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P. Hrngs. _____
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Filed: 12-8-09

Sponsored by: Burlison, Bailes
Chiles, Stephens

COUNCIL BILL NO. 2009 - 309 RESOLUTION NO. _____

A RESOLUTION

1 ADOPTING the City of Springfield's Legislative Policy for 2010. (Recommended by
2 the Plans and Policies Committee.)
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7 WHEREAS, the City of Springfield is concerned with legislative matters at the
8 state and federal level which affect the City of Springfield, Missouri; and
9

10 WHEREAS, legislation adopted by state and federal governments had an impact
11 on the governmental operations of the City of Springfield, Missouri; and
12

13 WHEREAS, the City Council has identified a number of important legislative
14 items that may be considered by federal and state legislatures.
15

16 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
17 OF SPRINGFIELD as follows:
18

19 The City Council of the City of Springfield, Missouri, hereby adopts "Exhibit 1", a
20 copy of which is attached hereto and incorporated herein by reference, as its Legislative
21 Policy for 2010. In the version attached as "Exhibit 1", all additions made to the 2008
22 and 2009 policy included for the 2010 policy are underlined and deletions stricken
23 through for easy identification. The underlines and strike-throughs will be removed in
24 the final version of the policy upon adoption. Also attached as "Exhibit A" to this
25 Ordinance are the priorities to the 2010 Legislative Policy as identified by the Plans and
26 Policies Committee.
27

28 NOTE: Underlined language has been added. Language ~~stricken~~ has been removed.

29

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31 Passed at meeting: _____

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33

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Mayor

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37 Attest: _____, City Clerk

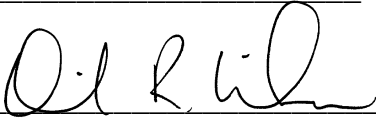
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40 Filed as Ordinance: _____

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43 Approved as to form: , City Attorney

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46 Approved for Council action: , City Manager

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51 N:\SHARE\CBILLS 2009\12-14-09\2010 legislative policy RESOLUTION_dw.docx

Aff. Agcy. Noticed _____
Emergency Required _____
P. Hrngs. Required _____
Fiscal Note Required _____
Board Rec. Required _____

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: LAW

PURPOSE: Adopt the Legislative Policy for 2010.

BACKGROUND INFORMATION: This Council Bill adopts the City Council's Legislative Policy for 2010. The Plans and Policies Committee considered this matter at its meeting on December 3, 2009, and recommends adoption of the Legislative Priorities set forth in this bill.

REMARKS: The proposed Legislative Policy is set forth in "Exhibit 1", which is attached to the bill. To assist in easily identifying changes from the 2008 and 2009 legislative policy for the 2010 Legislative Policy, additions to the policy are underlined and deletions are stricken through. Upon adoption of the policy notations from previous years will be removed.

Submitted by:



City Attorney

Approved by:



City Manager

City of Springfield's 2010 Legislative Priorities

- **Maintain Local Control and Avoid Unfunded Mandates**
 - Preemption of local laws, including local business taxes, limits the ability of local government to deal quickly with problems which are of concern to local citizens. This includes the ability of the City to regulate areas such as billboards and rights-of-way.
 - Protecting the City's Tax Base – Decisions on which revenues should be collected should be left to local voters and officials who are the most responsive to the constituency base paying the tax and receiving the services.
 - The City encourages the legislature to ensure that state funds are distributed fairly and that the state not impose any unfunded mandates.
 - Jail Funding – The City encourages the State of Missouri to fully fund county jail expenses and supports measures to ensure that the actual cost of housing inmates is appropriated and paid to counties.

- **Red-Light Cameras and Efficient Traffic Enforcement**
 - The state should modernize its traffic control laws by providing for Automated Photo Red Light camera enforcement of stop light violations and allow municipalities to enforce these infractions as a non-point, civil penalty.

- **Protect the Natural Environment**
 - Protect our air and water resources
 - Promote the efficient use of energy and seek alternate energy sources

- **Economic Development and Fighting Poverty**
 - Strengthen current economic development tools available to local governments to improve the state's ability to compete with our surrounding states in attracting and retaining quality jobs.
 - Provide additional state tax credits and other financial incentives for relocation of new businesses, expansions of current businesses, and businesses and individuals to change to a more sustainable business model or lifestyle.
 - Education and Workforce Development - The City of Springfield believes that a strong education and proven workforce development programs are critical components of economic development and efforts to combat poverty. The City supports sufficient, equitable state funding for K-12 and state-supported higher education institutions. The City also supports dedicated state funding to Workforce Development from the State General Fund.
 - Transportation funding is an economic development driver and should be maintained in the budget.
 - Support development of a stronger local food supply

