

ADAIR COUNTY COMMISSION MINUTES MONDAY, SEPTEMBER 15, 2014


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COUNTY OF ADAIR)
STATE OF MISSOURI)


VERIFICATION

The undersigned persons, being first duly sworn, under oath state that the above attached PETITION FOR REVIEW OF FY 2014 BUDGET of ADAIR COUNTY, MO was personally reviewed by each of them, and that the facts and issues presented therein are true and accurate to the best of their knowledge and belief in making this appeal to the Judicial Finance Commission for review and adjustment to the budgets submitted by the Respondent thereto.



Sworn and subscribed by the following this 10 day of February, 2014 by:


Stan Pickens, Presiding Commissioner
Adair County, MO


Carson Adams, Associate Commissioner
Adair County, MO


Mark Thompson, Associate Commissioner
Adair County, MO

The above persons, each personally known to me, appeared before me, and after being duly sworn, verified the above statements and Petition on this 10 day of February, 2014.



Janice Harden
Notary Public

00258976.1116

IN THE JUDICIAL FINANCE COMMISSION OF THE STATE OF MISSOURI

In Re: Circuit Court Budget of the Second Judicial Circuit of the State of Missouri

Adair County Commission, et al,)
Petitioners,)
vs.) Case No. 14-0074
Honorable Russell E. Steele)
Respondent.)

RESPONSE OF THE SECOND JUDICIAL CIRCUIT AND ITS
PRESIDING JUDGE TO THE PETITION FOR REVIEW
FILED BY THE ADAIR COUNTY COMMISSION

The Honorable Russell Steele, Presiding Judge, and the Second Judicial Circuit of Missouri, by their attorney, Louis J. Leonatti, pursuant to Supreme Court Operating Rule 12-9.01 provides this Response to the Petition for Review filed by the Adair County Commission. The response will consist of a Preliminary/Introductory Statement and then a response to each of the numbered paragraphs contained in the Petition for Review which is in *italics*.

PRELIMINARY STATEMENT

The Second Judicial Circuit consists of Adair, Knox, and Lewis Counties.

The Second Judicial Circuit is responsible for the operation of the Bruce Normile Juvenile Justice Center (JJC) which has an annual operating budget in excess of \$1,000,000. It has 14 detention rooms with an average daily population of 5, and 16 residential treatment rooms for abused and neglected children, with an average daily

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EXHIBIT
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population of 11. It has 50 employees and there are 6 employees in the Juvenile Office. [Exhibit C].

County general revenues make up about 19% of the operating budget. The statutorily required "maintenance of effort" for all three counties is \$134, 200. The Presiding Judge has requested an additional \$55, 800 from the three counties. Adair County's share is 64.1%. The discretionary funds requested from Adair County are \$35,768. For this request, Adair County has escrowed \$375,788, which includes grant funds and revenue from the judiciary's operation of the Juvenile Justice Center. It further seeks to appropriate the JJC Operating Reserve Fund of \$502,822.18 which was derived from JJC operations.. The total funds escrowed by Adair County is \$878,610.18

The Dispute also involves the operation and administration of Drug Courts in Adair County, which Petitioner contends it has no obligation to support. The Petitioner also disputes that Adair County has any obligation to provide funds to operate the office of the Presiding Judge or his Official Court reporter.

Underlying this budget dispute is a disagreement between the Presiding Judge and the Circuit Clerk of Adair County. On May 2, 2013, the 2nd Circuit Court *en banc* adopted an Amendment to the Agreement for the Consolidation of the Clerical Functions of the Circuit Court of Adair County which transferred the appointing authority over deputy clerks and certain financial responsibility for the circuit clerk's office from the Circuit Clerk to the Presiding Judge. One Deputy Clerk was terminated by the Presiding Judge. She has subsequently filed a Federal lawsuit challenging the status of the Presiding Judge as the appointing authority. This case is pending. The Circuit Clerk has

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enlisted the support of the Adair County Commissioners in her dispute with the Presiding Judge. This has resulted in the refusal of the Adair County Commission to honor pay warrants for appropriated expense items and their unsuccessful effort to terminate the 2nd Circuit Court Services Administrator. This has led to a tense and hostile relationship between the Presiding Judge, the Circuit Clerk, and the Adair County Commissioners.


The 2014 budget request for the Juvenile Office, including the Juvenile Justice Center, was below the request for 2013. [Exhibit A]. Despite this reduced request, the Adair County Commission has chosen to escrow over \$ 878,610-. This follows their failed effort to deny the payment of bills and to terminate the employment contract of the Circuit Court Administrator. See *State ex rel Second Judicial Circuit v. Stanley Pickens, et al., Case No. 13AR-CV00647* in the Circuit Court of Adair County, Missouri.


For the purpose of preserving and, if needed, litigating, constitutional issues, it is the position of the Presiding Judge that the administration of the Juvenile Justice Center, its Reserve Funds, revenue and expenditures, is within this exclusive jurisdiction of the Second Judicial Circuit of Missouri and the appropriation/escrowing of these funds, including the Reserve Fund, violates the "separation of powers" clause of the Missouri Constitution, Article II, Section 1. The Adair County Commission only has authority to escrow the discretionary funds requested from County General Revenues in the amount of \$35,768- and then file a Petition for Review with the Judicial Finance Commission.

PETITION FOR REVIEW RESPONSE

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ATTEST: 
County Clerk


Presiding Commissioner