

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** transferring \$31,940.00 within the 2010 Health Fund to cover unanticipated cost overruns to fund indigent attorney fees within the probate system.

**RESOLUTION #17210**, March 15, 2010

**INTRODUCED BY** Theresa Garza Ruiz, County Legislators

WHEREAS, pursuant to RSMo 475.075.3, attorneys must be appointed by the court to represent respondents in probate proceedings; and,

WHEREAS, pursuant to RSMo 475.085.1, the costs of the probate proceedings, including reasonable attorney fees, must be paid by the county if the respondent is found to be incapacitated or disabled and if the respondent's estate is insufficient and the Court enters judgment thereon in a guardianship proceeding; and,

WHEREAS, the county received notice from the court in February 2010 that 2009 attorney fees were outstanding for the months of October, November, and December; and,

WHEREAS, a transfer is necessary to place the funding in the proper account; and,

WHEREAS, the County Executive recommends this transfer; now therefore,

**BE IT RESOLVED** by the County Legislature of Jackson County, Missouri, that the

following transfer within the 2010 Health Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Health Fund			
Non-Mandated Contingency			
002-8005	56830 - Contingency Fund	\$31,000.00	
002-5102	56790 - Other Contractual Services	\$ 940.00	
002-5102	56760 - Court Costs/Invest Services		\$31,940.00

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Pamela Zellin  
Deputy/Assistant County Counselor

Wm. G. ...  
Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17210 of March 15, 2010, was duly passed on March 23, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

3.23.10  
Date

Mary Jo Spino by cmg  
Mary Jo Spino, Clerk of Legislature

Funds sufficient for this transfer are available from the source indicated below.

ACCOUNT NUMBER: 002 8005 56830

ACCOUNT TITLE: Health Fund  
Non-Mandated Contingency  
Contingency Fund

NOT TO EXCEED: \$31,940.00

March 15 2010  
Date

[Signature]  
Director of Finance and Purchasing

**REQUEST FOR LEGISLATIVE ACTION**

*Add-on*

Completed by County Counselor's Office:

Resolution No.: 17210

Sponsor(s): Theresa Garza Ruiz

Date: March 15, 2010

<p><b>SUBJECT</b></p>	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: Transfer \$31,000 from the Health Fund Contingency and \$940 from the Health Fund Non Departmental Other Contractual Services to the Health Fund Non Departmental Court Costs to cover unanticipated cost overruns to fund Indigent Attorney Fee bills for Probate.</p>										
<p><b>BUDGET INFORMATION</b>  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$31,940</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$31,940</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$31,940</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td> <p>FROM ACCT                      002 8005 6830                      Health Fund                      Contingency (\$31,000)</p> <p>002 5102 6790 (\$940)                      Health Fund Non                      Departmental Other                      Contractual Services</p> <p>TO ACCT                      002 5102 6760                      Health Fund Non                      Departmental Court                      Costs</p> </td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p><b>OTHER FINANCIAL INFORMATION:</b></p> <p><input type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:          Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):          Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$31,940	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$31,940	Amount budgeted for this item * (including transfers):	\$31,940	Source of funding (name of fund) and account code number; FROM / TO	<p>FROM ACCT                      002 8005 6830                      Health Fund                      Contingency (\$31,000)</p> <p>002 5102 6790 (\$940)                      Health Fund Non                      Departmental Other                      Contractual Services</p> <p>TO ACCT                      002 5102 6760                      Health Fund Non                      Departmental Court                      Costs</p>
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<p><b>PRIOR LEGISLATION</b></p>	<p>Prior ordinances and (date):</p> <p>Prior resolutions and (date):</p>										
<p><b>CONTACT INFORMATION</b></p>	<p>RLA drafted by (name, title, &amp; phone): Shelley Kneuvean, Deputy Chief Administrative Officer</p>										

## Fiscal Note: Jackson County, Missouri

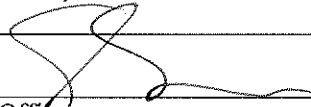
Funds sufficient for this transfer is available from the sources indicated below.

Date: March 11, 2010

~~CRD#~~ RES#17210  
~~XXX~~

Department / Division	Character/Description	From	To
<b>Health Fund - 002</b>			
8005 - Non-Mandated Contingency	56830 - Contingency Fund	31,000.00	
5102 - Non-Dept Health Fund	56790 - Other Contractual Services	940.00	
5102 - Non-Dept Health Fund	56760 - Court Costs/Invest Services		31,940.00
Total		31,940.00	31,940.00

*Brian M. [Signature]* 3/11/10  
Budgeting

REQUEST SUMMARY	<p>Missouri Statutes require the court to appoint an attorney to represent respondents in probate proceedings to determine guardianship for indigent estates (RSMO 475.075.3). Typically, costs of probate proceedings including attorney fees are paid from the estate, however, when the respondent's estate is insufficient to fund the attorney fees, the County is required to fund those costs. These are budgeted in the Health Fund Non Departmental Account, under Court costs.</p> <p>For 2009, the fund was exhausted and these fees were not paid for October, November, and December. The Circuit Court brought this to the administration's attention in February 2010. This transfer will move funds to pay the 2009 expenses.</p>	
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS		
REVIEW	Department Director:	Date:
	Finance (Budget Approval): <i>If applicable</i>	Date:
	Division Manager: 	Date: 3/11/10
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.