



**Dan Ross**  
MML Executive Director

## ADVOCATING FOR YOU

by Dan Ross

I am writing you today to make sure you are aware of how your Missouri Municipal League advocates for you. Over the past few years there have been numerous changes the League has made that have improved the way in which we advocate. Why have we changed the way we advocate? In the last decade, state legislatures have become increasingly hostile toward municipal governments, both in rhetoric and in actions taken to reduce revenues and limit local decision making. These are well-funded campaigns that reduce local tax bases and diminish local authority. In response to these ever increasing threats, MML has reallocated resources to provide an increased and targeted approach to its advocacy program.

### THE TEAM

In 2012, MML Deputy Director Richard Sheets, who has been with the League for more than 30 years, became the lead lobbyist bringing knowledge, skills, and talents as they relate to municipal operations and laws to the effort. I also lobby legislators and testify in House and Senate hearings on bills impacting Missouri cities.

In addition, former MML employee Katie Bradley rejoined this team and is assisting Richard at the capitol with legislator meeting scheduling, bill analysis, reporting, and alerts. We also access the services of well-known municipal attorneys Allen Garner and Carl Lumley to provide advice and quick analysis of the impact of proposed legislation and for strategies opposing or modifying it. Another effective addition to our program is the retention of a media and marketing specialist. This is a seasoned media expert who helps MML gain access to Missouri's media markets, provides effective messaging, and assists MML's communications specialist with press relations and media campaigns. The League continues to retain the services of a legislative consultant who has been advocating for municipalities for more than 13 years.

### A UNITED VOICE

Just this year a new partnership was formed called the Missouri Local Leaders Partnership or MoLLP. This group is comprised of MML, the Missouri School Board's Association, and the Missouri Association of Counties. Under our agreement, we can support or oppose common priorities with the combined strength of the 9,000 local elected officials that we represent. That is a very powerful voice in Jefferson City and back home in legislators' districts!

### STRATEGY PLANNING

MML holds weekly meetings with municipalities' staff lobbyists and contract legislative consultants to compare notes and plan effective strategies to support or oppose legislation. These extra eyes and ears are essential components of our network of municipal influence. The League also makes sure that it is on top of issues by keeping up constant contact with members by answering questions; attending regional meetings; and in general keeping, the lines of communication open. One of the biggest steps the League took towards strategic planning was the creation of an advocacy fund.

### THE ADVOCACY FUND

Let me turn your attention to other challenges and the money it takes to combat other opponents in the courts at every level, including in Washington, DC. Before 2007, the Missouri Municipal League had no dedicated funds to assist with legal issues that came up. The former League's executive director would solicit *pro bono* legal services or ask member cities to contribute funds to pay for a portion of these services.

In 2007, after years of litigation, including a successful Missouri Supreme Court challenge to 2005 legislation that mandated immediate dismissal of all pending municipal lawsuits to enforce business license taxes on the gross receipts of telecommunications companies, Missouri municipalities began reaching class settlements with the companies. Wireless companies (AT&T Mobility, Alltel, Cricket, Sprint, T-Mobile, U.S. Cellular, and Verizon) agreed to start paying taxes for the first time and a landline company (AT&T) agreed to pay taxes on various revenue streams that it did not report in tax returns. Class counsel John F. Mulligan, Jr. reported that the companies paid approximately \$300 million in back taxes and have paid an estimated \$500 million in prospective taxes as a result of the settlements.

MML assisted the municipalities by scheduling numerous presentations at MML conferences to inform members of the issues in litigation, by lobbying against bills sponsored by the companies, and by posting information and lawsuit documents on its website.

The settlement terms expressly authorized municipalities to assign up to 5 percent of their settlement to MML or to the St. Louis County Municipal League (if in St. Louis County). Municipalities answered the call, enabling MML to create





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an advocacy fund to advocate, intervene in cases, and oppose legal or legislative actions of broad impact to Missouri municipalities.

Since 2008, the MML advocacy fund has been used 68 times to pay for *amicus* briefs, legal analysis, attorney fees, case-filing costs, and for expert services to oppose or support issues. In 2014 alone, the fund was accessed more than 20 times totaling more than \$160,000 as MML was actively involved in cases including: red-light cameras; sheriff's retirement fund court fees; wireless telecommunications; the *Kimble* case; *FOP vs. Grandview*, sustaining the Governor's vetoes of "Friday Favors" harmful special tax exemption bills; drafting of a vehicle sales tax amendment; HB 103 "Macks Creek;" *Campbell vs. Franklin County*; Ameren Ash Pond System; and participation in FCC proceedings. (To find out more about these cases, please refer to [www.mocities.com](http://www.mocities.com).)

Due to the foresight to create the advocacy fund, we have been able to increase our presence and effectiveness in

the capitol, in the courts, and before the FCC. The League is using the class action suit settlement funds that are managed under the MML Board's prudent investment policy to get this work done. This has all been accomplished without coming to you year after year asking for contributions to mount opposition to legislation or fund legal actions.

Having said that, the number of threats municipalities are facing is increasing each year. In 2015, we are already combatting targeted special "Friday Favor" tax exemptions; a St. Charles County Charter Amendment attempting to take away municipal authority; so-called Fair Tax legislation; misinformation attacks on municipal court operations; collective bargaining challenges; and a plethora of other proposed legislation potentially harmful to local decision-making or revenues.

**YOUR ROLE**

On our recent membership survey, members indicated that advocacy and legislative updates were the primary reason municipalities belonged to MML. Advocacy is a partnership between your MML staff fighting for municipal interests in Jefferson City and you communicating with your elected representatives. It takes money to maintain the level of presence and participation MML needs to be an effective force in the state capitol, the courts, and in Washington DC. The advocacy fund has permitted MML to fight for your interests for nearly eight years, but at this rate it will not last.

This brings me to the "ask." Recently, nearly 280 Missouri municipalities received funds resulting from a class action suit brought against CenturyLink. Like the previous settlements that permitted creation of the advocacy fund, the CenturyLink agreement gave municipalities the option to allocate 5 percent to MML for advocacy. Only 1 in 5 municipalities in the settlement class chose to contribute, which means 4 out of 5 made a conscious decision to not contribute to the advocacy fund. If your city "opted out," maybe it is because you were not aware of the volume, complexity, and cost to maintain advocacy provided by MML. If your municipality received settlement funds and did not opt to allocate the 5 percent, please reconsider and take action to make that contribution to the MML Advocacy Fund. This request also holds true for any future funds member cities receive from class action settlements, as lawsuits are still pending against a couple of telecommunications companies and an electric company over municipal taxes on their gross receipts.

**WHERE WE ARE NOW**

I hope these examples of MML advocacy efforts increase your understanding of the level of effort it takes to be effective in the state legislative process. It is no real secret that our opponents seem to have an inexhaustible supply of lobbyists and money to fund candidates and issues in support of personal or political interests. Add to that, the challenge of tracking more than 175 bills that have been filed this year, that may impact Missouri municipalities and you begin to see the scope of our work. Again, I ask you to look at the settlement your municipality received and consider allocating 5 percent to MML.

It is truly an honor to serve as your Missouri Municipal League executive director and to lead a small (seven employee) staff in providing conferences, education, training, publications, certification opportunities, and inquiry services. Most importantly we strive to have a proactive advocacy program in support of you, our members. Advocacy is a critical function of this organization and funding is essential to its success. Help us continue to maintain advocacy at the current level by contributing from your CenturyLink settlement. I hope this article increases your understanding of this facet of services provided by your MML. Contact me at 573-635-9134 if you have any questions. □