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FILED

EXECUTIVE ORDER
85-10

APR 2 1985

Roy D. Blunt

SECRETARY OF STATE

WHEREAS, the City of Times Beach, Missouri was a fourth class city in a first class county with a charter form of government adjoining a city not within a county, and

WHEREAS, Times Beach, Missouri had contracted with the State of Missouri or the federal government, or both, for the acquisition of all real property by any federal or state agency because of the release of a hazardous substance that endangers the public health and welfare of such City and has resulted in a public calamity, and

WHEREAS, the Board of Aldermen of Times Beach, Missouri approved, and the Mayor of Times Beach signed, an ordinance requesting disincorporation of Times Beach, Missouri, and

WHEREAS, said ordinance has been submitted to the Governor of the State of Missouri by the Mayor of the City of Times Beach, and

WHEREAS, the Governor has issued an Executive Order approving and effectuating such disincorporation, and

WHEREAS, the Governor is required to appoint a person to act as trustee for the City of Times Beach so disincorporated,

NOW, THEREFORE, I, JOHN ASHCROFT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, particularly Senate Bill No. 333, First Regular Session, 83rd General Assembly, do hereby appoint Marilyn Leistner as trustee for the City of Times Beach, Missouri, subject to the following terms and conditions:

1. Before entering upon the discharge of his duties, the trustee shall accept this appointment in writing, and shall agree to the terms of this appointment. The trustee's acceptance and agreement, when executed, is incorporated by reference into this Executive Order.
2. Before entering upon the discharge of his duties, the trustee shall qualify as such by taking and subscribing an oath that he will faithfully discharge the duties of his office.
3. On his qualification, the trustee shall cause an audit of the City to be performed, and shall make the results of such audit available to former city officials and to the Governor.
4. On his qualification, the trustee shall take the steps necessary to place the bank accounts of the City in his name, as trustee, and shall use the accounts as an operating fund for the discharge of his duties herein. The trustee shall keep a true and accurate account of any and all receipts and expenditures which he shall make as trustee in the course of his duties.
5. In accordance with the laws of the State of Missouri, the trustee shall have power to prosecute and defend to final judgment all suits instituted by or against the City, collect all monies due the same, liquidate all lawful demands against the same, and shall be empowered to condemn property as required, to take title to property as it is acquired, to take over all records of the City, and generally to do all acts to effectuate and comply with the provisions of the four-party Superfund contract for the permanent relocation of the residents and businesses of Times Beach, Missouri, effective as of June 7, 1983. The trustee shall not be empowered to institute suits in behalf of the City without the express authorization of the Governor.

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6. The trustee shall have authority to act as trustee only as is absolutely necessary to accomplish his duties set out herein. The trustee may consult with, and seek the advice of others, including former officials of Times Beach, Missouri, as he deems appropriate. Nothing in this paragraph authorizes or empowers the trustee to delegate any of the authority conferred on him by this Order.


7. When the trustee shall have closed the affairs of the City, and shall have paid all debts due by the City, he shall, at the request of the Governor, pay over to the State Treasurer all money remaining in his hands, and shall deliver to the State Agency designated by the Governor all books, papers, records and deeds to acquired real property belonging to the disincorporated city.

8. When the trustee shall have closed the affairs of the City and fully discharged his responsibilities under this Order, the trustee shall submit a final report and account, fully detailing all of the trustee's acts performed in and about the execution of his appointment as trustee. After examination and approval of said report and account, the Governor shall discharge the trustee by Executive Order.


9. Any expenditures incurred by the trustee in pursuit of his duties, and the compensation of the trustee, shall be paid first from any excess city funds and then from the Missouri Hazardous Waste Remedial Fund under Section 260.480, RSMo.

It is so ordered.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of April, 1985.


GOVERNOR

ATTEST:


SECRETARY OF STATE