

**ADAIR COUNTY COMMISSION MINUTES**  
**WEDNESDAY, JANUARY 29, 2020**  
**11TH DAY JANUARY REGULAR**

The Adair County Commission convened at 8:30 a.m. on January 29, 2020 in the Courthouse at Kirksville. All Commissioners were present.

At 9:10 a.m., the Adair County Commission adopted the following resolution:

BE IT RESOLVED that this meeting be continued in closed session, with closed records and closed votes as permitted by law, for consideration of the following items as authorized by section 610.021(13) of the Missouri statutes:

Discussion under Subsection 13 of the statute for "Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the name, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such,....."

BE IT FURTHER RESOLVED that if any business not covered by the stated reason or reasons for the closed session is raised during the closed session, that such business will be postponed until this meeting is reopened to the public and the sign for a closed meeting is removed from the doors of the Commission office. Present at the meeting were Presiding Commissioner, Mark Shahan; 1<sup>st</sup> District Commissioner, William King; 2<sup>nd</sup> District Commissioner, Mark Thompson; Adair County Road and Bridge Interim Supervisor, Junior Fountain; and Adair County Clerk, Sandra Collop.

So motioned by Commissioner King and seconded by Presiding Commissioner Shahan. Commissioner Thompson concurred. All voted in favor of the motion at 9:10 a.m. on Wednesday, January 29, 2020.

Closed session ended at 10:30 a.m.

At 1:15 p.m., Commissioner Thompson moved to appoint Steve Peterson as a new board member to the Law Enforcement Restitution Fund Board (LERF). Commissioner King seconded the motion. Both were in favor of the motion. Mr. Peterson will replace Carol Hill who resigned from the Board.

At 2:15 p.m., the Adair County Commission adopted the following resolution:

BE IT RESOLVED that this meeting be continued in closed session, with closed records and closed votes as permitted by law, for consideration of the following items as authorized by section 610.021(13) of the Missouri statutes:

Discussion under Subsection 13 of the statute for "Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the name, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such,....."

Continued on page 572

ATTEST:



County Clerk



Presiding Commissioner

**ADAIR COUNTY COMMISSION MINUTES  
WEDNESDAY, JANUARY 29, 2020**

Continued from page 571

BE IT FURTHER RESOLVED that if any business not covered by the stated reason or reasons for the closed session is raised during the closed session, that such business will be postponed until this meeting is reopened to the public and the sign for a closed meeting is removed from the doors of the Commission office. Present at the meeting were Presiding Commissioner, Mark Shahan; 1<sup>st</sup> District Commissioner, William King; 2<sup>nd</sup> District Commissioner, Mark Thompson; Adair County Road and Bridge Interim Supervisor, Junior Fountain; and Adair County Clerk, Sandra Collop.

So motioned by Commissioner Thompson and seconded by Commissioner King. Presiding Commissioner Shahan concurred. All voted in favor of the motion at 2:15 p.m. on Wednesday, January 29, 2020.

Closed session ended at 3:50 p.m.

The Commission received clarification from Legal Counsel, Ivan Schraeder of the Schraeder Law Firm, that per Section 49.270 RSMo “the county commission . . . may purchase . . . any property real or personal, for the use and benefit of the county. . .”.

The Adair County Commission adjourned at 4:00 p.m. on January 29, 2020.


**Unscheduled Public Walk-Ins and other Non-Agenda Items for Wednesday, January 29, 2020:**

Max Tonkinson – Tubes – Crescent Lane

IN REF. ORDER 11 Legal clarification that County Commission may purchase property on behalf of the county

<p><b>SCHRAEDER LAW FIRM</b> 4070 Landfield Avenue, Suite 110 St. Louis, Missouri 63126</p> <p>Telephone: 314.664.1500 Fax: 314.664.0730 Mobile: 314.126.7302</p>
<p>January 28, 2020</p> <p>VIA EMAIL ONLY to <a href="mailto:scollin@adaircountymissouri.com">scollin@adaircountymissouri.com</a></p>
<p>To: Ms. Sandy Collop, County Clerk Adair County, Missouri</p>
<p>From: Ivan L. Schraeder, MoBAR No. 35383 Special Counsel Adair County, Missouri</p>
<p>Re: County Purchase of Property</p>
<p>We were requested to provide an opinion as to who may purchase property to be taken in the name of Adair County, Missouri. This opinion is our response.</p>
<p>The Adair County Commission has the authority to purchase real property in behalf of Adair County, Missouri pursuant to Section 49.270 RSMo which in pertinent part states:</p>
<p>The county commission . . . may purchase . . . any property, real or personal, for the use and benefit of the county. . .”.</p>
<p>Section 432.370 RSMo authorizes the county commission to enter into contracts for the county. Thus, a sale contract for real property can be made in behalf of the county.</p>
<p>The County Commission, meeting in a properly called meeting, a quorum being present, takes action in such a meeting to authorize the purchase of real property for whatever purchase price the County Commission negotiates. Then Presiding Commissioner, Mark Shahan, has the authority to execute the purchase documents in behalf of the County and cause the purchase price to be paid pursuant to the terms of the sales contract. Such signature should show that he is acting "in behalf of Adair County, Missouri" when he executes the documents.</p>
<p>This opinion may be shared with other persons as necessary to carry out the real property purchase that was authorized in the recent County Commission meeting.</p>

ATTEST:

  
County Clerk

  
Presiding Commissioner