Families First
Coronavirus Response Act:

What Municipalities Need To Know
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Heroes Among Us

We are fond of saying the one thing that is constant is change. Add to that a double dose of uncertainty and concern, and it adds up to the environment that city leaders have operated in the past few months.

During your career, you have worked your way through localized tornado and flood damage while helping affected citizens and businesses recover and rebuild. The responsibility to allocate dwindling city resources to protect your business and citizen community from a worldwide unseen, deadly pandemic virus while keeping essential city services functioning is your responsibility on steroids. Most of us have never experienced anything like this; but you are managing it because it is what leaders and dedicated public servants do.

There is also the wrenching human side of this as you cut services or layoff/dismiss/furlough loyal and perfectly capable employees, while requiring others to take on additional duties. Throughout the confusion and constantly changing information, you wait and hope for the promised but limited federal relief funds to flow. That is commendable and heroic work.

Of course, we must thank our police, fire and EMS first responders for keeping us safe while putting themselves at extra risk due to the virus. Working extra hours has become the new normal for the reduced number of professional water and sewer utility staff. Trash does not pick itself up. This is just one of the essential services that has dire health consequences if it is not performed. One other municipal employee classification whose workload has increased dramatically is your public information officer. She/he is inundated with information and plays a major role sorting through it all in crafting your city’s messaging in newspapers, on your website and on social media.

We celebrate Local Government Week around this time each year to draw public attention to the many public servants and the city services they provide so seamlessly. This year was much different due to the COVID-19 threat response. Changes thrust upon city leaders by the “Stay at Home” directives have had an immediate and protracted fiscal and operational impact, requiring you to implement drastic changes in how you provide city services.

In most cases, your citizens’ lives will continue as usual thanks to the work of the heroes down at city hall. I guess that is the way it should be. However, their lives are impacted for the better, thanks to you. Congratulations and thanks for your sacrifice and service.
Clear operational plans that outline all responsibilities

Regular, detailed and documented maintenance reports including valve turning and hydrant flushing schedules

Regulation Reports
OSHA compliance reports and robust safety manuals for field employees

Documented emergency response plans
Annual regulatory compliance audits and ethics training

Chemical loading reviews and recommendations
Chemical dosing and mix evaluations to effectively remove contaminants – and save money

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Water loss studies
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Families First Coronavirus Response Act (FFCRA):
What Municipalities Need To Know

The FFCRA is applicable from April 1, 2020, to December 31, 2020. Regardless of size, all municipalities are subject to the FFCRA’s emergency sick leave and family leave policies. These provisions also apply to employees of the state of Missouri, as well as employees of counties, library districts and school districts across the state.

Note:
On March 18, 2020, President Trump signed the Families First Coronavirus Response Act (FFCRA), a sweeping new law to respond to COVID-19. This article will focus on two aspects of the FFCRA – emergency paid sick leave and the expanded Family and Medical Leave Act (FMLA) – and their impact on public entity employers.

Which employees of public entities are covered?
Under the law, full- and part-time employees, regardless of how long they have worked for the public entity, are eligible for paid sick time under the FFCRA. The United States Department of Labor’s (DOL) temporary regulations note, however, that an individual is only eligible for a total of 80 hours of sick time under the law regardless of the employer. So public entities should ask new employees whether they have obtained paid sick time under the FFCRA from any prior employer.

Under the Emergency Family and Medical Leave Expansion Act, employees must be employed for 30 days prior to April 1, 2020, to be eligible (though in the case of an employee who has returned from a layoff, it does not have to be 30 consecutive days prior to the request for leave).

Exclusions
There are two exclusions to the FFCRA’s sick leave and family leave policy that are particularly important for public entities. An employer of an employee who is a health care provider or an emergency responder may elect to exclude a health care provider or emergency responder from the paid sick leave and expanded family leave policies.
The DOL has defined an emergency responder as an employee who is necessary for the provision of transport, care, health care, comfort and nutrition of patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes, but is not limited to, military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency. It also includes individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory determines is an emergency responder necessary for that state’s or territory’s response to COVID-19.

To minimize the spread of the virus associated with COVID-19, the DOL has encouraged employers to be “judicious” when using this definition to exempt emergency responders from the provisions of the FFCRA. Based on our interpretation of the FFCRA and the DOL's temporary regulations, we believe that cities may elect to exclude emergency responders from some categories of leave and not others. For example, a city could determine that emergency medical technicians are eligible for the emergency paid sick leave if they have tested positive for COVID-19 or are awaiting a test but are not eligible for the expanded family medical leave to care for a child due to childcare issues. Because the DOL has asked employers to be “judicious” when excluding employees, we believe the DOL will encourage municipalities to carefully determine which employees should be excluded from which benefits. Cities may decide to go through each category of employee/job title and determine which exclusions are appropriate.

Emergency Paid Sick Leave Act (EPSLA)

Covered employers, such as municipalities, are required to provide 80 hours of Emergency Paid Sick Leave Act (EPSLA) sick leave to each full-time employee and a corresponding amount to each part-time employee to the extent that the employee is unable to work (or telework) due to a need for leave because:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order related to COVID-19.
COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.

6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employers are required to pay employees at their regular rate of pay during such EPSLA sick leave for qualifying conditions 1-3 above. Employers are required to pay employees at least two-thirds of their regular pay during such EPSLA sick leave for qualifying conditions 4-6 above. Payments are not required to exceed $511 per day and $5,110 in the aggregate for paid sick leave associated with qualifying conditions 1-3 above. Payments are not required to exceed $200 per day and $2,000 in the aggregate for paid sick leave associated with qualifying conditions 4-6 above.

Eligible part-time employees will receive a pro-rated number of hours of EPSLA leave based on the average hours worked per two-week pay period over the previous six months or from original start date for those with less than six months of service.

The DOL has further defined the qualified reasons for leave in its recent temporary regulations. Importantly, the regulations define “telework” as work the employer permits or allows an employee to perform while the employee is at home or at a location other than the employee's normal workplace. An employee is able to telework if:

(a) his or her employer has work for the employee;

(b) the employer permits the employee to work from the employee's location; and

(c) there are no extenuating circumstances (such as serious COVID-19 symptoms) that prevent the employee from performing that work. Telework may be performed during normal hours or at other times agreed by the employer and employee. When an employee asks to use paid sick leave, employers should first determine whether an employee can telework under this standard.

The DOL has also provided a more detailed explanation of the reasons for leave outlined in the Act. For example, “a quarantine or isolation order” (for leave reason 1 above) is broadly defined and includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any federal, state or local government authority that cause the employee to be unable to work even though his or her employer has work that the employee could perform but for the order. This also includes when a federal, state or local government authority...
has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of employees to be unable to work even though their employers have work for them. It should be noted, however, that many of the current shelter-in-place orders have specific exemptions for health care providers, emergency responders, and local government workers. So many of the current stay-at-home orders would not apply to some city/municipal employees.

The DOL has defined “experiencing symptoms and seeking a medical diagnosis” (in leave reason number 3). The regulations outline the following symptoms:

(i) fever;
(ii) dry cough;
(iii) shortness of breath; or
(iv) any other COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention.

Any EPSLA sick leave taken for experiencing symptoms of COVID-19 (leave reason 3) is limited to time the employee is unable to work because the employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting for or attending an appointment for a test for COVID-19. The DOL describes the term “caring for a son or daughter” as the inability to work due to a need to care for employee’s son or daughter whose school or day care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19. The DOL has stated, however, that such leave is only permitted where no other suitable person is available to care for the son or daughter during the period of such leave. This includes a biological, adopted or foster child a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability.