**SPRINGFIELD LEGISLATIVE POLICY
2009 **2010** SESSION **DRAFT 1****

A. ENVIRONMENT AND QUALITY OF LIFE

A.1 Environment

Clean air and water are essential to protecting the public health. Protection of air and water resources and providing incentives to encourage renewable resources are two of the most important functions of government. The City urges the General Assembly and the federal government to provide adequate funding and legislation to protect air and water resources from pollution including funding for storm and sanitary sewers as well as linear parks and open space. Training, recycling and cleanup programs should be adequately funded. The fee-for-permit system sustains the overwhelming majority of the programs in the Department of Natural Resources. Without these fees or alternative revenue-neutral funding mechanisms, the agency will be unable to protect air quality, water quality, property values and human life in Missouri. Federal and state policies should, however, be cost-effective, directed to all sources of pollution and not be simply unfunded mandates from the state or Federal government. The City supports state and federal programs which provide for proper management of all hazardous materials, including asbestos. The State should form partnerships and encourage regional solutions with local government whenever possible in order to increase efficiency and reduce costs. Efficient use of energy and resources should be encouraged by the State, establishing minimum energy efficiency levels for new buildings and heating, air conditioning and home appliances. A portion of the State's Solid Waste fee should be set aside for use by local government to encourage recycling programs in order to reduce the amount of solid waste going into landfills. The State should amend Section 260.247 RSMo. to eliminate barriers to local franchising. State funding of Household Chemical Waste programs on a regional basis is an important tool to encourage the use of regional facilities. In addition, the City supports the development of Missouri-based alternative energy resources and the jobs created by these industries.

The City supports funding for programs and practices at state and federal level that educate the public regarding energy conservation and that promote the responsible and efficient use of energy and protection of air and water resources. Further, given the historical position that waste disposal is typically and traditionally a local government function, the City supports legislation dealing with funding of waste disposal programs through flow control ordinances and opposes any effort at limiting a Municipality's ability to utilize flow control programs. Finally, the City supports the enforcement of existing laws that require major water users to report the exact amounts of water these users extract from our region's aquifers.

A.2 Education. The City of Springfield strongly believes that a strong education system and proven workforce development programs are critical components of economic development and to combat poverty and improve quality of life. Tomorrow's workforce requires high-level reading skills structured problem-solving skills, effective oral and written communications skills.

and working the ability to work in diverse groups. The readiness of Missouri's workforce will determine Missouri's economic security, prosperity, and quality of life. Missouri's greatest imperative is to ensure that all learners are prepared for the 21st Century in a time when Missouri businesses are facing a critical need for qualified workers for both entry-level and skilled positions. Accordingly, the City of Springfield supports the following:

a. Workforce Development - The City of Springfield believes the state should continue to encourage partnerships between Missouri's business and industry and education institutions and supports continued training incentives to businesses. The City supports direct and dedicated state funding to workforce development from the General Fund. This funding should be made directly available to Local Workforce Investment areas to assist with reemployment and retraining of dislocated workers to meet the ever-changing workforce needs of Missouri companies in the 21st Century, including the funding for labor shed studies. A Labor shed is defined as the area or region from which an employment center draws its commuting workers. Labor shed studies provide community economic developers and employers with a tool to understand the local labor market and make informed expansion and site selection decisions. To this end, the City supports the following recommendations for state workforce development programs: (1) measure success, ensure accountability; (2) invest in local and regional strategies and industry-based public-private partnerships; (3) build career pathways to good jobs for all Missourians; and (4) provide Missourians with lifelong access to skills training and educational opportunities.

b. Higher Education and Education Funding – The City supports sufficient state funding for community colleges and universities to keep the costs of higher education in Missouri affordable. The City also supports the creation of a forgivable loan program for Missouri students who remain in the state following graduation, a tax credit for employers that pay down employee student loans, and a tax credit for employers that pay for employee moving expenses in an effort to recruit and retain our future workforce.

Community colleges have proven to be a very cost effective and quality source of education and training for vocational and college transfer-bound students. Their graduates remain in Missouri, providing a great return on a small investment. However, community colleges need additional capacity in order to recruit and train if they are to meet Missouri's workforce challenge. Community colleges are in a strong position to be able to recruit more students; though, have waiting lists that often preclude enrollment. A sustainable source for additional funding for facilities needs to be found, as well as funding based upon enrollment.

The City supports more flexibility and local control over public school funding for Springfield schools and a more equitable funding formula for public school systems.

There should be continued emphasis on the education skills necessary to provide a competitive work force in Missouri. These skills include, but are not limited to, provision of basic literacy skills for all Missourians; an emphasis on professional and technical

training not requiring a four-year college degree; increased state funding and support for elementary, secondary and higher education, especially in technical areas; and retraining existing workers whose skills have become obsolete.

The City supports legislation for a special tax credit for employers who support or pay for their employees to continue their education or obtain a GED.

There should be state funding and private assistance for the provision of basic services necessary, such as day care latchkey programs, to ensure that all Missourians wishing to work have the opportunity.

a. **c.** Community Education. The City supports the concept of using public buildings, facilities and equipment as an important means for municipalities and schools to maximize the use of their combined resources towards the resolution of community concerns. The City strongly supports the use of state funds for community education programs; i.e. prevention of juvenile delinquency and child abuse, reduction of unemployment, lack of elderly services, teenage pregnancy and the lack of adequate or available recreation facilities. The City supports coordination and cooperation of related local governing agencies in planning, development and implementation of community education programs and urges the sponsorship of legislation to require the State to provide grant funds for local community/school cooperative program demonstration projects, with special emphasis on joint utilization of physical facilities.

b. ~~**d.** Education Funding. The City supports more flexibility and local control over public school funding for Springfield schools and a more equitable funding formula for public school systems.~~

e.b.

