From: Scott J. Jacoby
Sent: Wednesday, January 10, 2018 11:50 AM
To: Edwin Stoll <EStoll@jacksongov.org>; Mark A. Trosen <MTrosen@jacksongov.org>; Dennis Dumovich <DDumovich@jacksongov.org>; Frank White <FWhite@jacksongov.org>
Cc: Garry J. Baker <GJBaker@jacksongov.org>; Theresa Galvin <TGalvin@jacksongov.org>; Gregory O. Grounds <GGrounds@jacksongov.org>; Scott Burnett JACKSON COUNTY <Hburnett@jacksongov.org>; Alfred Jordan <AJordan2@jacksongov.org>; Dennis Waits <DWaits@jacksongov.org>; Crystal J. Williams <Crystalwilliams@jacksongov.org>; Daniel T. Tarwater III <Dtarwater@jacksongov.org>; Tony Miller <TMiller@jacksongov.org>; Jean Peters Baker <JPetersBaker@jacksongov.org>; Dennis Dumovich <DDumovich@jacksongov.org>; Michael Sharp <MSharp@jacksongov.org>; Crissy Wooderson <CWooderson@jacksongov.org>; Cheryl L. Colter <CColter@jacksongov.org>
Subject: RE: Fund changes load

Ed -

Thank you for the email. However, I have voiced my concerns before and I will state them again. Associates should not have to work in a hostile environment with fear of disciplinary action taken upon them because they are unwilling to perform an unlawful act. The County Executive's Administration is instructing associates to process Employee Change Authorizations (ECAs) dated 12/29/2017. This action will result in at least 2 unlawful acts.

1) County Executive's Administration are paying associates with COMBAT funds without approval of the County Prosecutor. Ordinance 5061, finalized on 12/28/2017, clearly states administration of the COMBAT Tax and the COMBAT Commission and day-to-day supervision to the Prosecuting Attorney of Jackson County. Additionally, the County Prosecutor in her email dated 1/4/2018 clearly states all expenditures are to be approved by her and members of the County Executive's staff receiving allocations of COMBAT via salaries and benefits are to cease. County Executive's Administration is demanding County associates process, without proper approval, employee change authorizations which will result in improper and illegal payment to county associates by violating Ordinance 5061.
2) County Executive's Administration are paying associates that currently do not have positions at the County. The County Legislature adopted a budget for 2018 by ordinance that does not include positions or funding for associates included in the ECAs dated 12/29/2017. County Executive's Administration is demanding county associates to process and pay individuals that are not currently budgeted for in 2018. By doing so, we will violate the 2018 Approved Budget Ordinance which will result in the improper and illegal payment to individuals with use of taxpayer dollars.

Article XIII General Provisions, Section 17 of the County Charter states "In this charter the words "law" or "by law" mean the statutory laws of the State of Missouri or County Ordinance….". Additionally, Article II, Section 16, 5, Legislature shall "Make such rules and regulations as may be necessary or proper to establish and carry into effect the provisions of this charter and county ordinances and provide for the enforcement of the charter and county ordinances by appropriate penalties not exceeding for any one offense, a fine of one thousand dollars or imprisonment in the county detention center for not more than one year, or by both such fine and imprisonment."

As this reads, any violation of a County Ordinance would be considered unlawful. It is not acceptable in any environment to ask associates to perform an unlawful act whatsoever.

The memo attached dated 1/5/2018 from County Counselor, Steve Nixon to County Executive, Frank White does not clearly state a positon. In this memo, the County Counselor concludes the associates should take solace in knowing that on this particular date, 1/5/2018, he is in charge of prosecuting violations of county ordinances and he does not plan on doing so…today. Given the political environment and potential conflict of interest by the County Counselor's Office, this memo should be read for what it is….an opinion.

With regards to the memo, one would have to ask a simple question; Is the memo as written by County Counselor, Steve Nixon codified by County Ordinance which is the law of the County? Answer: No.

With regards to the legal opinion referenced within the memo, one would have to ask a simple question; Is the legal opinion by Todd Graves codified by County Ordinance which is the law of the County. Answer: No.

Payroll Processing for Associates:

We will process 40 hours for the impacted associates as normal with their Direct Deposit. These 40 hours represent pay from year 2017 and will be processed by Finance associates.

With regards to associates that are not approved, I will recommend the County Executive's Administration provide an individual to process these transactions. We will work with our Payroll vendor to get a log in and password. The remaining 40 hours will then be processed by this individual on Friday, 1/12/2018 between hours of 8:00 a.m. and 5:00 p.m. These checks will be a paper check and individuals should prepare accordingly.

Regards, Scott Jacoby
Deputy Director of Finance