No Carryover

Paid sick time under the EPSLA does not carry over from one year to the next. The EPSLA sick leave expires on December 31, 2020.

Emergency Family And Medical Leave Expansion Act (EFMLEA)

The EFMLEA expands the basis for employees to take FMLA leave by expanding the definition of “eligible employee” to include all full- and part-time employees who have worked for at least 30 days for any state and local public-entity employer (regardless of size) and provides for portions of such expanded FMLA leave to be paid. Leave under the EFMLEA is part of an employee’s leave under the FMLA and is not in addition to the 12 weeks of leave an eligible employee may receive under the FMLA. Therefore, if an employee has already used his or her 12 weeks of protected FMLA leave during the employer’s defined FMLA year, the employee is not entitled to take an extra 12 weeks under the EFMLEA.

The EFMLEA provides unpaid leave for the initial 10 days, though an employee may choose to use paid EPSLA leave, vacation leave, personal leave or sick leave during this period. The EFMLEA provides for paid leave for the remaining 10 weeks at an amount of at least two-thirds of the employee’s regular rate of pay. Paid leave is not required to exceed $200 per day or $10,000 in the aggregate.

No Carryover

Paid sick time under the EPSLA does not carry over from one year to the next. The EPSLA sick leave expires on December 31, 2020.

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Note that the exclusions for health care providers and emergency responders are the same as for EPSLA sick leave as outlined above. Also, like the EPSLA sick leave, the expanded family leave under the EFMLEA expires on December 31, 2020, and does not carry over to the next calendar year.

Continuation Of And Qualification For Benefits

Traditional FMLA benefit protections remain in place during this period. Therefore, employee benefits should be maintained as with traditional FMLA. The DOL’s guidance provides that employee benefits should also be maintained for employees on EPSLA leave.

If an employee already has healthcare benefits, the employer should treat the employee who is on leave under the FFCRA as if he or she is working. For employees who are not yet eligible for benefits (due to waiting periods), employers should count the time away from work towards eligibility if the employee is on leave for his or her health condition.
Use Of Other PTO

The EPSLA paid sick leave required by this new law is in addition to whatever sick leave is already offered by employers. An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under the Act.

However, an employee may choose, or an employer may require, that an employee use paid leave the employee has available under the employer’s policies to care for a child concurrently with the EFMLEA.

Intermittent Leave

Generally, an employee may take EPSLA sick leave or EFMLEA leave intermittently (i.e., in separate periods of time, rather than one continuous period) only if the employer and employee agree. The employer and employee may put such an agreement in writing, but it is not required if there is a clear and mutual understanding about the arrangement. However, employees who continue to report to an employer’s worksite (as opposed to teleworking) may only take such leave intermittently in circumstances where it would be safe and there would be only a minimal risk that the employee would spread COVID-19 to other employees at an employer’s worksite.

Documentation Employee Must Provide Regarding Need For Leave

An employee must provide his or her employer documentation in support of paid sick leave or expanded family and medical leave under the FFCRA. Such documentation must include a signed statement containing the following information:
1. the employee’s name;
2. the date(s) for which leave is requested;
3. the COVID-19 qualifying reason for leave; and
4. a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.

At an employer’s request, an employee must provide additional documentation depending on the COVID-19 qualifying reason for leave. An employer may require an employee requesting paid sick leave pursuant to a quarantine order to provide the name of the government entity that issued the quarantine or isolation order to which the employee is subject. An employee requesting paid sick leave pursuant to advice from a health care provider may be required to provide the name of the health care provider who advised him or her to self-quarantine for COVID-19 related reasons. And, an employee requesting paid sick leave to care for an individual may be required to provide either (1) the government entity that issued the quarantine or isolation order to which the individual is subject or (2) the name of the health care provider who advised the individual to self-quarantine, depending on the precise reason for the request.

An employee requesting to take paid sick leave to care for a son or daughter due to a school closure or child-care closure, or expanded family and medical leave to care for his or her child may be required to provide the following information:
1. the name of the child being cared for;
2. the name of the school, place of care or childcare provider that closed or became unavailable due to COVID-19 reasons; and
3. a statement representing that no other suitable person is available to care for the child during the period of requested leave.

For leave taken under the FMLA for an employee’s own serious health condition related to COVID-19, or to care for the employee’s spouse, son, daughter or parent with a serious health condition related to COVID-19, the normal FMLA certification requirements still apply.
Return To Work

In most instances, an employee is entitled to be restored to the same or an equivalent position upon return from EPSLA and EFMLEA leave in the same manner that an employee would be returned to work after FMLA leave. However, the new statute does not protect an employee from employment actions, such as layoffs, that would have affected the employee regardless of whether the leave was taken. The employer must be able to demonstrate that the employee would have been laid off even if he or she had not taken leave. As noted in the EFMLEA, there are also some exceptions for employers with less than 25 employees.

In addition, employers may establish reasonable return to work requirements for employees taking EPSLA and EFMLEA leaves. For example, to the extent possible and as long as consistent with current Center for Disease Control (CDC), DOL and EEOC guidance, an employer may request a release from the treating health care provider stating that the employee is not contagious and is otherwise medically able to safely return to work. If the employee is absent due to school or childcare closure or precautions, a release form should not be required.

Record Retention

An employer is required to retain all documentation provided pursuant to the FFCRA for four years, regardless of whether leave was granted or denied. If an employee provided oral statements to support his or her request for paid sick leave or expanded family leave, the employer is required to document and retain such information for four years.

Employee Rights Under EFMLEA And EPSLA

An employer may not discharge, discipline, discriminate or retaliate against any employee who takes EPSLA of EFMLEA leave. In addition, employers must continue to comply with all federal, state and local regulations regarding leave. Taking leave under EFMLEA or EPSLA should in no way diminish an employee's rights or benefit entitlement under federal, state or local law or existing city policies.

Posting Requirements

Each employer must post a FFCRA Notice where it posts other employment law posters. Employers should distribute via intranet or email to employees working remotely. The Department of Labor provided a model notice on March 25, 2020:


Conclusion

The federal government acted swiftly to ensure that employees impacted by serious health conditions and school closures associated with the COVID-19 Pandemic have paid sick leave and expanded family leave in order to lessen the potential for further spread of the disease within the workplace. The DOL thereafter issued very timely guidance in the form of FAQ’s and temporary regulations to clarify the scope of the FFCRA leave provisions and the exclusions for health care providers and emergency responders. The intent of these leave provisions and the DOL’s guidance is to achieve a balance between the need for such emergency paid sick leave and expanded family leave and the need for employers to weather this storm, including the need for employers of health care providers and emergency responders to continue to provide essential services.

Cities across the state should ensure that the emergency paid sick leave and expanded family leave under the FFCRA are provided to their employees dating back to April 1, 2020, that the required notices are posted, and, where exclusions for emergency responders are to be exercised, that appropriate action be taken to implement such exclusions.

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This summary and legal alert is an overview of the new law and regulations. It is not intended to be, and should not be construed as, legal advice for a specific factual situation.
MML Member Services During COVID-19

We are proud to have been able to serve members during this trying time with the most current resources for disaster funding, online meetings, personnel questions, new legislation and much more. Contact us with any way we can assist as our state and nation begin to look at solutions for communities to recover.