A.3 Police Powers and Administration

- a. Nimble and Efficient Law Enforcement. Law enforcement is constantly evolving, thereby requiring state and local government to adapt to changing conditions. The State should respond to these changes through legislation. For example, police departments need to be able to quickly obtain search warrants by electronic means, and the burdens of false alarms caused by the use of security systems should be addressed through legislation giving counties who run E-911 systems authority to correct abuses.
- b. Jails. The city needs to have the state fully fund our county jail expenses for prisoners being held on state charges. Legislation is needed to ensure that the actual cost of housing inmates is appropriated to avoid creating underfunded detention facilities.

- c. Confidential Police Personnel Records. Recent court opinions have interpreted Chapter 610, the Missouri Open Records Law, to hold that police internal affairs records are incident and investigative reports, thus open to the public under certain circumstances. Internal affairs investigations are not criminal in nature, and are for the purpose of addressing officer conduct and identifying potential law enforcement areas for improvement. Under prior law, internal affairs investigations were considered closed and confidential personnel records, subject to disclosure when judicially determined to be directly relevant to the accused's defense in a particular case. Under these recent court opinions, officers are now subject to being confronted on the witness stand with confidential and personal details from employment investigations completely unrelated to the case about which they have been called to testify. This potential for required disclosure also substantially interferes with the law enforcement agency's ability to conduct and use the internal affairs investigation in a constructive manner. The General Assembly should limit the dissemination of information about police officers due to the unique problems they and their families face.
- d. Right to Appeal from Adverse Evidentiary Rulings. Currently case law limits the right of the city to appeal adverse evidentiary rulings in Municipal Court. Examples are motions to suppress evidence or motions to dismiss based upon legal grounds such as the constitutionality of a city ordinance. Because of this limitation cities have no recourse to get a final determination on the ruling from a higher court. State prosecutors do not have the same limitation. Fixing this problem will require legislation to amend the Missouri Constitution but will give municipal prosecutors the same ability to fight crimes as state prosecutors. Further, this will not have any impact on criminal defendants' double jeopardy rights.
- e. Criminal Property Forfeiture Laws. The current criminal property forfeiture laws need to be revised in order to allow for recovery of costs, and reduction in compliance burdens. Further, local governments should be allowed to share in the proceeds as an economic incentive to encourage forfeiture of property seized from criminals to the state.
- f. Efficient Traffic Enforcement. The state should modernize its traffic control laws by providing for automated Photo Red Light camera enforcement of stop light violations and allow municipalities to enforce these infractions as a non-point penalty. This will help municipalities promote safety on their streets while holding those who violate red light rules accountable. Additionally, the Department of Revenue should have current contact information for every Missouri resident. The legislature should revisit this issue and once again require that Missouri residents update their contact information with the Department of Revenue whenever they change their address.

A.4 Preemption

The General Assembly and Congress should refrain from actions which limit local authority to deal with problems at the local level, such as local franchising authority, taxation of businesses, teenage drinking, teenage smoking, and use of tobacco, licensing of massage and body piercing, all of which have in recent years been preempted in whole or in part. Preemption of local laws, including local business taxes, limits the ability of local government to deal quickly with problems which are of concern to local citizens. It is almost impossible to predict the evolving nature of issues. State-mandated solutions which provide “one size for all” or remove local governments ability to deal with conditions of its own property or funding its own services unnecessarily limit the flexibility of local government. An option to preemption is for the State of Missouri to forge alliances with local government in the enforcement of laws, resulting in better enforcement and savings to the State. In short, the City believes that the State and Federal governments should rigorously avoid preemption of local laws that limit the ability of local governments to deal quickly with problems that are of concern to local citizens.

Councilman Robert Stephens proposes:

Rigorously avoid preemption of local laws that limit the ability of local governments to deal quickly with problems that are of concern to local citizens.

Eliminate state laws that currently restrict or limit the ability of local governments to respond to local needs.

Since the state is not going to have much, if any, money to distribute, maybe now is the time to take a look at existing state laws and eliminate those that get in the way of local decision-making. Perhaps we can get the state legislature to ask, this year at least, "what less can we do for you?" instead of "what more can we do?"

A.5 Public Health - Funding and Administration

Adequate state funding of local public health agencies is critical to maintaining and improving the quality of life to Missouri citizens. The public health threat of emerging diseases, bioterrorism and the global implications of disease spread requires a rapid and effective local response to protect the public’s health. The State should increase funding for local efforts to address these growing threats.

The State of Missouri should follow the National Centers for Disease Control (CDC) Best Practices for Tobacco Control in the expenditure of whatever funds are available for promoting public health as related to the health consequences caused by the use of tobacco products.

In addition, the burden imposed upon the regions aging Veterans population, as well as the burdens imposed on Veterans returning from tours of duty in Afghanistan and Iraq compels

Council to support the location of a regional health facility and/or mental health facility for Veterans in the Springfield area. This would allow a significant portion of the Southwest Missouri Veterans to obtain health care without traveling great distances to facilities currently located in Saint Louis, Columbia or Kansas City.

Finally in light of the hardship imposed on the Southwest Missouri region due to the January 2007 ice storm, and the severe burdens placed on our elderly population residing in long-term skilled nursing facilities, the State should review its legislation regarding requirements placed upon long-term skilled nursing facilities to add a requirement that nursing facilities have back-up electrical generation equipment sufficient to maintain all necessary life safety activities for the facility's residents.

