The chair(s) also are responsible for maintaining decorum during the meetings and ensuring that the agenda items are addressed. When introducing new items, please keep in mind that agenda items must be posted 24 hours before the meeting.

- D. A **quorum** of the committee or subcommittee must be in attendance.

A quorum of the committee or subcommittee must be in attendance for the committee to have a meeting. A quorum is defined as a majority of the entire membership.

## Summary of Affordability Task Force Meetings

The Springfield-Greene County Unfunded Environmental Mandate Affordability Task Force (the "Affordability Task Force") met on December 13, 2012, December 20, 2012, and January 8, 2013.

During the first meeting on December 13, 2012, Mr. Groner reviewed the MDNR Draft Guidance for Conducting and Developing an Affordability Finding and explained the purpose of the guidance document and why the seven (7) criteria were included in the guidance document. Mr. Groner and a stakeholders group worked together to author the document and published the same for stakeholder input. The timeline for feedback to MDNR remains open. The City of Springfield committed to providing feedback by January 31, 2013.

Mr. Groner explained that the Missouri General Assembly passed House Bill 89 (HB 89) in August 2011 that set up standards for MDNR to conduct an affordability analysis and issue an affordability finding whenever a permit is issued or enforced under the Clean Water Act inclusive of stormwater and wastewater permits or actions. An affordability finding is not required for drinking water, air quality, solid waste, or any other type of environmental regulation; however, these other environmental investments should be considered under Criteria 5 when DNR makes an affordability finding for stormwater or wastewater requirements.

Mr. Groner then reviewed the seven (7) criteria contained in the Draft Guidance for Conducting and Developing an Affordability Finding document that must be considered, per State statutes, to determine an affordability finding:

1. Assess the entity's financial capability and ability to raise or secure necessary funding.
2. Assess the affordability of pollution control options for the individuals or households of the community.
3. An evaluation of the overall costs and environmental benefits of the control technologies.
4. Ways to reduce economic impacts on distressed populations in the community, including but not limited to, low and fixed income populations, included considerations of: a) allowing adequate time in implementation schedules to mitigate potential adverse impacts on distressed populations resulting from the costs of the improvements and taking into consideration local community economic considerations; and b) allowing for reasonable accommodations for regulated entities when inflexible standards and fines would impose a disproportionate financial hardship in light of the environmental benefits to be gained.

5. An assessment of other community investments relating to environmental improvements.
6. An assessment of factors set forth in EPA guidance, including but not limited to, the Combined Sewer Operations (CSO) Guidelines for Financial Capability Assessment and Schedule Development that may ease the cost burdens of implementing wet weather control plans, including but not limited to, small system considerations, the attainability of water quality standards, and the development of wet weather standards.
7. An Assessment of any other relevant local community economic condition.

The chairman of the Task Force asked the Task Force members to review the Draft Guidance for Conducting and Developing an Affordability Finding and be prepared to discuss the guidance with Mr. Groner. The Task Force Chair also asked City and County staff to prepare the projected cost of known mandates and regulations and the impact on several income groups.

At the second meeting, December 20, 2012, the Task Force and MDNR had an opportunity to discuss the state's position on a number of issues connected to the Draft Guidance for Conducting and Developing an Affordability Finding.

In MDNR's affordability finding, 2% of Median Home Income (MHI) is the default numeric guide the state proposes to use as one factor to determine whether households in a community can afford the costs of additional environmental mandates and regulations under the Clean Water Act. The 2% of MHI has been embodied in Environmental Protection Agency (EPA) guidance for 'combined sewer systems' for some time. EPA and stakeholders had considerable in-house discussions in the past, but no one was aware of an all-inclusive mathematical analysis that went into the decision to use 2% as the affordability threshold. It was noted that 2% isn't a legal standard, but a default guide to use when determining what a community can afford to comply with the Clean Water Act. The EPA Guidance expressly invites communities to offer alternate and additional factors beyond the default factors in the guidance. The 2% figure would be the cost expended per household to maintain existing water and stormwater-related infrastructure, plus to comply with any new and more stringent wastewater and stormwater requirements of the federal Clean Water Act (CWA) and/or State water control laws.

Mr. Groner stated that the "2% of the MHI" threshold was established only for stormwater and wastewater requirements. EPA models for integrated planning, at this point, do not extend to other environmental mandates concerning drinking water, solid waste, air quality, utilities, power production and other community priorities. Thus, communities could be expected to invest far more than 2% of MHI when considering all these mandates together, with the recognition that all are expected to be paid by the same person . . . the citizen/ratepayer. For example, the Task Force considered numerous examples where a household earning \$10,000 per year or less could be expected to pay more than 15% of MHI for environmental compliance costs alone by the year 2030, with costs continuing to increase into the future.