Thank you for the tremendous service you have provided to your citizens throughout the pandemic!

Advocacy

- Letters to Governor Parson
- Letters to Federal and State Legislators regarding recovery funds
- Continued advocacy for Wayfair legislation as a means of economic recovery for cities
- Legislative alerts for state and federal legislation
- Partner meetings to craft strategy for communication, advocacy and recovery
- Ongoing semi-weekly meetings with panel of state partners on COVID-19 funds and recovery

Communication

- Daily membership emails highlighting the latest resources on COVID-19 website
- Daily updates to COVID-19 website pages on www.mocities.com
- Collection of member information on COVID-19 impact for national surveys and Missouri distribution
- Social media posts sharing funding deadlines, upcoming webinars, and member highlights
- Six COVID-19 webinars specific to Missouri cities featuring experts on FCCRA, online meetings, stay at home orders, Sunshine Law, balancing a budget; and coping with COVID-19 stress
- Coordination of press messages and interviews with statewide media regarding COVID-19’s fiscal impact to members

Partnership

MML participates in multiple calls each week with partners, state and federal agencies to share municipal interests, obtain the latest resources that benefit cities, and outline topics that most need member attention.

- Federal and State Emergency Management Agencies
- Association of Missouri Cleanwater Agencies
- Missouri Department of Economic Development
- Missouri Association of Counties
- Missouri Public Utility Alliance
- National League of Cities
- Missouri Attorney General’s Office
- Missouri Department of Natural Resources
- Missouri Chamber of Commerce
- Regional Planning Commissions
- International City/County Management Association
- University of Missouri Extension
- Missouri Department of Agriculture
- Missouri Local Leaders Partnership
- U.S. Environmental Protection Agency
- National and Missouri Rural Water Associations
- Missouri Development Finance Board
- Wichita State University
- Society of Government Meeting Planners

*This data covers the time period of March 17 - May 1, 2020
Improving A Community's Drinking Water Quality: Comprehensive Water Treatment Plant Upgrade Improves Water Quality For City Of Harrisonville, Missouri

For nearly 50 years, Lake Harrisonville has been a safe and reliable source of drinking water for residents of Harrisonville, a community of 10,000 in Cass County, Missouri.

Built and placed in service during the 1970s, the original Harrisonville Water Treatment Plant was designed with conventional treatment processes that met all Missouri and federal regulations for safety and health. However, for a variety of reasons, the raw water quality from Lake Harrisonville, the City's only source of drinking water, has always been highly variable and difficult to treat. With completion of an upgrade and expansion of the Harrisonville Water Treatment Plant, the City now can mitigate these treatment challenges and resolve taste and odor issues.

In addition to engineering design and planning, Burns & McDonnell provided bid-phase and construction management services for the upgrades. The project included collaboration with two members of the Harrisonville Board of Aldermen, who served on the City's selection committee from project initiation through completion.

Developing A Plan

In 2013, Burns & McDonnell conducted an evaluation to improve the water supply, treatment processes and distribution system while also developing options to reduce taste and odor issues. The City also asked Burns & McDonnell to develop a plan to expand the water supply and treatment capacity to 3.0 million gallons per day (MGD).

Testing confirmed that the raw water supply had high levels of methylisoborneol (MIB) and geosmin, taste- and odor-causing compounds released by algae. Testing was conducted
to evaluate several new treatment alternatives that would oxidize or adsorb these compounds.

The study evaluated the City’s continuing reliance on Lake Harrisonville. The objective was to determine the firm yield, or the estimated maximum amount of water that can be supplied by a reservoir under specified conditions, of this 427-acre water resource. This needed to happen in its current condition and, second, after a planned sediment removal. The study revealed the lake has a firm yield of 1.4 MGD and is capable of meeting currently projected city demands, though the intake structures would require substantial upgrades in order to meet the maximum projected demand of 3.0 MGD. A range of options for alternative intakes were evaluated, including building a new intake closer to the dam and expansion of the existing intake.

Another significant element of the study involved evaluation of the treatment facility and steps that would be required to expand rated capacity from 2.4 MGD to 3.0 MGD, and to enhance treatment processes. Four options were identified as potential treatment alternatives:

- **Addition of different coagulant chemicals** to achieve higher removals of organic compounds within the existing treatment basins.
- **Injection of powdered activated carbon** (PAC) during treatment to absorb organic compounds causing taste and odor issues.
- **Injection of ozone** during treatment or pretreatment stages to take advantage of excellent disinfection and oxidation qualities.
- **Use of ultraviolet light and injection of hydrogen peroxide** as an oxidizing agent to remove metals, minerals and odors.

All four conceptual alternatives were subjected to rigorous bench-scale testing during preliminary concept development. The process evaluation included a performance-based assessment of the potential of each treatment alternative to improve water quality while reducing operating costs.

A continuous-flow, bench-scale unit was utilized for ozone testing that combined the reliability of pilot-scale testing with the cost-effectiveness of bench-scale methods. A number of factors were evaluated to determine the optimal ozone dose, including demand, decay, contact time (CT) credit for disinfectant values, and bromate formation curves. Various dosing approaches were tested for the proper balance to achieve disinfection, color reduction, taste and odor abatement, and oxidation goals.

Filter evaluations also emerged as a key component during this stage. These concluded that higher capacity backwash pumps and new underdrains would need to be added so that the filter media would remain clean. The recommended upgrades funneled into a larger facility plan establishing preliminary design criteria, a budget framework and construction schedule.

A regulatory compliance framework and hydraulic...
evaluation of the water treatment plant were incorporated during preliminary design phase. Architectural, electrical, mechanical and structural condition assessments also were included.

**Comprehensive Facility Upgrade**

Based on the bench-scale testing results, ozone treatment of the raw water emerged as the optimal method to address taste, odor and color concerns. Pinnacle Ozone Solutions was selected as the equipment supplier and final design of the treatment train incorporated flexibility to add ozone treatment to the settled water stage, if deemed necessary in the future.

The team also proceeded with final phase design of the plant improvements, including a new chemical building designed to house chemical feed systems for sodium hypochlorite, ammonia, coagulant, polymer, fluoride via a saturator system, sodium thiosulfate and caustic. The building also was designed to house ozone equipment and new electrical panels.

A new electrical instrumentation and control system was another important upgrade to support continued reliability of plant operations and treatment processes. An emergency backup generator with enough capacity to run the whole plant was added on plant property. The existing filter building was renovated, including a glass barrier between the filters and the upgraded functional space for operator administration and lab testing that included air conditioning for operations staff comfort.

Within the site footprint, new exterior bulk storage tanks were added for storage of sodium hypochlorite and coagulant. New tube settlers were added to the primary settling basin as an important step to increase capacity of the plant. As part of this renovation, additional height was added to the basin to enable more efficient hydraulic flow.

The final design also featured a new chemical feed building with new points and injectors or static mixers connected via tubing bundlers to convey chemicals to the feed point in the treatment train. Other additions included a pad and access for the liquid oxygen (LOX) system and replacement of the stage 1 solids contact clarifier equipment.

Within the filter building, new filter media was added with new Leopold underdrains with slotted caps and air scour. A new EFI prefabricated pump station was installed on a new 0.1 million-gallon wet well featuring four new high-service pumps and two backwash pumps, all operated by energy-saving variable frequency drives.