A.6 Housing

One of the mainstays of the American way of life and its economy has been home ownership. In addition, decent, safe and sanitary housing for all Americans is an important public policy objective which directly affects the urban environment and our quality of life. Not only is it important to provide opportunities to rent or own affordable housing, but the maintenance of housing stock which is decent, safe and sanitary is also important. The City supports federal and state legislation which encourages home ownership, affordable housing whether it is for rental or home ownership, and the maintenance of housing stock so it is decent, safe and sanitary.

Affordable housing is an important quality of life issue for any community. In addition, affordable housing is also important to the economic development of the community. The recent rise in housing cost coupled with reductions in federal housing funds has strained existing resources in Springfield/Greene County. The Vision 20/20 plan recommends creation of a local housing trust fund to provide additional resources for affordable housing. The City supports legislation to allow an increase in real estate recording fees to fund a Springfield/Greene County housing trust fund.

Councilman Dan Chiles proposes:

supply and remove barriers to the development of local food supplies.

Water Use.—Major water users should obey the law

Springfield is built over a large and deepening cone of depression caused by water mining. As our water table declines, landowners, farmers and smaller cities in our region face dry wells and water shortages.—We support the enforcement of existing law that requires major water users to report the amount of water they extract.

Support a more sustainable Missouri:

Missouri is almost completely reliant on coal burning for our electricity and thus, we are a major contributor to carbon dioxide pollution. We support the development of Missouri-based alternative energy sources and the jobs that will create.

–Revise or update the DNR fee structure:

The fee for permit system sustains the overwhelming majority of the programs in the Department of Natural Resources. Without increases of these fees or alternative funding mechanisms, the agency will be unable to protect air quality, water quality, property values and human life in Missouri.

Councilman Robert Stephens proposes:

Provide additional tax credits and other financial incentives for businesses and individuals to change to a more sustainable business model or lifestyle.

Eliminate the practice of one government agency fining another, recognizing that the dollars always come from the taxpayer.

B. ECONOMIC DEVELOPMENT

B.1 Coordination of State Programs with Economic Development Programs as Part of a Smart Growth Policy

The State of Missouri has established a number of programs for economic development, which include the creation of Enterprise Zones. Many of these programs are supported by federal and local actions. These economic development programs can be furthered by coordination of other state programs so that the State has an overall policy which is designed to improve economic conditions in identified economic development areas. The location of State buildings, whether they are owned or leased by the State, can have a very substantial impact on economic development. The State should follow Section 89.380, RSMo, by submitting plans for new or relocated facilities to the Planning and Zoning Commission. There is a need for the State to implement a program of smart growth through the coordination of economic development programs with other programs of the State to encourage infill and the leasing or ownership of property by the State, which will encourage redevelopment of the Center City. The General Assembly should pass legislation which would require the State to follow community plans for location of facilities and to consider the economic development policies established by the state and local government as a factor in making an award for the lease of buildings. Finally, the City encourages the state to provide additional tax credits and other financial incentives for businesses and individuals to change to a more sustainable business model.

B.2 Transportation Needs. The City supports efforts to secure funding for the Department of Transportation and create partnerships with them to better facilitate economic development in our communities.

- a. Missouri's ability to meet even high-priority transportation needs is in crisis with uncertain funding issue at all levels local, state, and federal. The City of Springfield recognizes that transportation investments boost industry competitiveness, enhances household welfare, and strengthens local, regional, and state economies. It is essential that the City of Springfield be an active participant in MoDOT's Conversation for Moving Missouri Forward. The City should also encourage state and federal legislators to make transportation investments a top priority as it will create new jobs, promote economic sustainability and enhance our competitiveness in a global economy.
- b. SAFETEA-LU. (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) The Congress of the United States of America should continue to fund the SAFETEA- LU Transportation Equity Act of the 21st Century at current levels or increased levels because these funds have been effectively used to improve transportation enhancement activities in the City of Springfield and the State of Missouri. The City urges the Missouri Highway and Transportation Commission each year to continue to distribute available Surface Transportation Program funds for enhancement activities as outlined under the federal SAFETEA- LU21 legislation, regardless of the annual SAFETEA- LU appropriation level to the State of Missouri.
- c. Transit Funding. State-dedicated funding is needed to provide quality public mass transit services throughout the State for the great majority of the elderly, handicapped and low-income residents who are totally dependent upon public transit for their mobility and independence. Public transit usage, including parking decks, also contributes to energy conservation and independence, improves air quality, reduction in traffic congestion and in vehicular miles traveled on the State's roads and highways. In the event the General Assembly of the State of Missouri enacts legislation to provide for a dedicated revenue source to fund public transit operations and projects statewide, funding should be included for Southwest Missouri. Use of these funds to improve the ground transportation system at the Springfield/Branson Regional Airport is important because it could allow for the development of better ground transportation services to local and regional tourist facilities.

The continued improvement of Missouri's transportation system is a primary economic development goal of Metro Springfield. Transportation infrastructure is a crucial element in supporting our region's rapid growth and development. The City of Springfield encourages continued partnerships between MoDOT and local governments.

The City supports the following:

- Continued funding for the Springfield Area Metropolitan Planning Organization known as the Ozarks Transportation Organization priorities including the following high-priority projects:
 - ~~Interstate 44 & Highway 65 Interchange~~

- ~~Highway 60 & 65 Interchange~~
- ~~Glenstone & James River Freeway Interchange~~
- ~~Development of multi-modal corridors to the new Springfield Branson National Airport Terminal.~~
- ~~Upgrade Hwy 65 to a six-lane highway from I-44 to route 14.~~

Capacity and Safety Improvements to US 60 (James River Freeway) from West Bypass to State Highway 125.

