

**ADAIR COUNTY COMMISSION MINUTES
MONDAY, SEPTEMBER 15, 2014**

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Response: The amount budgeted is estimated for what may be needed for necessary repairs but this is an unknown amount. Previously, a project was undertaken to repair the ceiling in the Courtroom lobby. The original project was of a small dollar amount and did not require bidding. However when the project began and the contractor was on-site, it was discovered that the scope of the project was larger than had been originally estimated.

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.

Response: This is not a request associated with the Drug Court. This is request for those who are on bond or certain restrictions concerning their probation and it is required testing.

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

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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 2nd 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.

Response: It is appreciated that the County Commission is including this line item for legal expenses for the Second Judicial Circuit and the Presiding Judge. It should be understood that this request is not limited to just the Judicial Finance Commission. The Presiding Judge has been subjected to subpoena duces tecum issued by the Adair County Commission for his personal cell phone records, his Internet use for legal research, [See Exhibit E] his travel expense, his travel reimbursement, and other open meeting requests concerning his Court reporter and Secretary. In addition, a "separation of powers" issue has arisen with regard to Second Judicial Circuit employees and the operation of the Juvenile Justice Center which are clearly within the authority of the Circuit Judge but which the County Commission refuses to

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recognize. If the Judicial Finance Commission does not have jurisdiction to determine the legality of the County's escrowing of Grant Funds and the JJC Reserve Fund, the Presiding Judge will have to file a Declaratory Judgment action to obtain a Court ruling on this issue.

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 \$117,693 for use of unexpected capital or emergency capital repairs that may arise during FY 2014 or later and General Revenue - General Reserve in the amount of \$353,079 shown on page 5 of 8 under the Juvenile Justice Center Budget. See Exhibit D.

Response: The Juvenile Justice Center Reserve Fund does not involve County General Revenue. Rather, it results from the operating revenues of the JJC. This is used to fund operations, front payments and expenses until reimbursement is received per contract

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ATTEST:


County Clerk


Presiding Commissioner