Other site work included: yard piping; access roads and security gates; an exterior remodel of the filter building; and rerouting of site drainage.

**Successful Completion**

The $8.2 million project was constructed by KAT Excavation and completed in September 2018, well within the scheduled deadlines. In addition to providing enhanced water quality, the project provides the City with additional safety features to better protect operators working at the facility.

A number of cost-saving features designed into the plant will result in significant savings in operations and maintenance in coming years due to the use of more affordable, robust units that enable the City to avoid the expense of purchasing dual pieces of critical equipment while still providing needed redundancy. Additional cost savings for chemicals will be realized from the ongoing use of ozone that serves as a replacement for carbon dioxide and PAC.

Most importantly, the entire scope of new treatment processes, expanded capacity and more efficient equipment have resolved the nagging water quality issues that city residents have raised for years.

Eric Patterson is the public works director for the city of Harrisonville, Missouri. After earning a degree from Electronics Institute, Patterson entered the private sector, leading a survey crew for just under a decade before taking control of the entire operation for another five years. Patterson joined the city of Harrisonville in 2004 and began his current position in 2016, where he has guided each of the City’s three public utilities to award-winning growth and success.

Rachel Drain is an environmental engineer for Burns & McDonnell. Rachel specializes in design, construction, and optimization of municipal drinking water treatment facilities, particularly in the areas of primary treatment, chemical systems, filtration, disinfection and ozone. Her experience includes projects addressing water treatment issues such as iron/manganese, disinfection byproducts, taste and odor, advanced oxidation and corrosion control.
Communities of all sizes are feeling the economic impact of COVID-19. The National League of Cities (NLC) and the United States Conference of Mayors (USCM) conducted a survey of more than 2,100 local officials, that included 83 municipalities in Missouri, to understand the financial implications of the COVID-19 pandemic on local governments. Below are the results from Missouri municipalities.

92% of Missouri municipalities anticipate a shortfall between March 1 and December 31, 2020, as a result of the COVID-19 pandemic.

Sources of revenue that municipalities anticipate will be affected negatively in the short, mid and long term:
- 34% Sales taxes
- 22% Utility fees
- 21% Permitting fees
- 10% State intergovernmental aid
- 9% Property taxes
- 4% Income taxes

City government functions that are anticipated being significantly affected by the revenue shortfall:
- 70% Police
- 65% Parks and recreation
- 37% Fire/EMS
- 30% Sanitation/waste management
- 13% Social services
- 10% Libraries

Note: Many municipalities indicated that a number of these functions will be significantly affected by the revenue shortfall.

In 2020, actions municipalities will have to take to make up the revenue shortfall:
- 87% Draw down reserves
- 51% Cut public services
- 31% Increase fees
- 19% Increase taxes
- 18% Lay off employees
- 16% Furlough employees
- 16% Close facilities

Note: Many municipalities indicated that they will need to implement a number of these options to make up the revenue shortfall.

The primary factor driving municipalities shortfalls are attributed to:
- 42% Unanticipated revenue declines
- 58% Unanticipated revenue declines and unanticipated expenditure increases

Municipalities in Missouri that responded to the survey:
- 2 had a population 200,000 - 4,999,999
- 5 had a population 50,000 - 199,999
- 76 had a population <50,000

Population range for municipalities in Missouri that responded to the survey: 190 - 481,417
Virtual And Emergency Meetings
Under The Sunshine Law

News under the COVID-19 pandemic travels faster than wildfire and may make any attempt to discuss the present situation old news by the time you read this. However, serious scholarship of virtual and emergency meetings is of benefit to all for now and for future emergencies. New technologies have been addressed in the Missouri Sunshine Law in recent years; however, the efficacies of the changes to the Sunshine Law comes with our recent quarantines and other health orders.

The Missouri Attorney General’s Office has recently sent out a written update and held a webinar on Sunshine Law issues. The Missouri Municipal League (MML) has kept the public informed. The Missouri Municipal Attorney’s website has debated problems and solutions. It is strongly recommended that the websites of the Attorney General and the MML be reviewed often for the latest news on these issues. Putting virtual meeting technologies under many microscopes by legal scholars and government lawyers will only help to improve and explain the technologies.

Emergencies Under Present Law

Under Section 610.010.4 of the Sunshine Law, if an elected public board has to hold a meeting at a location not reasonably accessible to the public, it can do so provided the nature of the good cause is stated in the minutes – this would allow barring the public from physically attending the meeting due to pandemic (subsection 2, public accessibility not required when impossible or impractical) – it could still allow media with credentials to attend, to comply with the Sunshine Law requirement of allowing video recording (subsection 3). Note that the specific provisions of the Sunshine Law apply only to elected officials of the city, not to meetings of non-elected members. Closed meeting provisions of the Sunshine Law should still be followed, when possible, including notices, roll call votes on closing, etc.

Under Section 610.020.1, if a meeting is to be conducted by electronic means, the meeting notice must inform the public of the intended method – this could be interpreted as providing that, if the public cannot physically attend, the meeting will be streamed live. Informing the public and media can be done on the website, as well as standard posting methods. The designated location for public observation would be at the computer terminals used to listen to the live stream (needs to be stated in the notice).

Under Section 610.015, the city officials can participate in person or by video conference. Many cities have adopted video conference ordinances that expressly indicate a preference for physical presence in general but set up rules to handle emergencies, such as when we are ordered to shelter in place.

In the event that emergency circumstances prevent elected officials from physically attending in a timely manner, and the city has the necessary services and/or equipment in place, the mayor and council or board may meet and vote by videoconference without the requirement that a quorum be physically present in the same place. Such emergency circumstances include, but are not limited to, war, riot, terrorism, widespread fire, or natural disaster such as earthquake, tornado, hurricane, flood or blizzard. To the extent reasonably possible in such circumstances, the city shall use reasonable efforts to cause a physical location to be provided and posted for public attendance and participation. The nature of the emergency shall be recorded in the minutes.
In such videoconference meetings, the voice vote of each person present at the designated site or present on their own videoconference equipment, such as computers, tablets or smart phones will count. Under Section 610.015 – emergency of the public body (i.e. pandemic) also allows having some members participate by electronic means such as telephone or computer other than videoconference, but in such cases the city must have a quorum physically present to vote – again the minutes must state the emergency.

Conclusions

Now that we are more than a month past the first major federal and state pandemic orders, the system has worked fairly well. Several services assist in teleconferencing. Some members of the public who have participated in the public teleconferences have indicated an appreciation of the ability to see, hear and be heard. Public attendance and interest has been up by some reports. The new technologies serve not only in emergencies but also for those who have other reasons they cannot physically attend council or board meetings. It is possible that more public business may be held by videoconference.

