

CHAUTAUQUA COUNTY BOARD OF COMMISSIONERS

March 6, 2017

Chairman Jack Carpenter called the regular meeting to order on Monday, March 6, 2017 at 8:30 a.m. in the commission room. Commissioners Goff Searl and Rodney Shaw were both present. As were County Clerk, Niki Collier and County Counselor, Ruth Ritthaler. Commissioner Goff Searl opened the meeting with prayer.

Joel Haden, Road & Bridge Superintendent, reported the crews have spread rock in the following areas; Rd 6 & Prairie, Rd 23 & Indian, Rd 21 & Bronco, Rd 22 & Quivira, Rd 29 & Dalton, Rd 11 & HWY 166.

Commissioner Carpenter asked for a motion to approve minutes from February 28, 2017. Ruth Ritthaler, County Counselor suggested changes in relation to the ongoing discussion about the County Counselor and County Attorney positions. Deputy Clerk, Becki Smilko will bring the amended minutes later in the meeting.

Commissioner Carpenter asked Mr. Haden to look into grading Rd 23 north of Cowboy.

Commissioner Goff Searl addressed concerns from Lewis Dean about an area of road near his home that is very low, Mr. Dean would like it to be raised if possible.

Annie Blankinship, Health Department introduced two of her employees to the Commissioners. Jeanie Beason has been with the Health Department for 28 years, she spoke about several things that she does in the Health Department including disease investigation. Teresa Williams provides Homemaker services and is training to complete grant requests.

Crystal Wade, HR Administrator, had employee longevity increases for commission approval. She then requested an executive session to discuss non-elect personnel for privacy of the personnel. Commissioner Carpenter made the motion for a 10 minute executive session to resume open meeting at 9:35. Commissioner Searl gave the second, motion passed 3-0. Returned from executive session at 9:35 with no action taken.

Commissioner Carpenter made the motion for 10 minute executive session to continue discussing non-elect personnel for privacy of the personnel, to resume open meeting at 9:45. Commissioner Searl gave the second, motion passed 3-0. Returned from executive session at 9:45 with no action taken.

Commissioner Shaw motioned for the County to no longer contest an ongoing unemployment claim, Commissioner Searl gave the second. Motion passed 3-0.

Dale Stone and Linda Kline of the Solid Waste department, followed up with additional information on the purchase of a new trash truck. Commissioner Searl motioned to approve the purchase, Commissioner Shaw seconded and the motion passed 3-0.

Commissioner Searl motioned to renew membership with Cedar Vale Chamber of Commerce. Commissioner Shaw seconded and the motion passed 3-0.

Cody Collier, Emergency Manager, visited with the Commission about the dry weather conditions. Discussion turned to the possible need for a burn ban. Mr. Collier will follow up next week. Counselor, Ruth Ritthaler said that she would look into penalties for violation of burn bans.

Deputy Clerk, Becky Smilko updated the Commission on the fees paid out for the juvenile detention center.

A conference call then took place with the Commission, Ruth Ritthaler, County Counselor, and Nathan Eberline, Legal Counsel for Kansas Association of Counties (KAC). There was continuing discussion about one individual holding both the County Counselor and County Attorney position. Nathan stated KAC has concerns that an Attorney General opinion could limit the "Home Rule" of Counties across the state on this topic. Because of Home Rule, it is the right of the Commission to decide what is best for the County on this matter. Commissioner Shaw asked why, as a small County, do we need to pay for the two budgets? Nathan confirmed that if the County had no Counselor position, that by statute the County Attorney would handle all legal matters for the County. After the call, Ruth stated she would like to continue in both positions on a trial basis and see how things go. Commissioner Searl said that he sees benefit in having both positions. Commissioner Carpenter agreed.

Commissioner Carpenter made a motion to leave both, the County Counselor and County Attorney position as they are currently. Commissioner Searl seconded. Motion passed 2-1 Commissioner Shaw opposed.

Niki Collier, County Clerk brought to the Commissioners' attention that no other individual has the opportunity to request the minutes are changed to make their position appear more favorable. Niki stated she would amend the minutes at the request of the Commissioners. Ms. Ritthaler suggested two solutions at the previous meeting, and that was why two suggestions were documented. Commissioner Shaw agreed that Ms. Ritthaler made two suggestions at the previous meeting. Ruth Ritthaler stated she was not making her recommendation to appear more favorable, rather for clarification purposes. Mrs. Collier feels in light of the ongoing discussion surrounding the County Counselor and County Attorney positions, the request is inappropriate. Niki suggested in the future the Commissioners consider videoing the meetings. This would provide a detailed account of the meeting for all.

Commissioner Shaw motioned to approve the minutes of February 28, 2017 as amended. Commissioner Searl gave the second and the motion passed 3-0.

Commissioner Searl made a motion to rescind the decision, to request an opinion from Attorney General on the matter of the County Counselor and County Attorney discussion. Commissioner Carpenter seconded. Motion passed 2-1, Commissioner Shaw opposed.

Motion from Commissioner Shaw to adjourn the meeting at 11:25, seconded by Commissioner Searl, motion passed 3-0.

Goff Searl, First District Commissioner

Rodney Shaw, Second District Commissioner

Jack Carpenter, Chairman, Third District Commissioner

ATTEST:

Niki Collier, County Clerk