Capacity Enhancing Improvements to U.S. 160 (Campbell Avenue) from the U.S. 60 interchange to State Highway 14 in Nixa.

Regional Arterial Traffic Flow Management System (Intelligent Transportation System).

Upgrade I-44 to a six-lane facility from U.S. 360 to Route 125.

Railroad Grade Separation at Chestnut Expressway and US 65.

- The authorization of a feasibility study for toll roads
- Legislation authorizing a comprehensive regional transit plan
- Protection of Community Improvement Districts (CID) and Transportation Development District (TDD) as proper transportation development tools
- Legislation that would enact a primary seat belt law bringing more federal dollars to Missouri.

Looking toward the future, the City of Springfield wants to ensure that important highway projects are not allowed to lapse because of a lack of funding at the state level. Proposition 3 was passed by voters in November of 2004 to secure bond projects through 2010. The City of Springfield supports continuing the funding levels achieved by Proposition 3.

Councilman Dan Chiles Proposes:

- Connect our major cities with passenger rail -

There is no regularly scheduled commercial air service between Springfield, St. Louis and Kansas City. We support the planning for future development of passenger rail service between Missouri's our major metropolitan population areas.

- Support Complete Streets:

Missouri's population is aging and our needs for transportation are changing. Our streets and highway system should accommodate all users including those who do not use cars. Joggers, Pedestrians, bike riders, bus riders, children and ~~handicapped~~ disabled ~~pe~~persons all pay taxes. Streets and intersections should be for all taxpayers.

Support local food

Local agriculture is key to providing a safe, secure, and reliable food supply for the citizens of Missouri.

We support farmers in our city limits and farmers nearby and we encourage legislation that will provide a stronger local food supply and remove barriers to the development of local food supplies or eliminate legislation that provides barriers.

Councilman Robert Stephens proposes:

Strengthen current economic development tools available to local and county governments

Provide additional state tax credits for location of new businesses or expansion of current businesses

Eliminate laws that restrict development of new industries and jobs in Missouri.

B.3 Human Resources

~~a. — There should be continued emphasis on the education skills necessary to provide a competitive work force in Missouri. These skills include, but are not limited to, provision of basic literacy skills for all Missourians; an emphasis on professional and technical training not requiring a four-year college degree; increased state funding and support for elementary, secondary and higher education, especially in technical areas; and retraining existing workers whose skills have become obsolete.~~

~~The City supports legislation for a special tax credit for employers who support or pay for their employees to continue their education or obtain a GEOD.~~

~~b. — There should be state funding and private assistance for the provision of basic services necessary, such as day care latchkey programs, to ensure that all Missourians wishing to work have the opportunity.~~

B.43 Capital, Fiscal Resources, and Economic Incentives

In order for Missouri and its communities to compete for jobs, it needs to retain existing economic incentives comparable to what is offered in adjoining states. In addition, new legislation is needed to make the economic development package offered by Missouri and its communities competitive with other states. To that end:

a. The State, Federal government and private sector should support efforts to provide access to seed and venture capital for viable projects by Missouri entrepreneurs.

- b. The State should support efforts and provide funding to fully develop Jordan Valley Park with amenities such as an amphitheater and multi-purpose facility, other types of community gathering areas.
- c. The State and Federal government, in conjunction with communities, must ensure that new and expanding businesses have access to competitively priced financing or additional tax credits for the location of new businesses or the expansion of existing businesses.
- d. The City, in cooperation with the State and the Federal government, should continue to press for extension of tax-exempt industrial revenue bonds to provide financing for business expansions.
- e. The State and Federal government should provide or allow for adequate funding tools for the funding for improvement and expansion of existing and future public infrastructure.
- f. The State of Missouri should maintain its very basic economic incentive programs for new and expanding businesses, including but not limited to its composite taxable and tax-exempt financing programs, economic development tax credits, Environmental Improvement and Energy Resources Authority, the Missouri Industrial Development Loan Guarantees and various tax credits for seed capital funds. These programs should be maintained at existing minimal levels or increased.

The City supports an amendment to the Missouri Quality Jobs program that would prohibit the granting of state incentives to existing Missouri business and industry who elect to relocate business operations within the State of Missouri.

- g. The City supports the preservation of Chapter 353, the Urban Redevelopment Law, including the option of tax abatement without unwarranted restriction by other governmental units.
- h. The City opposes legislation to exempt any governmental entity from being subject to requirements to contribute to the TIF allocation fund and opposes any attempt to change the purposes or types of development permitted under the TIF law.
- i. Economic incentives by local and state government are essential to the continued development of the Center City of Springfield. The ability to leverage the benefits of economic growth with additional tax revenues created by the economic growth is a unique way to assist Center City redevelopment. Continued debt service appropriation by the State for the state-approved TIF which funds in part the Exposition bonds is critical to investor confidence. This is particularly true in situations such as the Springfield Exposition Center, where there is an extraordinary commitment by local government to provide key facilities and needed public infrastructure with private/public investment, which is part of an overall strategy to revitalize Center City.

- j. Certain not-for-profit organizations such as the Discovery Center and the History Museum enhance the quality of life by serving as important educational institutions and as tourist attractions.