Kenneth J. Heinz is a principal with Curtis, Heinz, Garrett & O’Keefe, P.C. He serves as general counsel for several communities. Heinz has been active as special counsel to many municipalities in Missouri and Illinois on municipal issues. He has delivered seminars to many public and private groups at the local and state level on municipal issues, such as municipal contracts, zoning and Sunshine Law. Contact the firm at (314) 725-8788 or www.chgolaw.com.
2020 Agenda

Thursday, August 6

9:00 a.m.  Registration
10:00 a.m. Welcome - Dan Ross, Executive Director, MML
           MML Services - Ramona Huckstep & Stuart Haynes, Policy & Membership Associates, MML
11:00 a.m. Municipal Government: What it Looks Like and How it Works - Kevin O’Keefe, Attorney, Curtis, Heinz, Garrett & O’Keefe
12:00 p.m. Lunch & Municipal Resource Showcase
1:30 p.m.  Conducting City Business – Ordinances, Resolutions, Motions & Parliamentary Procedure - John Young, Hamilton Weber
2:30 p.m.  Navigating the Rough Waters During a Council Meeting - Ken McClure, Mayor, Springfield (pending confirmation)
3:30 p.m.  Ethics - Betsy Byers, Director of Business Services/Campaign Finance
4:30 p.m.  Break
4:45 p.m.  Round Table Discussion/Networking (optional)
5:30 p.m.  Reception/Networking

Friday, August 7

7:30 a.m.  Breakfast
8:00 a.m.  KEYNOTE: Values-Based Leadership & Political Controversy - Dr. Wally Siewert, Director of Civic Engagement, FOCUS-St. Louis
9:00 a.m.  Budget Basics and A Little More - DJ Gehrt, City Administrator, Platte City and Board of Directors, MML
10:00 a.m. Economic Development - Jack Ryan-Feldman, Director, Baker Tilly Municipal Advisors
11:00 a.m. Sunshine Law - Erin Seele, Attorney, Cunningham, Vogel & Rost, P.C.
12:00 p.m. Adjourn

Keynote Speaker
DR. WALLY SIEWERT

Dr. Wally Siewert has over a decade of experience with civic and political engagement, from the grassroots and applied level to academic analysis and theory. From 2011-2017, Dr. Siewert was the Director of the Center for Ethics in Public Life (CEPL) at the University of Missouri St. Louis. During that time CEPL established itself as a statewide hub for public ethics information, conferences, workshops, research, best practices, legislative tracking, community collaboration and more. Prior to arriving in St. Louis in 2011, Wally earned his Ph.D. in political philosophy and ethics from the University of California Santa Barbara. He also holds an M.A. in philosophy and a B.A. in philosophy and German from Western Michigan University. Prior to his post-graduate work, Dr. Siewert worked as a political organizer and lobbyist for a network of state-level grassroots consumer justice organizations, including two years as the campaign director for the Coalition for Consumer Justice of Rhode Island. He also spent four years as a small business owner and manager.

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Despite Its Challenges, COVID-19 Isn’t Going to Beat Us

By Paul Taylor
Regional Administrator, FEMA Region 7
Kansas City, Missouri

I think we can all agree that the battle against COVID-19 has challenged us in ways we could never imagine. No segment of our daily lives has been untouched. We have experienced great sadness at the illness and loss of life. Governing has been harder than usual. And we are nowhere close to being done.

What is heartening about this battle, though, is that we continue to show up every day to fight back. And we are doing it together.

We are doing it as friends and neighbors. As health care workers. As first responders. As municipal leaders and workers. As local and state emergency managers alongside other governmental partners. As small and large business owners. As volunteers.

The federal government is by your side as well.

More than 140 FEMA staff are working seven days a week to help make a positive difference for our Region 7 states of Iowa, Kansas, Nebraska and Missouri.

Together, with our partners from the U.S. Department of Health and Human Services (HHS) and the full force of the federal government, we are pooling our money, expertise and resources to support your communities and to figure out new ways to attack these challenges so that we can find solutions together.

For Missouri alone, FEMA has been able to move millions of pieces of medical supplies from HHS’ Strategic National Stockpile and from vendors around the world.

At the request of the state of Missouri, we tasked the U.S. Army Corps of Engineers with creating an Alternate Care Site in St. Louis County to treat certain COVID-19 patients and help ease the burden on area hospitals.

We are investing millions of dollars in the Missouri National Guard operating under Title 32 status, paying 100% of their costs associated with COVID-19 work as directed by the state, while saving Missouri taxpayers’ money.

We have coordinated the deployment of a Battelle Critical Care Decontamination System to Jefferson City to decontaminate N95 masks in an effort to help stretch critical Personal Protective Equipment.

We have simplified the process for the FEMA Public Assistance Grant Program so that we can more quickly get money into the hands of local governments, state agencies and certain private, non-profit organizations who are experiencing serious fiscal impacts as a result of COVID-19.

We are working with the private sector to help leverage our collective knowledge and resources to support Missouri businesses and communities.

We are in constant contact with our disability partners to support them and to help ensure that those with access and functional needs are not forgotten.

We are supporting our great voluntary agencies throughout the state as they work to identify and find solutions for unmet needs.

We have organized a data analytics team at our Kansas City, Missouri office that synthesizes mountains of information every day to provide us a clear picture of how things are going, and to improve our ability to spot trends that may require specific problem-solving.

And, we continue to maintain a readiness that will enable us to respond to other disasters while continuing our COVID-19 work.

For all the good things FEMA has accomplished, we have had some challenges along the way. Try as we might, our efforts have not been perfect.

The important thing, though, is that we are learning from these experiences. Just like you. We are working to overcome the challenges. Just like you. And just like you, we are not giving up until we are done.

On behalf of the entire FEMA Region 7 family, thank you for all you have done to guide your communities through this terrible disease. Even in the darkest days, we still see hope among you. And that inspires us. Together, we can conquer this unprecedented disaster.
On March 26, a federal disaster declaration (DR 4490) for Missouri was approved to help support local governments and eligible nonprofits with reimbursements for emergency response costs. The Public Assistance Projects Category utilized for this response is known as Category B: Emergency Protective Measures. Public Assistance (PA) is a federal grant program administered by the Federal Emergency Management Agency (FEMA) and managed at the state level by Missouri’s State Emergency Management Agency (SEMA.) As a reimbursing, cost-share program, FEMA may reimburse approved applicants up to 75% of eligible costs. FEMA requires documentation that supports reimbursement of claimed costs. These incurred costs as a response to COVID-19 must be coded and captured separately from normal operation or activities that may utilize other funding sources.

There are two types of the projects FEMA will consider: small and large. Projects falling below a certain threshold (approximately $131,000 for 2020) are considered small. The threshold is adjusted annually for inflation. For small projects, payment of the federal share of the estimate is made upon approval of the project and notification is required upon completion of the project.

For large projects, payment is made on the basis of actual costs determined after the project is completed, although interim payments may be made as necessary, or on the basis of an agreed upon estimate. The eligible applicant has the choice of how it wishes to receive the federal grant. Once FEMA obligates funds to the state, further management of the assistance, including disbursement to sub-grantees, is the responsibility of the state. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

If your municipality has already set this up or is already in the system because FEMA funds have been applied for in the past, there is no need to do it again. The next steps involve keeping track of COVID-19 expenditures. FEMA has put together information on what eligible emergency protective measures are and additional information as follows.

Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures

Consistent with President Trump’s national emergency declaration for the coronavirus (COVID-19) pandemic on March 13, 2020, FEMA urges officials to, without delay, take appropriate actions that are necessary to protect public health and safety pursuant to public health guidance and conditions and capabilities in their jurisdictions. FEMA provides the following guidance on the types of emergency protective measures.

Public Assistance For Municipalities Under DR-4490 For COVID-19 Response
measures that may be eligible under FEMA’s Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster.

**FEMA Public Assistance Program**

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (Stafford Act), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program. **FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies.**

State, territorial, tribal and local government entities and certain private non-profit organizations are eligible to apply for Public Assistance. FEMA assistance will be provided at a 75% federal cost share. This assistance will require execution of a FEMA-State/Tribal/Territory Agreement, as appropriate, and execution of an applicable emergency plan. Local governments and other eligible PA applicants will apply through their respective state, tribal or territorial jurisdictions.

