

# ADAIR COUNTY COMMISSION MINUTES MONDAY, SEPTEMBER 15, 2014

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be vested with power to designate by local circuit court rule and concurred in by a majority of such judges, the division or divisions which shall be juvenile divisions or divisions and the classes of cases that shall be assigned to each ...".

12. That the 2<sup>nd</sup> Judicial Circuit has not established a family court.

13. That the individual pursuant to Section 211.351 RSMo referenced in Paragraph 10 authorized to appoint a Juvenile Officer and other necessary personnel to serve is Russell E. Steele in his capacity as Presiding Circuit Court Judge of the 2<sup>nd</sup> Judicial Circuit.

14. In furtherance of Relator's legal authority and in compliance with responsibility pertaining to the functions of the Juvenile Court, the 2<sup>nd</sup> Judicial Circuit entered into contracts, with attorneys Philip Dale Barrett, Wallace W. Trosen, and Meredith Illa, respectively, to provide legal services for indigent parents whose children have been removed from their custody by order of the Juvenile Court. Copies of those contracts are attached hereto as Exhibits A, B and C, respectively, and are fully incorporated herein by this reference.

15. To comply with the mandate of the Missouri Supreme Court that the Juvenile Office be represented by a licensed attorney, Relator entered into a contract with attorney C. David Rouser to provide legal services to the Juvenile Office. A copy of said contract is attached hereto as Exhibit D and fully incorporated herein by this reference.

16. In their capacity of discharging the legal duties referenced in the immediately preceding paragraphs, expenses and fees were incurred by the attorneys, and pursuant to Section 50.166 RSMo warrants were requested to pay for the legal expenses and services of said attorneys.

17. That Respondents in their official capacities are failing to honor and pay the requests/warrants submitted for the services provided by the attorneys named in the immediately preceding paragraphs, services which they provided under contract and are essential for the discharge of administration and justice in the Juvenile Court. Through the filing of this Petition, four months have lapsed since their last payment, and attorney Phillip Dale Barrett is owed the amount of \$5,150, attorney Wallace W. Trosen is owed

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the amount of \$5,000.00, attorney Meredith Morow Illa is owed the amount of \$5,600.00, and for the legal services of attorney C. David Rouser is owed \$16,000.00.

18. That the contracts referenced above and which are attached as Exhibits A through D were in full force and effect at the time of Respondents' refusal to process their payment for services rendered. The contracts continue to be in full force and effect, with the services still needed.

19. In furtherance of managing the 2<sup>nd</sup> Judicial Circuit, by letter of appointment dated July 30, 2014, the Relator in his capacity as Presiding Judge of the 2<sup>nd</sup> Judicial Circuit Court appointed Kristin Rouser to serve as case manager for the Adair County Drug Court. The letter identifying Ms. Rouser's appointment is attached as Exhibit E, which is incorporated herein by this reference.

20. A significant part of Ms. Rouser's duties involve providing assistance to parents of children to help them resolve issues and problems, including drug or alcohol abuse and related criminal behavior.

21. That the services provided by Ms. Rouser assist in statutory requirement of possible reunification of children who are wards of the Juvenile Court with their families and may prevent the need for children's removal from custody of their parents.

22. On or about August 27, 2014, the County Commission, informed the Court Service Administrator for the 2<sup>nd</sup> Judicial Circuit that the County Commission will not honor the appointment of Kristin Rouser as case manager for the Adair County Drug Court.

23. The County Commission's attempt to eliminate Kristin Rouser's office interferes with the functioning of the 2<sup>nd</sup> Judicial Circuit generally, and more specifically Juvenile Office, and the Presiding Judge's responsibilities in supervising said office as required by law.

24. That the funding of the services provided by Ms. Rouser had never been funded through tax proceeds from Adair County citizens, and the funding for her position as contemplated through her appointment by Relator on July 30, 2014 will continue not to rely on the tax proceeds of Adair County to finance the position.

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25. That the 2<sup>nd</sup> Judicial Circuit did not request any funds from Adair County to pay for any of the positions, expenses or salaries being referenced in this Petition. All money which was requested from the general tax base was itemized to pay for mortgage, maintenance and insurance.

26. That counties of third or fourth class in conjunction with a recommendation of the circuit judge may establish juvenile detention facility to serve the counties within the judicial circuit as authorized pursuant to Section 211.341 of Missouri Revised Statutes.

27. That pursuant to the authority immediately cited above the 2<sup>nd</sup> Judicial Circuit established the Bruce Normile Juvenile Justice Center (hereinafter "Juvenile Center"), located in Kirksville, Adair County, Missouri.

28. That in his capacity as the Presiding Judge of the 2<sup>nd</sup> Judicial Circuit, Relator supervises the Juvenile Center.

29. That the funds for operating the Adair County Juvenile Office and the Juvenile Center come from the following sources:

- annual appropriations from each county in the Judicial Circuit, including the mandated maintenance of effort as required by law;
- state and federal grant funds; and
- contracts for services and donations.

30. As to the sources of income referenced above, general appropriations from the tax base (general revenue funds) as to all three counties constitute only approximately 23% of the 2<sup>nd</sup> Judicial Circuit budget. The remaining 77% comes from the above-cited grants, contracts for services and donations.

31. There are over 50 employees within the Juvenile Office, including those who work at the Juvenile Center, and a significant amount of the revenue of the 2<sup>nd</sup> Judicial Circuit comes by way of contracts for services and fees generated through the operation of the Juvenile Center.

32. That contributions from Adair County general tax revenue are not necessary for the payment of any of the positions and/or salaries referenced above, as there are

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adequate funds (outside of general tax revenue) generated by the 2<sup>nd</sup> Judicial Circuit in fees and services to pay said salaries.

33. That the Adair County Treasurer has two accounts pertaining to the operation of the Adair County Juvenile Office and/or the Juvenile Center and they are as follows:

- Juvenile Justice Center Account- Fund #907;
- Juvenile Grant Operations Account- Fund #909.

34. That approximately a \$480,000.00 surplus of funds that have been allocated for the operation of the Adair County Juvenile Office and the Juvenile Center are currently in Fund #907.

35. That presently no taxes that have been apportioned from general revenue from any of the three counties of the 2<sup>nd</sup> Judicial Circuit make up the approximate \$480,000.00 in Fund #907, as the tax funds which have been allocated from the general tax revenue of any of the three counties of the 2<sup>nd</sup> Judicial Circuit have already been utilized for previously budgeted items.

36. That the County Commission has indicated its desire to transfer the funds currently in Fund #907 (totaling approximately \$480,000.00) to the County's general operating account and has indicated that all funds from said account that are allocated and disbursed must meet their approval.

37. That pursuant to Section 50.640, the Circuit Court proposes an annual budget to the budget officer of the county.

38. That pursuant to Section 50.640, neither the budget officer or the county commission shall "change the estimates of the circuit court or the circuit clerk without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent."

39. If a county commission believes the estimates of the circuit court to be unreasonable, their remedy is to "file a petition for review with the Judicial Finance Commission."

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ATTEST:

Sandra Collop  
County Clerk

Stanley Plaker  
Presiding Commissioner