B.54 Marketing

- a. An increased emphasis should be placed on marketing the State of Missouri as a location for business expansions. Marketing efforts should be expanded to include additional emphasis on high tech companies and service operations. A coordinated effort between all appropriate state agencies and between state and municipal groups promoting business, industry, parks, cultural and historic attractions, and tourism should be fostered in promoting the resources already available in Missouri.
- b. Advertising efforts should be expanded with local economic development agencies to allow increased piggybacking with state campaigns and the sharing of advertising expenses between state and local groups.
- c. Tourism promotion campaigns, in cooperation with local tourism and convention groups, should be given greater priority. Cost sharing between local and state promotional groups has proven a cost-effective way to increase exposure and should be expanded.
- d. Efforts should be made to promote the State of Missouri internationally as a visitor destination. Tourism materials should be prepared and distributed along with the current offerings promoting industrial locations.
- e. Increased efforts to preserve the natural beauty of Missouri are necessary to promote Missouri as a tourist destination. Proliferation of billboards in Missouri has detracted from the natural scenic beauty of the State; therefore, the State should limit the erection of billboards.
- f. The State of Missouri must continue to assist businesses in reaching new markets for their products and services, including an increased awareness of international opportunities.
- g. The Missouri Department of Economic Development should actively pursue professional marketing services through the use of private firms to encourage businesses and other job providers to locate in the state of Missouri.

B.65 Liquor Control

The City supports the establishment of a local liquor control office and the creation of funding for that office. A local office will assist in more timely issuance of licenses and more efficient and expedient enforcement of liquor control laws. In the absence of a local office, the ability of

the State to contract with, and fund, a local government to provide liquor enforcement of State laws would be of assistance.

Councilmember Doug Burlison proposed the following:

B.7— Boost Public Support Of Economic Development Tools: CID's, Tif's.

By instituting common sense reforms, mechanisms like CID's, TIF's, etc. could enjoy a larger amount of taxpayer support for their efforts. Ideas like tax-rate posting requirements, increasing the majorities required for district creation, and broadening the base of potential voters in these special elections will increase accountability, and decrease abuses that sometimes results in blanket corporate welfare.

B. Enhance The Economy By Removing Restrictions On Hemp to Create New Industries:

With the stroke of the pen, Missouri could create several new industries overnight. Medicine, Agriculture, textiles, construction, alternative fuels, and many other areas would see an immediate boon in their markets. The cost of this type of government "investment" would be absolutely nothing, zero dollars. In fact, the savings that this could generate would be able to fund critical needs in other areas.

C. FINANCE AND TAXATION

C.1 Protection of City Tax Base

Federal and state actions to eliminate or reduce local taxes or grants have an adverse impact on the ability of local government to deliver basic services such as police, fire, parks, public health and public works and erodes the ability of those closest to the provision of services to determine the means of funding them. Decisions on which revenues should be collected should be left to local voters and officials who are the most responsive to the constituency base paying the tax and receiving the services. If these basic services are to be adequately delivered, it is essential that the local tax base remain intact and that local taxpayers, or their locally elected representatives, make the decisions on what taxes are to be collected and from whom. The federal and state government should refrain from reducing or eliminating or withholding the local tax base or federal or state grant programs.

- a. Deregulation of Utilities. The General Assembly and the Federal government have acted prudently in not deregulating electric utilities, as demonstrated by the energy crisis created by deregulation in other states such as California. Unregulated energy marketers such as Enron rushed into the marketplace, creating one of the greatest failures in our history. The General Assembly and the Federal government should not take any action in this area until there is a track record of success in other states and only after considering all of the consequences to local government.
- b. Protection of Local Gross Receipts Taxes. The City supports efforts to oppose any attempt to reenact HB 209 (2005) or any similar legislation and to protect the local gross receipts on telephones from any other initiatives which seek to preempt local telephone or cable television/video programming gross receipts taxes and franchise fees based upon gross receipts or any initiative which would prohibit municipalities from having gross receipts taxes on telephones, cable television services, video or

voice services provided over internet protocols and franchise fees based upon gross receipts; or any initiative which proposes a new flat fee which in effect would be a new tax requiring a vote by the electorate in each city under the Hancock Amendment.

- c. Local Public Rights-of-Way. The General Assembly enacted and the Governor signed into law SB 369. Although this bill contains serious constitutional defects which should result in its being declared invalid, until such time as that is done by a court, the bill seriously undercuts local authority over rights-of-way, places the important issue of use of those rights-of-way in court, and removes a vital source of local revenue from all cities for utilities whose franchises had not been renewed prior to May 1, 2001 or which did not have perpetual franchises in place to cover particular utility. This bill should be repealed in its entirety and a study conducted with participation by local governments and the industry to determine if there actually is a need for State legislation of any sort. The federal or State government or other authority should not be allowed to preempt the ability of a municipality to regulate the use of its public rights-of-way and to obtain fair and reasonable compensation for the use of same through the franchising or licensing process. The authority granted to cities should not be diluted in any fashion as attempted by SB 369, and the emphasis of any legislative effort should continue to be directed toward consumer service and local authority. Furthermore, the City encourages the General Assembly and the Federal government to preserve municipal authority to equitably apply fees to all providers of utilities that are utilizing the right-of-way of Missouri local governments.
- d. The City strongly opposes the exemption of any further items from the local option sales tax in order to prevent the erosion of the local tax base, and continuation and expansion of the use of sales taxes to fund special purpose districts.