**Eligible Assistance**

Under the COVID-19 Emergency Declaration described above, FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency. While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. FEMA will not duplicate any assistance provided by HHS/CDC:

- **Management, control and reduction of immediate threats to public health and safety:**
  - Emergency Operation Center costs
  - Training specific to the declared event
  - Disinfection of eligible public facilities
  - Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety

- **Emergency medical care:**
  - Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
  - Related medical facility services and supplies
  - Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment
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when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons
• Use of specialized medical equipment
• Medical waste disposal
• Emergency medical transport
• Medical sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
• All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
• Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the public health emergency
• Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
• Purchase and distribution of food, water, ice, medicine and other consumable supplies, to include personal protective equipment and hazardous material suits
• Movement of supplies and persons
• Security and law enforcement
• Communications of general health and safety information to the public
• Search and rescue to locate and recover members of the population requiring assistance
• Reimbursement for state, tribe, territory and/or local government force account overtime costs

More Information
Further information about eligible emergency protective measures can be found in the Public Assistance Program and Policy Guide, FP 104-009-2 (April 2018).

For more information, visit the following federal government websites:
• Coronavirus (COVID-19) (CDC)
• Centers for Medicare & Medicaid Services
Broadband providers are offering waivers and free services due to needed use, attributed to COVID-19. For more about the broadband resources available to you, visit: health.mo.gov/broadband

Valuable resources including health and safety guidance, financial relief and assistance, closure and layoff support, and regulatory changes and extensions that can be found at: ded.mo.gov/coronavirus

The state of Missouri Disaster Medical Assistance Team is recruiting health care workers for high-need areas affected by COVID-19. To join the reserve and help save lives, visit: missourionestart.com/moshcf/

Missouri One Start is connecting unemployed workers with essential businesses that are hiring. To view a list of companies hiring in your area, visit: missourionestart.com/now-hiring/

The Department of Economic Development is working diligently with SEMA to source or manufacture PPE. If you are interested in shifting production at your business to produce PPE, please visit: ded.mo.gov/howtohelp

The Missouri Department of Social Services has created the Missouri Services Navigator to help Missourians easily find essential services such as food banks, diaper banks, school meal programs for students and more. Visit: mo.servicesnavigator.org

USDA Rural Development has compiled resources to help those in rural areas. Find out more. Visit: rd.usda.gov/coronavirus

The Missouri Department of Economic Development is committed to assisting with the state’s COVID-19 response. The department has been working with other state agencies to ensure the needs of Missourians are met, whether those needs are in the medical field, community assistance, or business support. We are here to help you.
The Economy and Cities: WHAT AMERICA’S LOCAL LEADERS ARE SEEING

Local leaders understand the needs of their residents and are best positioned to make emergency management decisions related to allocation of resources. The federal government MUST act to ensure every city, town and village impacted by this pandemic—regardless of size—has direct access to emergency funding.

UNDER THE CURRENT CARES ACT:

Only municipalities of more than 500,000 residents will receive direct funding through the Coronavirus Relief Fund

Only 36 of 19,000 American cities, towns and villages are 500,000+

That equals less than 0.5% of all municipalities

And only represents 14% of the country’s total population

MUNICIPALITIES OF ALL SIZES WILL FEEL THE ECONOMIC IMPACT OF COVID-19.

Nearly 100% of cities with populations above 50,000 will see a revenue decline this year.

87% of municipalities <50,000 anticipate a revenue shortfall this year

100% of municipalities 200k-499,999 anticipate a revenue shortfall this year

98% of municipalities 50k-199,999 anticipate a revenue shortfall this year

100% of municipalities 500,000+ anticipate a revenue shortfall this year

LOCAL LEADERS ARE REPORTING AN IMMEDIATE ECONOMIC IMPACT FROM LOSS OF REVENUE SOURCES THEY DEPEND ON TO FUND ESSENTIAL SERVICES.

69% Permitting fees

68% Other service fees

63% Utility fees

61% Sales taxes

38% State intergovernmental aid

35% Property taxes

18% Income taxes

PUBLIC SERVICES WILL BE IMPACTED BY THE ECONOMIC STRAIN OF COVID-19.

50% of municipalities <50,000 are anticipating having to cut public services.

70% of municipalities 200k-499,999 are anticipating having to cut public services.

63% of municipalities 50k-199,999 are anticipating having to cut public services.

76% of municipalities 500,000+ are anticipating having to cut public services.

CORONAVIRUS WILL HAVE A STAGGERING IMPACT ON ALL MUNICIPAL EMPLOYMENT.

THERE WILL BE FURLOUGHS

26% of municipalities <50,000 will have to furlough their employees

55% of municipalities 50k-199,999 will have to furlough their employees

54% of municipalities 200k-499,999 will have to furlough their employees

59% of municipalities 500,000+ will have to furlough their employees

AND THERE WILL BE LAYOFFS

26% of municipalities <50,000 will have to lay off their employees

36% of municipalities 50k-199,999 will have to lay off their employees

39% of municipalities 200k-499,999 will have to lay off their employees

47% of municipalities 500,000+ will have to lay off their employees

96% OF ALL CITIES REPORT THAT BUDGET SHORTFALLS ARE THE RESULT OF UNANTICIPATED REVENUE DECLINES.

53% UNANTICIPATED REVENUE DECLINE ONLY

43% UNANTICIPATED REVENUE DECLINES AND UNANTICIPATED EXPENDITURE INCREASES

PRIMARY FACTOR FOR SHORTFALL

87% of municipalities <50,000 anticipate a revenue shortfall this year

98% of municipalities 50k-199,999 anticipate a revenue shortfall this year

100% of municipalities 200k-499,999 anticipate a revenue shortfall this year

100% of municipalities 500,000+ anticipate a revenue shortfall this year

Methodology: Data are drawn from a survey of 2,463 cities, towns and villages conducted by NLC and USCM from April 1 - April 7, 2020 on the immediate and longer term fiscal impacts of coronavirus. 2,191 of the responding cities are under 50,000 population; 181 are between 50,000 and 199,999; 56 are between 200,000 and 499,999; and 35 have a population of 500,000 and above — a group that includes 19 of the nation’s 20 largest cities. These cities represent 57% of the nation’s municipal finance sector and 10% of its municipal governments. Their population totals 93,015,252, which is 28% of the total U.S. population.
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5 Ways LAGERS Is Able To Provide Stability During Times Of Instability

It is times like these where LAGERS strong plan design shines through for the thousands of public servants who rely on LAGERS’ benefits for their financial security. LAGERS provides our retirees with some peace of mind knowing their monthly benefit is going to arrive and provide them with essential income. We take this responsibility to our members and retirees very seriously, and it is shown through the system’s strong plan design. Here are five examples of how LAGERS is able to provide stability during times of instability.

1. Member’s Benefits Are Pre-Funded
   Each of LAGERS employers pay a portion of their contribution rate for the purposes of pre-funding the assets necessary to pay future retirees' benefits. Then when someone retires, a one-time transfer is made from the Employer’s “Accumulation Fund” and transferred to the “Benefit Reserve Fund” from which all retiree’s benefits are paid. These pre-funding features ensure that a retiree’s benefit is fully funded before their retirement and monthly payment can be made for the retiree’s lifetime.

