

# ADAIR COUNTY COMMISSION MINUTES MONDAY, SEPTEMBER 15, 2014

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40. Line Item Expenditure request for the Circuit Clerk (101-5-009-100.000) seeking expenditures for office expenses in the amount of average at \$ 15,000 is reduced to \$12,000 because there is an ongoing dispute between the Circuit Clerk and the Circuit Judge as to which proposed budget the County Commission should consider for adoption of the budget when a dispute exists between the two officials.

41. Line Item Expenditure request for the Circuit Clerk (101-5-009-200.000) seeking expenditures for equipment in advance planning for court automation expected to occur in 2015 in the amount of \$ 21,000 is reduced to \$5,000 because no court automation is scheduled for FY 2014 for Adair County and because there is an ongoing dispute between the Circuit Clerk and the Circuit Judge as to which proposed budget the County Commission should consider for adoption of the budget when a dispute exists between the two officials. Respondent also has the use of the County Law Library Fund to pay for such automation, but no revenues from the County Law Library Fund were committed to this effort.

42. Line Item Expenditure request for the Circuit Clerk (101-5-009-902.000) seeking expenditures for court room remodeling in the amount of \$ 5,000 is reduced to \$00 because Respondent has expended significant amounts of money in the past two fiscal years without complying with the state bidding laws, the prevailing rate laws and other laws related to the County Commission's control of County property in remodeling. Respondent has the ability to transfer funds from the County Law Library Fund, but the Court has not offered to underwrite the costs of the unknown suggested remodeling and the County Commission does not know of any remodeling that is needed at the time of the budget adoption.

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43. An undesignated Line Item for expenditures under the Circuit Clerk is shown seeking \$1000 for drug testing that is reduced to \$00 because Petitioner is not required to fund Drug Court activities as a County expense pursuant to Sec. 478.001 RSMo, et seq.

**MISCELLANEOUS ISSUES**

44. Petitioner has transferred some expense items to line items under the control of Petitioner because these expense items were contingent expenses related to potential needs rather than to actual needs at the time of the budget adoption. Line Item (101-5-022-000.100) was reduced to \$37,950 and transferred to GR-Misc and budgeted. It is Petitioner's intent to use such funds to pay for the identified contingencies if and when such legal services contingencies actually arise for legal fees for Respondent associated with Respondent's participation in any proceeding before the Judicial Finance Commission. Petitioner understands that it has responsibilities for payment of the jury costs/change of venue amounts that arise and the reasonable attorney fees of Respondent for participation in the Judicial Finance Commission related activities, which funds have been transferred to GR-Misc for budgeting and has committed to Respondent and his counsel that such fees will be paid as submitted. The amount of \$50,000 was reduced to \$37,950 because the Adair County part of the \$50,000 amount was too high and it includes payments for appeals by the other Counties in the 2<sup>nd</sup> Circuit and each of those Counties have budgeted funds for payment of Respondent's counsel associated with any Judicial Finance Commission appeal filed by those Counties.


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45. Petitioner has also transferred significant balances in a reserve fund associated with the Juvenile Justice Center that it has identified should be in the control and management of the County Commission because there are no current requests for use of such funds in FY2014 for the Juvenile Justice Center. It is also the belief of Petitioner that such funds may have been used for payment of expenses and employment costs not associated with or proper to the Juvenile Justice Center operations and management. Insufficient explanations were provided by Respondent for Petitioner to make any other determinations but to transfer such funds for safekeeping and budgetary accountability. The transfer to reserves were made as follows: General Revenue -- Juvenile Justice Center Facility Contingency in the amount of \$117,893 for use of unexpected capital or emergency capital repairs that may arise during FY 2014 or later and General Reserve -- General Reserve in the amount of \$353,079 shown on page 5 of 8 under the Juvenile Justice Center Budget. See Exhibit D.

**CONCLUSION**

Having submitted its Petition for FY2014 Budget of Adair County, Missouri, Petitioner respectfully requests the Judicial Finance Commission to take up this matter and to authorize the reductions associated with the escrowed amounts to be approved for FY2014 and for an appropriate Order to be issued for same.

Respectfully submitted for Petitioner by

  
**THE LOWENBAUM PARTNERSHIP, LLC**  
 Ivan L. Schraeder, MoBAR #35383  
 Jamie N. Mahler, MoBAR #66095  
 222 South Central, Suite 901  
 St. Louis, MO 63105  
 314.746.4823 / 314.746.4848 - Fax  
 ischraeder@lowenbaumllc.com  
 COUNSELS FOR PETITIONER


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**Certificate of Service**

I hereby certify that I have on this 10th day of February, 2014, served a true and accurate copy of the PETITION FOR REVIEW OF FY 2014 BUDGET OF ADAIR COUNTY, MO via U.S. Mail, postage pre-paid, upon the following:


Honorable Russell Steele, Presiding Judge  
 2<sup>nd</sup> Judicial Circuit  
 Adair County Courthouse  
 106 West Washington Street  
 Kirksville, MO 63501

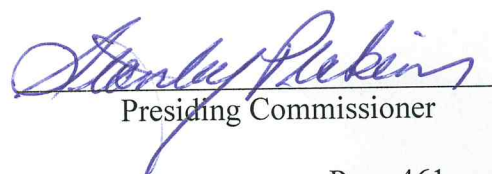
Mr. Louis J. Leonatti, Counsel for Judge Steele  
 Leonatti & Baker, PC  
 123 East Jackson Street  
 P. O. Box 757  
 Mexico, MO 65260-0758



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ATTEST:   
 County Clerk

  
 Presiding Commissioner