MDNR uses median household income because the median is the mid-point. Using the MHI, half of our community's household incomes are below the MHI and half of the households are above the MHI. The City's MHI is \$34,583, the County's MHI is \$41,059 and the Missouri statewide MHI is \$44,306.

MDNR indicated that they will consider the increased economic burden on lower income households on a case-by-case basis. The Department will consider a number of community impacts, including the number of residents living below the poverty level (Springfield is at 21.7% and Missouri is at 14.0%) and number of residents on food stamps (Springfield is at 13.3% and Missouri is at 11.4%).

The current MDNR Draft Guidance for Conducting and Developing an Affordability Finding document is currently written to be more relevant to wastewater permits than it is to Municipal Separate Stormwater System permits (known as MS4 permits).

The Springfield metropolitan area is the only community that EPA, Region 7 and MDNR are aware of that is attempting to include all environmental issues faced by a community in an "integrated plan" designed to consider all unfunded environmental mandates; not just stormwater and wastewater mandates. Our community feels other environmental concerns, such as air quality, solid waste, power production, drinking water and infrastructure needs should be included in the analysis.

Ms. Cindy Davies (Director of MDNR's Southwest Regional Office) confirmed that use of the "best available technology" (BAT) is built into the MDNR and EPA permitting process. BAT means using the most cost-effective and up-to-date technology that is available in achieving a high level of environmental protection. This policy can result in continual upgrade requirements for communities as technologies continually change.

EPA is charged with implementing the federal Clean Water Act. Within that framework, MDNR has been delegated authority from EPA and actually issues and enforces discharge permits. MDNR has some discretion in the context of affordability and scheduling of regulatory compliance. The permits issued by MDNR are reviewed by EPA. It was noted that MDNR must follow all requirements in the Clean Water Act, but MDNR has discretion in exactly how, when and in what priority compliance is accomplished.

MDNR has some discretion over the affordability criteria. MDNR's Draft Guidance for Conducting and Developing an Affordability Finding considers federal EPA guidance on affordability as one factor. MDNR's particular affordability model is solely a state-sponsored initiative. It was noted that MDNR, with limited exceptions such as variances, does not have the authority to waive any requirements imposed by the federal Clean Water Act.

When an affordability finding determines that additional environmental mandates or regulations are unaffordable, MDNR has three primary mechanisms available for

# Projected Percentage of Household Income to be Invested Toward Unfunded Environmental Mandates -- Summary

Attachment C

## Current Investment and Scenarios for 2013, 2020 and 2030

<u>Income Level</u>	2013			2020			2030		
	City	City Utilities	with County Urban Service Area with City Utilities	City	City Utilities	with County Urban Service Area with City Utilities	City	City Utilities	with County Urban Service Area with City Utilities
\$0 to \$10,000 (Income = \$10,000)		9.48%	7.10%						
\$10,000 to \$25,000 (Income = \$17,500)		5.42%	4.05%						
\$25,000 to \$40,000 (Income = \$34,500)		2.75%	1.90%						
<u>Income Level</u>									
\$0 to \$10,000 (Income = \$10,000)		13.93%	11.19%						
\$10,000 to \$25,000 (Income = \$17,500)		7.96%	6.39%						
\$25,000 to \$40,000 (Income = \$34,500)		4.04%	2.98%						
<u>Income Level</u>									
\$0 to \$10,000 (Income = \$10,000)		18.79%	16.10%						
\$10,000 to \$25,000 (Income = \$17,500)		10.83%	9.20%						
\$25,000 to \$40,000 (Income = \$34,500)		5.50%	4.29%						

Note: Calculated from highlighted values shown on Attachments D, E and F.