2. Long Term Approach To Funding
   As part of pension funding, there are a number of assumptions established when calculating the amount needed to properly fund the pension plan. LAGERS examines and may adjust these assumptions at least every five years through a data driven process involving LAGERS’ actuary, LAGERS’ staff (with consultation from LAGERS’ external asset managers), and LAGERS’ Board of Trustees. By having an established procedure that allows adjustment at least every five years, it puts a process in place that discourages “knee jerk” reactions. For example, with the recent fluctuations in the investment environment, the system will not immediately change its investment return assumption. Instead, when it is time to adjust LAGERS actuarial assumptions in the five-year cycle, the discussion will be made at that point and will be based on long-term expectations not short-term performance.

3. Investment Smoothing And Diversification
   As you know, the investment markets can be volatile. Because of this uncertainty around the investment markets, the LAGERS system utilizes an investment smoothing mechanism that allows for the change in the markets to be realized over 5 years instead of annually. This creates funding stability and helps limit fluctuations in LAGERS employers’ contribution rates.

Investment Smoothing Graph
Another very important aspect of LAGERS is the overall diversification of its investment portfolio. This diversification provides the system with strong performance with a predetermined level investment risk. When constructing the LAGERS’ investment portfolio, the investment team is constantly working to build a portfolio that can weather any economic environment. Brian Collett, LAGERS chief investment officer, explains, “[It’s] similar to how you build a house for any weather. That fact that it may be raining today has nothing to do with how we are designing the house. We designed the house for any and all weather we may encounter. So we build our portfolio in that sense.”

4. Employer Plan Flexibility

Each of LAGERS’ employers have the flexibility to change their benefit levels to best meet their employee retention goals and budgetary constraints. So, if the environment calls for an employer to change their benefit levels to make it more affordable or more attractive to employees, the employer has the ability to do so.

5. Experienced Professional Staff And A Well-Rounded Board of Trustees

Every time I think about the experience of the LAGERS staff it amazes me. The lion’s share of turnover we have at LAGERS is career employees who are retiring. Additionally, LAGERS’ Executive Team has more than 115 years in total of pension administration experience. This experience plays a vital role in the day-to-day administration of the plan.

As well, LAGERS’ Board of Trustees has a wide range of experience and expertise. The Board includes three member trustees who are members of the system, three employer trustees who bring the employer’s perspective to the plan and one citizen trustee who is appointed by the Governor. There are several members of the Board that have been serving for more than 10 years, and have come from various backgrounds including a fire fighter, self-employed...
entrepreneurs, an assistant city manager, public utility worker and more. It is safe to say that the decision making of your system is in experienced and well-rounded hands who consider both the member and the overall sustainability of the LAGERS system when making decisions.

Right now, stability is something that everyone is seeking. The LAGERS’ system provides this stability for its retirees, and will continue to do so for its active members through strong plan design, a long-term focus, prudent investments and a dedication to Missouri’s local government workers.

Jeff Pabst is the education & outreach coordinator for the Missouri Local Government Employees Retirement System (LAGERS). Through his position with LAGERS, he focuses educating LAGERS’ members, employers and stakeholders about the value of retirement security. Some of Jeff’s duties at LAGERS include, coordinating and executing all external educational events, implementing and distributing all of LAGERS educational mediums including print, webinars, videos and LAGERS’ website, assisting with the strategic communications efforts of the system, and he is a consistent contributor to all of LAGERS’ social media platforms.
MML 86th Annual Conference

September 13-16, 2020

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Kansas City, Missouri

KEYNOTE
Bertice Berry, PhD.
Award-winning author, storyteller, educator and sociologist.

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- Sunshine Law Compliance
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Missouri Municipal League

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Creative During COVID-19

Around The State

When COVID-19 hit Missouri, municipal leaders were quick to respond to the challenge of providing critical services in new ways. These last few months have put local officials and city employees on the front lines. Thoughtful guidance, flexibility and creativity have kept Missouri’s communities safe; clean water flowing; the lights on; meetings open via online tools; meal services and remote learning for students; and consistent customer service for citizens.

Below are a few ways cities have adjusted and proven themselves to be local heroes. Thank you for your critical work!

Cape Girardeau

Cape Girardeau is running a city campaign encouraging people to consider their personal reason for staying home.

Police and fire departments have also moved tours online, providing educational social media videos for children of all ages to enjoy.

Springfield

Since March 6, the city of Springfield has hosted 30 COVID-19 video news briefings/video Q&A sessions, 26 of which were live. On March 6, the City launched a multi-agency task force. The City has also hosted three live virtual town hall simulcasts with Q&A on rival stations KY3 and KOLR 10; one recorded video town hall broadcast on KOZL; and one recorded video panel discussion about a faith-based initiative.

City of Columbia

While working from home, Columbia Fire Chief Andy Woody set up shop in his oldest daughter’s bedroom. Here he listens to a webinar from the International Association of Fire Chiefs while working on personal protective equipment procedures for firefighters. #molocalheroes
Glendale

The city of Glendale made signs in response to complaints that some people were not taking the stay at home and social distancing orders seriously. They realized that having the state and county push the orders was not enough, and more local support was needed. These were placed around the City and on traffic message boards. Residents have interacted with the signs, with people taking photos of them and sharing on social platforms, and with friends/family via text.

St. Peters

Like many municipalities in Missouri, the city of St. Peters is providing residents with quality essential services while keeping employees, resident and guest safety a top priority. St. Peters residents have been supportive and encouraging by creating “Thank You” messages for city staff team members and enlisting in the City’s “Cheer Committee,” sending nearly 200 notes and cards to Meals on Wheels program recipients to let them know people are thinking of them at this difficult time.

At Baker Tilly, we are passionate about building strong communities. That’s why we created a top ten independent municipal advisor within one of the nation’s largest and most diverse advisory and accounting firms. Where others have partial answers to your challenges and opportunities, we deliver comprehensive solutions.

Let’s face the future together.

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One of the City’s biggest successes during this unique time is the implementation of an annual Franchise Tax Refund program. Eligible residents would traditionally come into City Hall to process their refund. Most of their residents are older and particularly vulnerable during this time. In less than three weeks, City staff made 1,200 phone calls to last year’s recipients to confirm their continued eligibility and created a process to handle new applicants that will avoid or reduce interaction.

More than 1,100 refunds will be processed and mailed out and many residents have commented during the phone calls how much they appreciate the City for protecting their safety and taking this unique approach this year.
Grandview

Even with this year’s Easter celebration needing to be socially distant, the city of Grandview found a creative way to bring some Easter smiles to the community.

St. Joseph

Continued Response to Application Permits

While response to COVID-19 does not appear to have significantly slowed down existing construction projects in and around St. Joseph, the social distancing required by local, state and federal governments is presenting some challenges to securing permits and inspections. With City Hall closed to the public and limited staff available to work during the City’s Amended Declaration and Order, the building inspections offices are imposing different procedures for applying for various permits and inspections.

Staff is still working to process permits and conduct inspections with different approaches than normal. The City’s building development division, that processes permits and inspections, is providing services over the phone and by allowing customers to drop off plans to City Hall.

Permit and plan reviews are being conducted remotely or by limited staff, and communications with applicants are handled by phone or email. Typical response times may be delayed, but every effort is being made to respond in a timely manner.

