

Court determines the following material facts are deemed to exist without substantial controversy:

**Plaintiff's Statement of Uncontroverted Facts**

1. On or about June 3, 2016, the parties to this action filed "Parties' Stipulation of Facts" with accompanying exhibits.

2. Plaintiff incorporates ¶¶ 1-3, 14, 17, 19, 22, 23, 27, 28 & 33 of Exhibit A in this Statement of Uncontroverted Facts as if fully set forth herein *haec verba*.

3. On February 5, 1996, the Greene County Commission adopted a "Resolution Expressing Support for State Legislation."

4. On or about July 24, 1996, former Greene County Commissioner Jim Payne wrote a letter to the City's Mayor and Council members regarding a proposal for a law enforcement tax;

5. The City enacted Special Ordinance 23205 on August 4, 1997, which authorized City Manager, on behalf of the City, to ". . . enter into a cooperative agreement with Greene County concerning a Law Enforcement Initiative to be submitted to the voters on November 4, 1997, for their consideration."

6. The "Interlocal Governmental Agreement Law Enforcement Initiative" (hereinafter "IGA") was signed by Greene County's Commissioners (David Coonrod, Darrell Decker, and Jim Payne) and the Greene County Sheriff (John Pierpont), and was attested by the County's Clerk.

7. City Manager Tom Finnie signed the IGA on behalf of the City following the passage of Special Ordinance 23205 on August 4, 1997.

8. Both the City and Greene County represented that they were "[w]orking together for [the voters'] protection" by way of the "Greene County Law Enforcement Initiative" which

would add officer personnel, create a “cooperative county-wide communications system for all law enforcement in Greene County” and construct and operate a “consolidated Green County/municipal jail.”

9. The proposal presented to Greene County’s citizens contemplated that the voters would approve a 3/8 cents sales tax for four years, and that after four years the sales tax would be reduced to 1/4 cents, with no termination date.

10. From and after January 1, 1998, Greene County has retained all sales tax revenue payable to Greene County per the terms of paragraphs 6 A. & 6 B. of the IGA for the consolidated county municipal justice center, expanded county law enforcement and its share of the consolidated trunked radio system, and made payments to other incorporated towns and cities in Greene County as agreed per the terms of the IGA.

11. Construction of the consolidated county-municipal justice center was substantially completed on February 16, 2001.

12. The last Annual Jail Space Contract executed between the City and Greene County expired by its terms on June 30, 2002.

13. On or about February 25, 2002, Greene County’s Sheriff, Jack Merritt, represented to Springfield Police Chief Lynn Rowe that the consolidated county-municipal justice center would be ready to accommodate the City’s inmate population by April 1, 2002.

14. From and after that date, the City began housing its detainees at the consolidated county-municipal justice center over the course of the next seven years.

15. On July 29, 2009, Sheriff Arnott entered into an Intergovernmental Services Agreement with the United States Marshalls Service (hereinafter the “2009 ISA”) in which he

agreed that the consolidated county-municipal justice center would house 110 male and 20 female federal prisoners at a per diem rate of \$61.00

16. The terms of the 2009 ISA permit the Sheriff to unilaterally terminate the agreement by providing written notice to the United States Marshall within 120 calendar days of his decision to do so.

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20. On April 3, 2012, the voters of Greene County approved a law enforcement sales tax by a rate of 1/8th of a cent, which was represented by Greene County as a “Public Safety Initiative” for the purpose of, among other things, increasing jail capacity.

21. On April 1, 2015, Sheriff Arnott wrote a letter to Springfield Police Chief Paul Williams informing him that “effective April 3, 2015 at 1700 hours, the Greene County Justice Center will no longer accept municipal prisoners.”

22. Sheriff Arnott also wrote that “[a]t this time, it has been determined that there is not space available in the Greene County Justice Center for municipal defendants.”

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24. Sheriff Arnott responded to Mayor Stephens on April 2, 2015 informing him again that “we are unable to accept municipal prisoners effective April 3, 2015.”

25. The City of Springfield, since April of 2015, has not had access to the screening facility at the consolidated county-municipal justice center or any other facility that would serve as a screening facility for municipal offenders.