

**ADAIR COUNTY COMMISSION MINUTES
WEDNESDAY, SEPTEMBER 7, 2016
17TH DAY JULY ADJOURNED**

The Adair County Commission convened at 8:30 a.m. on September 7, 2016 in the Courthouse at Kirksville. Presiding Commissioner Pickens and Commissioner Thompson were present. Commissioner Adams was absent.

At 9:00 a.m., the Commission met at the Adair County Annex for a meeting regarding the Law Enforcement Restitution Fund (LERF). Present at the meeting along with the Commission was Burt Beard, President of the LERF Board; Dennis Sidwell, member of the LERF Board; Lori Smith, Adair County Treasurer; Matt Wilson, Adair County Prosecuting Attorney; Sandy Collop, Adair County Clerk; Robert Hardwick, Adair County Sheriff; Tammy Miller, Deputy County Clerk; Bill King, Operations Section Chief for the Sheriff's Department; and Dave Hurt, Finance Coordinator for the Sheriff's Office.

Ms. Smith stated that yesterday she had spoken with Travis Elliott, legal counsel for the Missouri Association of Counties (MAC). He stated that MAC wanted to clarify the financial handling of the LERF program as several questions were beginning to emerge from several counties. He will be a speaker on this topic at the annual Treasurers' convention next week.

Mr. Beard asked that each person introduce themselves to the group. He then stated that everyone was there today to get a better understanding of what the guide lines were regarding the LERF Fund.

Ms. Smith explained to the LERF Board the procedures for paying bills using the accounts payable system vs. the LERF Fund. Sheriff Hardwick stated he had presented an invoice to the County Clerk's office for payment through the accounts payable process, but it had been denied. So he then presented the bill to the LERF Fund in order to receive payment. He gave examples of case law that stated he could spend budgeted monies out of his Law Enforcement General Fund (Fund 801) any way he wanted to as long as the bottom line of his budget was not "in the red."

Mrs. Collop said she was disappointed that he had not followed through with the agreement he had made during the 2015 and 2016 budget meetings – that the expenditure in question would be paid out of the LERF Fund. She also brought up the point that the agreement he had with the individual he wanted paid had been signed by the Sheriff and had not been signed by the Presiding Commissioner. Therefore, Mrs. Collop stated the County was not under obligation to make the payment. This led to discussion as to whether or not the County would be held liable for any misconduct on the part of the individual.

After discussion, Mr. Wilson suggested that a new Memorandum of Understanding (MOU) agreement be executed with both Sheriff Hardwick and Presiding Commissioner Pickens' signatures. Both agreed. Mrs. Collop then asked Sheriff Hardwick if he had changed his mind as to his decision to pay the individual from the Law Enforcement General Fund as opposed to the LERF Fund. He said he had. Mrs. Collop said she would make note of that for future reference.

Mr. Beard thought the meeting had been productive and thanked everyone for coming. The Commission returned to the Courthouse.

The Commission spent the rest of the day attending to County business.

Continued on page 374

ATTEST: Sandra Collop
County Clerk

Monte Pickens
Presiding Commissioner