Rolla

The city of Rolla, like many cities, have hosted council meetings on Zoom. In addition, critical services are still a focus. The City still was able to provide heavy trash pickup, and public works projects continue.
Joplin

Joplin has worked to promote a virtual parks and recreation center, with useful links for citizens to engage in the community for both mental and physical wellness. The virtual center provides information such as mental health resources; recommended park walks; craft, coloring pages and other children's websites; nature and virtual travel sites; and stem/educational resources.

The City also holds a series of live Facebook briefings for residents and the media, with the mayor, health director and city manager serving as key spokespeople. Community partners are invited to participate as needed. The briefings were daily as COVID-19 initially impacted the community and now are held three days per week.

Jackson

The city of Jackson responded to COVID-19 recommendations by taking additional steps to ensure the health of the community and staff.

1. Certain city facilities were closed to the public to help slow the spread of the coronavirus.
2. The City has suspended all utility cutoffs.
3. Cape Girardeau County issued a Public Health Emergency Proclamation (proclaimed together by Cape County Public Health Center, Cape County Commission, and the cities of Jackson and Cape Girardeau)
4. All departments are cleaning common surfaces and equipment daily or upon use, wearing appropriate PPE, dividing into work pairs, observing social distancing when working as a group, isolating departments, and limiting public interaction and exposure.
5. Many employees have been given the option to work from home.
6. Inspections of occupied buildings have been temporarily replaced with photos submitted by owner/contractor. Inspections of unoccupied new construction continue with no personal contact with anyone onsite and no touching of objects. Final inspections of large construction projects will temporarily be replaced by certification from the architect/engineer for those projects.
7. Meetings of the board of aldermen and other governing boards have temporarily gone to teleconference or digital format.
8. Distribution of a weekly internal staff update

O’Fallon

From altering how police officers interact to the public to cancelling events to promote staying at home even before countywide and statewide bans required it, city staff worked to find every way to keep themselves and the community safe without sacrificing service to city residents.

In the police department, O’Fallon’s officers began taking more reports over the phone and minimized unnecessary interactions with residents, while still ensuring that officers were always ready to respond to calls, enforce laws and address any challenging circumstances.

Working from home, that previously was not an option for any city employee, became a popular way to move city staff out of City Hall and still serve the community. Within two days of the idea being broached, the IT department had procedures ready for employees to work remotely and successfully tested the various options.

In public works, pool cars were utilized to make sure staff stayed separated when driving to projects and changes in shift timing helped to further spread out staff.
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MML has worked hard over the past months to bring the most important COVID-19 information to members through articles, webinars, and briefings. We could not have done this without the expertise provided from the following professionals, and we thank them for their help!

Joe Lauber and Nathan Nickolaus, Lauber Municipal Law, LLC
James C. Hetlage and Julie Z. DeVine, Lashly & Baer, P.C.
Casey Lawrence, Missouri State Attorney General's Office
Ron Steinkamp, Brown Smith Wallace
Nancy Hoey, Grace Counseling, LLC
Ken Heinz, Curtis, Heinz, Garrett and O'Keefe, P.C.

Highway Safety Even More Important During Pandemic

In these trying times of the coronavirus pandemic, the emergency room is the last place you want to find yourself. That’s why the Missouri Department of Transportation is sending a strong message that now, more than ever, it is vitally important to drive safely and obey the rules of the road.

MoDOT officials and their law enforcement partners, including the Missouri State Highway Patrol, said they are seeing an increase in speeding due to lower traffic volumes as a result of COVID-19. In fact, in a recent test of a section of rural I-70, there were more than twice as many incidences of speeds more than 80 mph this year as compared to last year. And, just last week alone, MoDOT vehicles were struck three times by drivers who were not paying attention to the task at hand.

“As with preventing the spread of COVID-19, personal responsibility is key to safe driving and ensuring that everyone arrives alive, said Nicole Hood, MoDOT state highway safety and traffic engineer. “Please do your part to make our roadways safer and not add to the workload of our already overburdened healthcare providers.

Pay attention, drive sober, obey the speed limit, buckle up and put your phone down.”

Hood also said drivers should not be fooled into thinking that law enforcement is not watching.

“Our law enforcement partners are continuing to enforce the rules of the road, and they will ticket you for traffic violations,” Hood said.

Despite the fact that traffic volumes across the country are down approximately 40%, many vehicles are still traveling the state’s roadways. Trucks continue to carry much needed supplies, essential workers must maintain their work schedules and MoDOT is keeping vital transportation projects and essential state highway maintenance operations moving.
Top 50 Missourians In 2020
Congratulations to the city of Maryville Mayor Rachael Martin and the city of Grandview Mayor Leonard Jones on being named “One of the Top 50 Missourians You Should Know in 2020,” by Ingram’s Magazine!

40 Under Forty
Congratulations to city of Maryville City Manager Greg McDanel on being named among Ingram’s Magazines’ 40 Under Forty!

Great Places In Missouri 2020
The Missouri Chapter of the American Planning Association (APA) has announced the designation of two Great Places in Missouri in 2020: Downtown and Drake Harbor Recreation Area Trails, Warsaw; and River Market Neighborhood, Kansas City.

The Great Places in Missouri program was started in 2014 to recognize neighborhoods, streets and public spaces throughout Missouri that demonstrate exceptional character, quality and planning that enrich communities, facilitate economic growth, and inspire residents and visitors alike. The Great Places in Missouri program was modeled after APA’s Great Places in America program that has recognized 303 neighborhoods, streets and public spaces around the country since 2007.

City Clerk Awards
Congratulations to Lindsay Krumpelman, city clerk with the city of Marceline, and Suzanne Welsh, city clerk with the city of Ava, on the designation of Certified Municipal Clerk (CMC). The CMC is one of the two professional designations granted by the International Institute of Municipal Clerks (IIMC) and is designed to enhance the job performance of the clerk in small and large municipalities. To earn the CMC designation, a municipal clerk must attend extensive education programs, often totaling more than 120 educational hours. The CMC designation also requires pertinent experience in a municipality.

Green Building Council
Congratulations to Mid America Regional Council’s (MARC) Chief Innovation Officer Amanda Graor on her selection to the U.S. Green Building Council (USGBC) Central Plains 2020 Market Leadership Advisory Board (MLAB). This group of green building professionals volunteers time to work with the USGBC community to develop and implement programming that supports USGBC’s local, regional and global goals.

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MEMBERS' Notes

MML Calendar of Events

May 2020
25..... Memorial Day (MML Office Closed)

June 2020
2..... Municipal Election Day

July 2020
23..... MML West Gate Civic Leadership Awards Banquet, Location TBA

August 2020
4-5..... MML Elected Officials Training Conference, Columbia, Missouri
(rescheduled from June 2020)
25-26..... MML 2020 Bootheel Expo, Poplar Bluff, Missouri
26-28..... Governor’s Conference on Economic Development, Springfield, Missouri

September 2020
13-16..... MML Annual Conference, Kansas City, Missouri
15..... Financial Disclosure Ordinance Deadline
23-26..... ICMA Annual Conference, Toronto, Ontario
30-Oct. 2... MPUA Annual Conference, St. Charles, Missouri

October 2020
1-2..... Missouri Water/Wastewater Annual Conference, Jefferson City, Missouri
2-4..... Missouri Municipal Attorneys Association, Osage Beach, Missouri
(rescheduled from July 2020)

Find more events and details on www.mocities.com and in the MML monthly e-newsletter.

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