C.2 Satellite Television

The City supports efforts to pass state legislation to establish a level playing field between cable companies and satellite television by authorizing local government to tax satellite television so that they pay taxes comparable to local companies provided voters have authorized such taxes.

C.3. Equitable Distribution of State and Federal Funds

The City would like to obtain an equitable distribution of state and federal funds for City agencies such as Parks, Health, Public Works, Airport, Art Museum and for City programs such as economic development, conventions and tourism.

C.4 Mandates

- a. STATE. In recent years the state government has by law established mandates for certain local government which have been unfunded. This creates an unreasonable economic burden and is in violation of the principles established in the Constitution of the State of Missouri. The City government strongly opposes any state mandates which are unfunded.
- b. FEDERAL. The Federal government should refrain from establishing new programs which shift the burden of federal programs to local government without being accompanied by funding to pay for the costs of such programs. The application of the FLSA to city personnel also acts as mandate by imposing unwarranted costs on local government, particularly in the area of police and fire services. The City government strongly opposes any federal mandates that are unfunded.

C.5 E-Commerce and Other Interstate Sales Activities

- a. E-Commerce. It is estimated that state and local governments currently are losing \$4 billion to \$5 billion annually from out-of-state mail order sales. This amount will increase rapidly as Internet sales continue to grow exponentially. One forecaster estimates that Internet sales will reach \$108 billion by the year 2003, which translates to approximately \$6 billion more in lost sales tax revenues. The exemption of out-of-state sales also has the effect of putting in-state retailers at an economic disadvantage because their sales are subject to taxation. In 1998, Congress created the U.S. Advisory Commission on Electronic Commerce to study the issue and make recommendations on ways to solve the problem.

The City of Springfield urges Congress to recommend that all sales and use tax on sales of tangible property be treated fairly and equitably whether the sales take place over the counter, by phone, mail order or by Internet. The City urges Congress to enact legislation that redefines nexus to include economic nexus as well as physical nexus so that out-of-state mail order sales and Internet sales are treated the same as sales within the same state. The City supports efforts by the State of Missouri to work with other states in studying the issue.

- b. Other Interstate Sales Activities. The loss of local tax revenues to out-of-state companies that do not pay local taxes threatens to undercut the ability of local government to provide needed services to its citizens. Sales tax is a tax on the customer, and is used to provide services to the customer. When a customer visits a store, services are provided to him/her during the sale and before and after as they travel through the City. The same is true for internet sales. The customer still uses services of the City while purchasing and before and after at his/her location. These revenues are needed to help support local services such as police, fire, parks, and health, and to pay for the infrastructure (roads, streets and easements) upon which these services are delivered. Local merchants are at a competitive disadvantage when out-of-state merchants can avoid collecting and paying taxes. The Federal government should exercise its power under the Commerce Clause to protect the local tax base, which is used to provide needed services and protect local merchants

from out-of-state merchants who do not pay state and local taxes, so that there is a level playing field.

D. MUNICIPAL ADMINISTRATION AND INTERGOVERNMENTAL RELATIONS

D.1 Personnel Policies

The City supports Missouri's current meet-and-confer law and opposes any change to it. The Hancock Amendment limits the authority of local governmental agencies to raise taxes without a majority vote of the electorate, and limits the power of the State to mandate new activities or expand existing activities without a state appropriation to pay for the activity. The power to set wages and other terms and conditions of employment for government employees must rest with elected representatives and should not be delegated to third party arbitrators or the courts. The City strongly opposes legislation that would interfere with municipal authority to determine personnel, merit system rules and regulations, pay or terms and conditions of employment, including benefits and pension issues. The City also strongly opposes any legislation that would impair the City Council's ability to have a final say about any and all personnel issues within a Municipality.

D.2 Municipal Acquisition of Land – Use of Eminent Domain

Eminent domain is indispensable and is most often used as a last resort for revitalizing local economies, creating much-needed jobs and generating revenue that enables cities to provide essential services. Eminent domain is a powerful tool – its prudent use, when exercised in the sunshine of public scrutiny, helps achieve a great public good that benefits the entire community. The City of Springfield recognizes that eminent domain reform could drastically undercut municipalities' ability to perform basic services, and for showing restraint in that respect the General Assembly is to be commended. However, the City of Springfield is hopeful that our legislators will be willing to readdress this issue after they have had a chance to reexamine some of the more costly provisions. Many provisions of the new law are overly burdensome and serve no purpose other than imposing additional hurdles and thus expenses to the municipality and the taxpayer.

D.3 Zoning

Zoning is a matter which is best dealt with at the local level without interference from the State. The State of Missouri and the Federal government should refrain from mandating how local governmental entities implement zoning laws. The City Council hereby urges the General Assembly of the State of Missouri to reevaluate its policy with respect to the location of group homes for the mentally and physically handicapped to see if the original legislative intent may have been changed due to the passage of federal law, and that the General Assembly amend Section 89.020.2 RSMo. to limit the number and type of group homes that can locate in a single family district so that the state law is consistent with the original legislative intent. The

legislature should amend Section 89.020.2 RSMo. to allow local communities the discretion to determine whether they should grant to the Board of Adjustment the authority to grant use variances.

D.4 Home Rule

The City continues its strong support for the home rule concept for all municipalities and the right contained therein of municipal self-determination. The City urges the General Assembly to refrain from enacting legislation in areas that can be dealt with better by local government. If legislation is passed, it is especially important to be sure state law does not conflict and override local laws, and that local government maintains the flexibility to legislate. Conflicts between state and local laws should be eliminated so problems that are local in nature can be dealt with at the local level.

