

ADAIR COUNTY COMMISSION MINUTES

MONDAY, SEPTEMBER 15, 2014

Continued from page 466

SECOND CIRCUIT JUDICIAL BUDGET - COURT ADMINISTRATION

34. Line Item Expenditure request (101-5-012-100.000) seeking expenditures in the amount of \$2,500 for office expenses is reduced to \$00 because pursuant to Sec. 478.023 RSMo these expenses are to be paid from the state treasury.

Response: Section 478.023 RSMo. only deals with salary and benefits for Circuit Judges. It does not deal with office supplies and equipment. Section 49.510 RSMo specifically requires the County to provide an office, furnishings and equipment, stationery, supplies, and furniture.

35. Line Item Expenditure request (101-5-012-200.000) seeking expenditures in the amount of \$2,500 for equipment is reduced to \$00 because pursuant to Sec. 478.023 RSMo these expenses are to be paid from the state treasury.

Response: See response to paragraph number 34.

36. Line Item Expenditure request (101-5-012-300.000) seeking expenditures in the amount of \$3,800 for mileage/training is reduced to \$00 because pursuant to Sec. 478.023 RSMo these expenses are to be paid from the state treasury and because \$1250 is being sought to support the Drug Court for which the County has no obligation.

Response: Please refer to response to paragraphs number 4 and 34.

20

37. Line Item Expenditure request (101-5-012-500.000) seeking expenditures in the amount of \$2,300 for telephones is reduced to \$00 because pursuant to Sec. 478.023 RSMo these expenses are to be paid from the state treasury.

Response: Please refer to response to paragraph number 34.

38. Line Item Expenditure requests for the Court Reporter seeking total expenditures in the amount of \$3,902 for expenses associated with the Court Reporter is reduced to \$00 because these expenses are obligations of the state under Sec.

485.090 RSMo or are expenses associated for services of a state employee which are obligations of the state, not the County.

Response: Please refer to the response to paragraph number 34.

CIRCUIT CLERK BUDGET

39. The Circuit Clerk's office budget presented a significant problem for Petitioner because the Circuit Clerk and Respondent both submitted conflicting budget requests requiring Petitioner to exercise its discretion in discerning what amounts to appropriate to meet the obligations for budget purposes in relation to escrow amounts. Thus, the following categories in Paragraphs 40 through 43 related to Circuit Clerk office request are identified for special consideration.

Response: On May 2, 2013, the Second Judicial Circuit, en banc, adopted an Administrative Order amending the Agreement for the consolidation of the clerical functions of the Circuit Court of Adair County, Missouri. Paragraph 4 of this order

21

requires the Circuit Clerk to submit a budget to the Presiding Judge subject to approval or amendment by the Presiding Judge. As a result, the only budget request which can be considered is that submitted by the Presiding Judge. The Circuit Clerk of Adair County never submitted a budget request to the Presiding Judge.

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.

Response: The Budget Request for the Circuit Clerk submitted by the Presiding Judge requested \$17,000 for office expenses. The County Commission is escrowing \$5000 of that request. In 2013, a request for \$17,000- was approved.

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

22

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.

Response: The Missouri Supreme Court has mandated the implementation of electronic court filing. Adair County is scheduled to go online in 2015. OSCA has recommended that at least a year's preparation needs to be undertaken to begin scanning documents to be able to implement electronic filing. This budget request would begin implementation of the purchase of the equipment needed for the scanning of all court documents. The Law Library Fund is insufficient to fund the needed equipment. \$2500-\$5000 may be available from the Law Library Fund subject to the approval of the Court, en banc. The remainder will need to be appropriated from County General Revenue.

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.

23

Continued on page 468

ATTEST:


County Clerk


Presiding Commissioner