

RESOLUTION NO. 82

A RESOLUTION ACKNOWLEDGING THAT ROBERT LEE VACATED OFFICE BY ACCEPTING EMPLOYMENT WITH THE COUNTY OF ST. LOUIS, MISSOURI

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHEAST AMBULANCE AND FIRE PROTECTION DISTRICT, OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

That Section 321.015, RSMo, provides:

District director not to hold other lucrative employment--exemptions certain counties and employment--lucrative office or employment, defined.

321.015. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, RSMo, shall hold the office of fire protection district director under this chapter. **When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.** This section shall not apply to members of the organized militia, of the reserve corps, public school employees and notaries public, or to fire protection districts located wholly within counties of the second, third or fourth class or located within first class counties not adjoining any other first class county, nor shall this section apply to any county of the first or second class not having more than nine hundred thousand inhabitants which borders any three first class counties; nor shall this section apply to any first class county without a charter form of government which adjoins both a first class county with a charter form of government with at least nine hundred thousand inhabitants, and adjoins at least four other counties. The term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof. (Emphasis ours)

That Section 70.120(3), RSMo, provides:

Definitions.

70.120. The following definitions shall be applied to the terms used in sections 70.120 to 70.200:

(3) "Political subdivision" shall mean any agency or unit of this state which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied;

That on June 15, 2009, Robert Lee accepted lucrative employment with the county of St. Louis, Missouri as shown by Exhibit 1 attached hereto and incorporated by reference herein.

That as provided by Section 321.015, RSMo, effective June 15, 2009 when Robert Lee, while serving in the office of fire protection district director of the Northeast Ambulance and Fire Protection District, accepted employment under St. Louis County, Missouri, he did thereby vacate his office and he shall thereafter perform no duty and receive no salary or expenses as Northeast Ambulance and Fire Protection District Director.

That said Section 321.015, RSMo is self executing and thus, as of June 15, 2009, Robert Lee shall be and is hereby barred, banned and prohibited from performing any duties and shall receive no salary or expenses as a Director of the Northeast Ambulance and Fire Protection District.

That despite having vacated his office on June 15, 2009 by accepting lucrative employment with St. Louis County, Missouri, Robert Lee, in violation of Section 321.015, RSMo, did attend, participate and exercise the powers and duties of Director of the Northeast Ambulance and Fire Protection District at the meetings of the Board of Directors of the District on June 16 and June 23, 2009.

BE IT FURTHER RESOLVED that the Administrative staff is directed to issue no salary, expense, attendance fees, or any other form of remuneration or payments to Robert Lee for service or performing any duties as a Director of the District on or after June 15, 2009.

BE IT FURTHER RESOLVED that Robert Lee is and shall henceforth be barred, banned and prohibited from sitting as a Director or in a Directors seat at the meetings of the Board of Directors of the District and if he shall so sit or attempt to so sit he shall be deemed ordered removed from the meeting of the Board of Directors by operation of this Resolution and shall be guilty of trespass, disorderly conduct, peace disturbance and contempt of the board and shall be removed from the meeting of the Board of Directors by security officers or peace officers as provided by law.

BE IT FURTHER RESOLVED that any exercise of duties or votes taken by Robert Lee on or after June 15, 2009 are hereby declared null and void and the minutes of the meetings of the board of directors for June 16, 2009 and June 23, 2009 shall be corrected to show the office of Director held by Robert Lee to be vacant and no vote cast by his shall appear in the minutes or records of the district.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to Robert Lee, the Administrative Secretary of the Northeast Ambulance and Fire Protection District and to such other parties as are interested as may be required by law.

BE IT FURTHER RESOLVED that this Resolution shall go into effect immediately upon passage.

Introduced and adopted this 2 July, 2009

Joseph L. Washington
Joseph L. Washington, Chairman of the Board

Attest: Robert Edwards
Robert Edwards, Secretary of the District



Charlie A. Dooley
County Executive

Saint Louis
COUNTY
ADMINISTRATION

Pamela J. Reitz, CPFO
Director of Administration

Kirk McCarley
Director of Personnel

June 30, 2009

Atty. Elbert A. Walton, Jr.
2320 Chambers Road
St. Louis, MO 63136

Dear Attorney Walton:

Subject: Robert Lee

This letter is in response to your correspondence of June 30, 2009 requesting verification of employment for Mr. Robert Lee.

Mr. Lee is currently an active employee hired on June 15, 2009 as a Workforce Development Specialist with St. Louis County Government.

Sincerely,



Kirk McCarley
Director of Personnel