

846-34/35

IN THE CIRCUIT COURT OF TEXAS COUNTY, MISSOURI

TO THE:

Texas County Commission)
Scott Long, Presiding Commissioner)
John Casey, Dist. 1 Commissioner)
Doyle Heiney, Dist 2, Commissioner)
and)
Tammy Cantrell, Texas Cty Treasurer)
Marci Mosley, Texas Cty Cir. Clerk)

RECEIVED
JAN 12 2022
By *[Signature]*

FILED
JAN 12 2022
MARCI MOSLEY
Circuit Clerk
TEXAS COUNTY, MO

No. 2022-1

ORDER TO REPLACE
TELEPHONE SYSTEM for CIRCUIT
CLERK and JUDICIARY

WHEREAS, Texas County is obligated to provide suitable quarters for the judiciary and suitable quarters and equipment for county officers, including the Circuit Clerk. (Secs. 478.035 & 49.510) and

WHEREAS, in 2021 the Texas County Commission contracted with Alex Roberts d/b/a Alextricity to install and maintain telephone systems for the Texas County Administration Building and the Texas County Judicial Center, including, inter alia, the Circuit Clerk's Office and the Judiciary, and

WHEREAS, since August 2021, although the telephones have been installed in the Circuit Clerk's Office and Judiciary offices, the telephone system has proven to be wholly inadequate for the purposes intended, including but not limited to:

- a. The Circuit Clerk's facsimile lines have been inoperable;
- b. Mr. Roberts has represented to the Circuit Clerk the recorded day greeting for the office (8:00 a.m.-5:00 p.m.) cannot be changed

which is necessary to let the public know when the office is closed or trials are continued due to inclement weather;

- c. Mr. Roberts has been unable, or failed to, create the night greeting (5:01 p.m.- 7:59 a.m.) for the Circuit Clerk's Office until a meeting was held with him, and all parties involved on December 30, 2021 and then he did so without consulting with and getting the approval of the Circuit Clerk as to the content thereof;
- d. He has failed, or been unable, to create a management portal for the Circuit Clerk to manage and make necessary changes or adjustments to the telephone system;
- e. He has failed to install suitable length telephone cords on the telephones in the courtrooms although repeatedly requested to do so;
- f. He has been unable to correct the Group Calling feature of the telephone system although he has represented on multiple occasions the problem was fixed;
- g. He has been unable to provide necessary information to enable the Circuit Clerk and Deputy Clerks to make conference calls;
- h. He has failed to provide telephone instruction manuals for the clerks to enable them to make full use of the telephones. (Instead he told them to watch a YouTube video which is inadequate.);
- i. Outgoing calls from the Circuit Clerk's office are being designated "Spam Calls" on receiver's phones which Mr. Roberts has been unable to correct for two months;
- j. Mr. Roberts, without permission, hooked the Circuit Clerk's phones into a power line for the exclusive use by the Office of States Courts Administrator causing the clerk's internet access and computers to dramatically slow down or frequently stop and has failed to correct the situation. **(It should be noted when Ms. Mosley and the undersigned met with the County Commission on December 30, 2021 Mr. Roberts mis-represented to the Commission that he had such permission. OSCA verified on January 10, 2022 that he did not.);**
- k. Because Mr. Roberts has, without permission, hooked the internet based phones into the OSCA line which is also relied on for the Clerk's and Court's computers and Webex, telephone calls from

and to the Circuit Clerk's office are frequently interrupted causing callers to believe they are being hung up on;

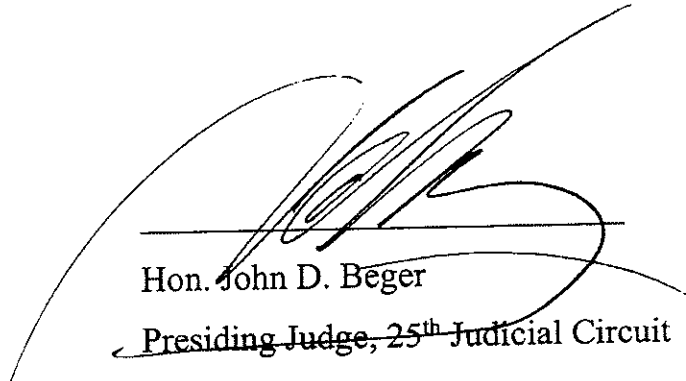
AND WHEREAS, the above and foregoing, individually and collectively, have severely diminished and degraded the services the Circuit Clerk renders to the public and the judiciary;

NOW, THEREFORE IT IS ORDERED, that the Circuit Clerk enter into an agreement with the next lower bidder for telephone services to remove the telephones placed by Alex Roberts, install replacement telephones in accord with OSCA requirements. Since the estimated cost thereof, including the monthly cost of service being less than \$12,000, the public bidding process is not required. (Section 50.660)

IT IS FURTHER ORDERED, that upon receipt of the final invoice for purchase and installation of the telephones, the same will be submitted to the County Commission and the County Treasurer for payment. (Sec. 476.270, see also *St. ex rel Henderson v. Blaur*, 723 S.W.2d 589 (Mo pp 1987) and *Board of Commissioners of Franklin County v. 20th Judicial Circuit of the State*, 630 S.W.3d 783 Mo 2021).

SO ORDERED THIS 12TH DAY OF JANUARY, 2022.




Hon. John D. Beger

Presiding Judge, 25th Judicial Circuit