## City of Springfield Only

### Projected Environmental Obligations for the Citizens of Springfield Missouri Households

	FY 13	FY 15	FY 20	FY 25	FY 30
Solid Waste Management (a)	\$17,471,583	\$19,134,405	\$23,110,525	\$30,145,913	\$39,323,037
Clean Water Services (b)	\$22,171,369	\$24,275,904	\$34,041,613	\$51,315,822	\$77,355,722
Stormwater Water Quality (c) (j)	\$637,000	\$3,759,438	\$11,128,258	\$12,900,701	\$14,955,449
Air Quality (d) (j)	\$109,200	\$508,690	\$589,711	\$683,637	\$792,522
Environmental Public Outreach (e) (j)	\$136,500	\$350,000	\$405,746	\$470,371	\$545,289
Stormwater Conveyance (f) (j)	\$17,062,500	\$18,101,606	\$20,984,723	\$24,327,045	\$28,201,713
<b>Total Projected Cost of Programs</b>	<b>\$57,588,152</b>	<b>\$66,130,042</b>	<b>\$90,260,576</b>	<b>\$119,843,488</b>	<b>\$161,173,732</b>
Projected Number Households (g)	70,167	71,153	73,678	76,293	79,001
<b>Total Projected Cost per Household</b>	<b>\$820.73</b>	<b>\$929.41</b>	<b>\$1,225.06</b>	<b>\$1,570.83</b>	<b>\$2,040.14</b>
<b>Income Scenario: \$10,000 (h)</b>					
Solid Waste Management	2.4900%	2.5980%	2.7799%	3.2125%	3.7124%
Clean Water Services	3.1598%	3.2961%	4.0948%	5.4684%	7.3030%
Stormwater Quality	0.0908%	0.5140%	1.3386%	1.3748%	1.4119%
Air Quality	0.0156%	0.0691%	0.0709%	0.0729%	0.0748%
Environmental Outreach	0.0195%	0.0475%	0.0488%	0.0501%	0.0515%
Stormwater Conveyance	2.4317%	2.4578%	2.5242%	2.5924%	2.6625%
<b>Total % of Household Income (i)</b>	<b>8.2074%</b>	<b>8.9825%</b>	<b>10.8572%</b>	<b>12.7711%</b>	<b>15.2162%</b>
<b>Income Scenario: \$17,500 (h)</b>					
Solid Waste Management	1.4229%	1.4846%	1.5885%	1.8357%	2.1214%
Clean Water Services	1.8056%	1.8835%	2.3399%	3.1248%	4.1731%
Stormwater Quality	0.0519%	0.2917%	0.7649%	0.7856%	0.8068%
Air Quality	0.0089%	0.0395%	0.0405%	0.0416%	0.0428%
Environmental Outreach	0.0111%	0.0272%	0.0279%	0.0286%	0.0294%
Stormwater Conveyance	1.3895%	1.4044%	1.4424%	1.4814%	1.5214%
<b>Total % of Household Income (i)</b>	<b>4.6899%</b>	<b>5.1308%</b>	<b>6.2341%</b>	<b>7.2978%</b>	<b>8.6949%</b>
<b>Income Scenario: \$34,500 (h)</b>					
Solid Waste Management	0.7217%	0.7530%	0.8058%	0.9312%	1.0761%
Clean Water Services	0.9159%	0.9554%	1.1869%	1.5851%	2.1168%
Stormwater Quality	0.0263%	0.1480%	0.3880%	0.3985%	0.4092%
Air Quality	0.0045%	0.0200%	0.0206%	0.0211%	0.0217%
Environmental Outreach	0.0056%	0.0138%	0.0141%	0.0145%	0.0149%
Stormwater Conveyance	0.7048%	0.7124%	0.7316%	0.7514%	0.7717%
<b>Total % of Household Income (i)</b>	<b>2.3789%</b>	<b>2.6026%</b>	<b>3.1470%</b>	<b>3.7018%</b>	<b>4.4104%</b>

#### Notes:

- (a) Solid Waste Management cost based upon median residential trash bill. Inflation factor used: 3%  
 (b) Clean Water Services cost estimates based upon Early Action Plan and Overflow Control Plan.  
 (c) Stormwater Water Quality cost estimates based upon estimated cost of permits and TMDLs.

- (d) Air Quality cost estimates based upon assumption of non-attainment in 2014.
- (e) Environmental Public Outreach cost estimate based upon estimated cost to implement
- (f) Stormwater Conveyance cost estimates based upon two components -- Flooding abatement and infrastructure
  - Stormwater system lifecycle replacement cost based upon \$500M of system infrastructure to be replaced over 100 years
  - Flooding costs based on \$650M of unfunded flooding needs to be completed over 50 years
- (g) Number of households is based on 2012 Census inflated by 0.7% annually.
- (h) Household Income was inflated by 1.74%, the percentage increase from 1990 to 2010 per
- (i) Highlighted values are used to calculate summary values in Attachment C.
- (j) Estimated 86% residential and 14% commercial.