D.5 Clarification of Municipal/County Roles

Missouri has more special purpose districts than almost any other state. This has led to the fragmentation of government services and inefficiencies in the delivery of government services, resulting in higher costs to the taxpayer. The City recommends that the public policy of the State of Missouri discourage fragmentation of government services by clearly delineating the role of the State, county, municipal governments and special districts in order to make the delivery of government services more efficient. State statutes should be revised to provide that government agencies providing a multitude of general governmental services should be given the opportunity to provide those services prior to creation of special districts.

D.6 Legislation Technical Corrections

From time to time, the City of Springfield supports legislation which is passed by the General Assembly, and thereafter the legislation may be found to have technical problems which need to be corrected. The City's policy is to continue efforts to make technical corrections to laws passed as part of the City Council's legislative policies. In addition, the City supports the State creating and passing an annual legislative technical corrections bill that takes into account the results of court rulings striking down parts of statutes. Presently there are a number of State statutes reported in the Revised Statutes that have been struck down. This leads to confusion and misinformation for members of the public who look to the State statute books for guidance. One example is Section 392.080, which had a phrase struck from it that purported to give telephone companies a property interest in public rights-of-way. Although this portion of the statute was struck in 1981, the language continues to appear in the statutes.

D.7 Building Codes

During the Second Session of the 87th General Assembly, legislation was proposed that would have established a statewide standardized building code for municipalities. Although municipal officials recognize the importance of building codes, any state mandate would violate the

constitution; therefore, the citizens of the State would be better served by legislation granting financial assistance to municipalities that do not have the resources to administer a local building code program or providing for a county or neighboring city to charge for this service with building permit fees through an interlocal agreement. The City encourages all municipalities that have the resources to adopt and administer building codes. Further, the City opposes any attempts by the General Assembly to preempt locally adopted building codes by requiring municipalities to adopt a standardized state code. However, the City strongly urges the State of Missouri to consider the adoption of a model building code that would be applicable to jurisdictions that do not have such a code, with the State being responsible for funding adequate enforcement.

D.8 Annexation

- a. The General Assembly of the State of Missouri should pass simplified consent annexation procedures which would permit two-thirds of the owners of all fee interest of record and all tracts of real property located within a subdivision to petition for consent annexation. The City strongly opposes any legislation that restricts the ability of a municipality to extend municipal services into newly annexed areas. Further, the City urges the repeal of current laws that restrict the extension of municipal services into annexed areas. The statute should not be amended to delete language which permits annexation along the road or highway for up to two miles.
- b. The consent annexation law should also be amended to provide that only property owners can object to consent or involuntary annexations, since they are the parties required to give their consent or who will be directly impacted by annexation. Persons who are not property owners should not be able to defeat the request of the property owner for annexation as is currently provided under Missouri law. The annexation law should be amended to eliminate the requirement of a second election if the first election results in a two-thirds majority of the combined total vote of the area annexing and the area being annexed.
- c. The City supports legislation authorizing municipalities and counties to enter into Urban Service Agreements setting boundaries for expansion and provision of services and recognizing the legal enforceability of such agreements.

D.9 Local Government Organization

The City urges the General Assembly to establish basic uniform standards relating to incorporation, boundary adjustment and consolidation of cities, villages and non-school special purpose districts to ensure government organizations of the future are capable of carrying out their responsibilities. Further, the City recommends the Legislature establish self-executing legislation that provides any governmental entity which has not held an election, adopted a budget and complied with other mandatory state laws for a period of three years be declared by the State to be disincorporated and notification of the disincorporation be provided to the county court by the State.

D.10—Concealed Weapons

The law on carrying a concealed weapon allows persons who have permits to carry concealed weapons on public property where local ball games and other recreation activities are being held in our City parks. The City supports amendments to the concealed weapons law that would allow the prohibition of concealed weapons in buildings, playgrounds, parks, pools, athletic or recreational facilities owned, leased or controlled by a governmental entity. This would address concerns expressed by police, park, and public officials. The City also supports efforts to educate the public about the dangers of guns and promote gun safety.

D.11 Fire Safety

In recent years the General Assembly has shown a willingness to consider legislation that would allow fire protection districts to provide fire protection to area annexed by a municipality. Under these initiatives, fire protection districts maintain their taxing authority and are the exclusive fire protection provider instead of the municipality. The City of Springfield hopes that our legislators will refrain from considering such initiatives and allow Chapter 310 sections 220 and 230 to continue to govern this area without amendment.

Additionally, the City supports the Fire Sprinkler Incentive Act of 2003 (HR 1824 and S 1566), which gives federal tax incentives for businesses and apartments to retrofit buildings to meet new fire safety standards. It will assist in our ISO rating and our accreditation and will assist in addressing the fire difficulties experienced with respect to apartments. It could also encourage property owners to retrofit their buildings by improving their insurance rates. Finally, the City opposes any efforts to reduce state reimbursement of costs incurred by municipal fire departments in responding to situations involving hazardous materials.

Councilmember Robert Stephens proposed the following:

State policies should prevent unfunded or underfunded mandates to local or county governments by providing adequate funding or revenue streams for any requirements imposed;

In addition, state government should recognize that not every issue is a state wide issue and should provide latitude for local governments to deal with local issues.