

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

MICHAEL J. BALLMAN and) No. 101917
RANDY L. SANDERS,)
)
Appellants,) Appeal from the Circuit Court of
) St. Charles County
vs.)
)
O’FALLON FIRE PROTECTION) Hon. Ted House
DISTRICT,)
)
Respondent.) FILED: March 31, 2015

Michael Ballman and Randy Sanders appeal the trial court’s summary judgment in favor of the O’Fallon Fire Protection District after Appellants sought enforcement of their employment agreements with the District. The trial court deemed the agreements and subsequent amendments void and unenforceable due to omissions in authorizing the original agreements in accordance with §432.070 governing municipal contracts.

Appellants assert that: (1) the original agreements weren’t void because (a) they were referenced in board meeting minutes preceding execution and members attested to their approval and (b) the District should be estopped from denying their validity after ten years’ performance; and alternatively (2) even if the original agreements were void, the later amendments incorporating them by reference were properly authorized and render their terms enforceable

AFFIRMED.

DIVISION ONE HOLDS: (1) The original agreements were void in that the District neglected to authorize them in writing by formal board vote recorded in the minutes. Other evidence of the board’s discussion and approval cannot overcome this requirement, and the equitable remedy of estoppel is not available. (2) Public records authorizing public contracts must sufficiently identify the subject matter with reasonable exactitude and specificity. Appellants’ severance pay was not sufficiently identified in the public record and duly authorized so as to permit enforcement under §432.070.

Opinion by: Clifford H. Ahrens, Judge Lawrence E. Mooney, P.J., and Lisa Van
Amburg, J., concur.

Attorney for Appellants: Steven Koslovsky

Attorney for Respondent: Paul Martin

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