

ADAIR COUNTY COMMISSION MINUTES MONDAY, SEPTEMBER 15, 2014

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63. Any attempt by a public official and/or public entity to exceed its power may be remedied through a Writ of Prohibition.

64. As pled above, a county commission only has the express authority granted through the Constitution and legislative enactments.

65. That the County Commissioners' attempt to interfere with the contracts entered into with the attorneys referenced in Paragraph 16 exceed their legal authority, and they should be prohibited from interfering with said contracts, said interference potentially leading to a breach of contract between the 2nd Judicial Circuit and the attorneys.

66. The County Commissioners' attempt to eliminate the position of Ms. Rouner, to which the Presiding Judge had appointed her in July of 2014 in his capacity as Circuit Judge of the 2nd Judicial Circuit, exceeds its authority, and said attempt is inhibiting the administration of justice.

67. Respondent Commissioners have informed Relator of their intention to transfer the funds (currently in Fund #907) which have been allocated and dedicated to operating the Adair County Juvenile Office and/or the Bruce Normile Juvenile Justice Center, to the general operating account of the County Commission.

68. In exercising its power as set forth in the immediately preceding paragraphs, i.e., not honoring the contractual obligation to pay the fees incurred by the attorneys as set forth in Paragraph 16, and in its attempt to eliminate the position of Ms. Rouner, and its intention of transferring the funds currently in Fund #907 to the general operating account of the County, Respondents County Commission and the individual County Commissioners are exceeding their legal authority.

69. By refusing to cooperate with their legal obligation to honor the agreements, appointments and contracts referenced in the General Allegations of Fact and Count 1, Respondent County Commission and the individual Commissioners are interfering with the 2nd Judicial Circuit and agreements and contracts entered into between the parties.

70. This Court should enter an Order prohibiting the Commission and/or the individual Commissioners from interfering with the appointments, agreements and

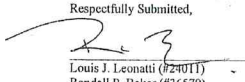
contracts referenced above, as well as disturb the current proceeds in Fund #907 through a transfer to any other account and/or fund.

71. That Respondents Collop and Smith, while not necessarily indicating a position as to the treatment of the funds, should also be prohibited from interfering with the agreements, appointments and contracts set forth above, and any attempt by the County Commission to eliminate and/or transfer the proceeds out of Fund #907.

72. A Writ of Prohibition is appropriate as Respondents' actions are in excess of their legal authority.

73. Relator does not have an adequate remedy of law to remedy the situation absent the requested Writ of Prohibition.

WHEREFORE, Relator prays for a Writ of Prohibition ordering all Respondents from interfering with the appointments and contracts that have been entered into with the attorneys, from eliminating the position of Kristin Rouner as case manager for the Adair County Drug Court, from transferring the funds which are presently in Fund #907 at the Bank of Kirksville to general revenue of Adair County, for Respondents to pay Relator's costs in pursuing this action including attorney's fees, and for such other relief as the Court deems just and proper.

Respectfully Submitted,

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IN THE CIRCUIT COURT OF ADAIR COUNTY, MISSOURI

Russell E. Steele,)
Relator,)
vs.) Case No.)
Adair County Commission,)
as an entity,)
Carson Adams, in his official capacity)
as an Adair County Commissioner,)
Mark Thompson, in his official capacity)
as an Adair County Commissioner,)
Stanley Pickens, in his official capacity)
as an Adair County Commissioner,)
Sandra Collop, in her official capacity)
as Adair County Clerk, and)
Lori Smith, in her official capacity as)
as Adair County Treasurer,)
Respondents.)

INDEX OF EXHIBITS

1. Exhibit A - Wallace Trosen contract
Page 3, Paragraph 14
2. Exhibit B - Meredith Morrow IIIa contract
Page 3, Paragraph 14
3. Exhibit C - Phillip Dale Barrett contract
Page 3, Paragraph 14
4. Exhibit D - C. David Rouner contract
Page 3, Paragraph 15
5. Exhibit E - letter regarding appointment of Kristin Rouner
Page 4, Paragraph 19

6. Exhibit F - Petition submitted by Respondent to the Judicial Finance Commission
Page 7, Paragraph 40
7. Exhibit G - Judge Steele's response to Petition submitted to the Judicial Finance Commission
Page 7, Paragraph 40

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ATTEST: 
County Clerk


Presiding Commissioner