## Projected Environmental Compliance Cost for Greene County Households in the Urban Services Area

	FY 13	FY 15	FY 20	FY 25	FY 30
County Stormwater Quality*	\$300,000	\$1,487,500	\$3,845,763	\$4,458,293	\$5,168,383
County Stormwater Conveyance*	\$0	\$903,220	\$919,661	\$936,686	\$954,315
Clean Water Services	\$8,501,458	\$9,308,427	\$13,053,021	\$19,676,696	\$29,661,516
Solid Waste Management	\$6,699,357	\$7,336,955	\$8,861,571	\$11,539,241	\$15,078,146
Air Quality	\$31,709	\$149,135	\$177,052	\$210,140	\$249,343
Total Projected Cost of Programs	\$15,532,524	\$19,185,237	\$26,857,067	\$36,841,056	\$51,111,704
Estimated Number of Households (Urb. Serv. Area only)	26905	27283	28251	29254	30292
Total Projected Cost per Household (urb. Serv. Area)	\$575.64	\$661.91	\$897.67	\$1,204.47	\$1,630.18
<b>Income \$0.00 to \$10,000</b>	<b>\$10,000</b>	<b>\$10,351</b>	<b>\$11,283</b>	<b>\$12,300</b>	<b>\$13,408</b>
County Stormwater Quality*	0.132%	0.483%	1.062%	1.090%	1.120%
County Stormwater Conveyance*	0.000%	0.272%	0.245%	0.221%	0.200%
Clean Water Services	3.160%	3.296%	4.095%	5.468%	7.303%
Solid Waste Management	2.490%	2.598%	2.780%	3.212%	3.712%
Air Quality	0.012%	0.053%	0.056%	0.058%	0.061%
Total % of Household Income	<b>5.756%</b>	<b>6.395%</b>	<b>7.956%</b>	<b>9.793%</b>	<b>12.158%</b>
<b>Income \$10,000 to \$25,000</b>	<b>\$17,500</b>	<b>\$18,114</b>	<b>\$19,746</b>	<b>\$21,525</b>	<b>\$23,464</b>
County Stormwater Quality*	0.075%	0.276%	0.607%	0.623%	0.640%
County Stormwater Conveyance*	0.000%	0.155%	0.140%	0.126%	0.114%
Clean Water Services	1.806%	1.883%	2.340%	3.125%	4.173%
Solid Waste Management	1.423%	1.485%	1.589%	1.836%	2.121%
Air Quality	0.007%	0.030%	0.032%	0.033%	0.035%
Total % of Household Income	<b>3.289%</b>	<b>3.654%</b>	<b>4.546%</b>	<b>5.596%</b>	<b>6.948%</b>
<b>Income \$25,000 to \$50,000</b>	<b>\$37,500</b>	<b>\$38,816</b>	<b>\$42,313</b>	<b>\$46,125</b>	<b>\$50,279</b>
County Stormwater Quality*	0.035%	0.129%	0.283%	0.291%	0.299%
County Stormwater Conveyance*	0.000%	0.072%	0.065%	0.059%	0.053%
Clean Water Services	0.843%	0.879%	1.092%	1.458%	1.947%
Solid Waste Management	0.664%	0.693%	0.741%	0.857%	0.990%
Air Quality	0.003%	0.014%	0.015%	0.016%	0.016%
Total % of Household Income	<b>1.535%</b>	<b>1.705%</b>	<b>2.122%</b>	<b>2.611%</b>	<b>3.242%</b>
<b>Median Income</b>	<b>\$41,059</b>	<b>\$42,500</b>	<b>\$46,329</b>	<b>\$50,502</b>	<b>\$55,051</b>
County Stormwater Quality*	0.032%	0.118%	0.259%	0.266%	0.273%
County Stormwater Conveyance*	0.000%	0.066%	0.060%	0.054%	0.049%
Clean Water Services	0.770%	0.803%	0.997%	1.332%	1.779%
Solid Waste Management	0.606%	0.633%	0.677%	0.782%	0.904%
Air Quality	0.003%	0.013%	0.014%	0.014%	0.015%
Total % of Household Income	<b>1.402%</b>	<b>1.557%</b>	<b>1.938%</b>	<b>2.385%</b>	<b>2.961%</b>

Income growth assumed to be 1.74% (same rate as 1990 to 2010)

County Stormwater Program growth assumed to be 3%

Population growth assumed to be 0.7%

Assume 85% of Greene County's unincorporated population is in the urban services area

\*Stormwater program costs are divided by all residents in unincorporated Greene County to get a per household cost

