

# **CHAUTAUQUA COUNTY BOARD OF COMMISSIONERS**

March 11, 2019

Commissioner Jack Carpenter called the regular meeting to order and opened with prayer on March 11, 2019, at 8:30 a.m. in the commission room of the Court House. Commissioner Parker Massey, Clerk Niki Collier, Deputy Clerk Becky Smilko, and County Counselor Zoe Newton were all present. Commissioner Rodney Shaw joined by phone.

Commissioner Carpenter moved to approve the minutes of March 4, 2019. Commissioner Massey gave the second and the motion passed 3-0.

Road & Bridge Superintendent Joel Haden stated crews had hauled rock to several locations. Mr. Haden reported that a part-time temporary truck driver had been hired to assist as needed. Discussion regarding the grant for road signs was held. Counselor Newton had a question about the contract regarding cost and requested time to review the document. Commissioners reviewed and discussed bids for a new tractor and bush hog. Commissioner Carpenter moved to purchase a tractor and bush hog from O'Malley's, Commissioner Massey gave the second and the motion passed 3-0. Commissioner Carpenter stated there are large holes located near four corners and Mr. Haden stated he would contact the Road Operator to have them repaired. Commissioner Shaw stated Road 22 could use the scarifier. Commissioner Carpenter asked if there were bids on the wing wall and Mr. Haden stated he received bids and went with the company that gave the lower bid and included additional work in the cost.

HR Administrator Crystal Wade presented travel requests, longevity raises and wage changes for approval.

Commissioner Massey moved for a 10 minute executive session under the justification of attorney-client privilege with Mrs. Newton. Commissioner Carpenter gave the second and the motion passed 3-0 at 8:55 a.m. The open meeting resumed at 9:05 a.m.

Richard Hambleton discussed the bid for miscellaneous electrical repairs to the courthouse. The Board directed Mr. Hambleton to schedule the repairs.

Emily Powell of Solid Waste joined the meeting and Mrs. Newton reported she has reviewed the ARSI Collection Agency contract and asked for the signature line to name the Chairman of the Board. Mrs. Powell advised the Board that the annual groundwater test at the closed County Landfill has been scheduled for March 19, 2019 at 9:00 a.m. Mrs. Powell presented an account for abatement due to a deceased customer. Mrs. Powell stated she needed to discuss an employee matter. At 9:10 a.m., Commissioner Carpenter moved for a 5 minute executive session to discuss non-elected personnel. Commissioner Massey gave the second and the motion passed 3-0. The open meeting resumed at 9:13 a.m.

USD 286 Superintendent Nathan Hinrichs, Principal Kay Hill, PJ Buck, Rodney Dickens, Jill Gray, Denise Signer, Jack Warren, and Heath Lampson joined the meeting. Tim Nordell, Sheriff

Richard Newby, Treasurer Amy Goode, Crystal Wade were also present. Mr. Hinrichs advised the Board that he objected to the portion of the minutes of February 28, 2019 in which the mill levy regarding the School Bond Election was discussed with the County Appraiser. Mr. Hinrichs stated he believed the information the County Appraiser gave to the Board at the February 28, 2019 meeting was incorrect. Mr. Hinrichs stated his belief that the discussion of the School Bond issue as reported in the February 28<sup>th</sup> minutes was politically motivated because he believed the County had published the minutes in places other than the normal location on the County website and in the local papers. Mr. Hinrichs stated that the School Board's information, specifically the 16 mill increase, had been verified by Piper Jaffray & Co. and also by the State Board of Education. Mr. Hinrichs stated that he would like the minutes of today's meeting to reflect his statement regarding the verification of the tax increase numbers by Piper Jaffray and the State Board of Education.

Counselor Newton advised Mr. Hinrichs the Board's minutes have historically been robust and detailed and that the February 28<sup>th</sup> minutes had been drafted in a manner consistent with previous minutes. She invited Mr. Hinrichs to review past minutes as she did not wish him to think that the discussion about the School Bond issue was drafted with any improper purpose. The County Clerk also advised that the County had not added any new publication places but had published the minutes in the same locations as every other week.

Mr. Hinrichs stated if there was any question regarding the accuracy of the School Board's calculations of the tax increase, he felt it would have been more appropriate for the County Appraiser to call him directly. Commissioner Shaw stated he would take responsibility for the minutes because he raised the issue and called the County Appraiser with questions about the tax increase that tax payers could expect if the School Bond passes. Commissioner Massey stated the Board wants to have the correct information on the ballot for a vote. Commissioner Shaw advised that he had a family emergency that had prevented him from attending informational meetings held by the school regarding the School Bond numbers, however stated that when he returns, he would be visiting with Mr. Hinrichs to discuss the numbers.

Commissioner Massey stated he had a list of questions from citizens that he would like answered, starting with why was there a need for a special election? Mr. Hinrichs explained this was an important election and they did not want the question overlooked on a ballot and if pushed to November construction cost could potentially increase by \$187,000.00. Commissioner Massey asked if the 22% or 5 mills from the State of Kansas was guaranteed. Mr. Hinrichs said the State is voting on that tomorrow and once approved it would be guaranteed for the term of the bond. Counselor Newton advised the bond documents submitted by the School Board to the County Clerk state that there is no guarantee that the State will fund at any level and that even if the State gives funds initially, there is no guarantee that it will continue to fund at any level in subsequent years. Mr. Hinrichs questioned where she had gotten that information from and Mrs. Newton advised that the language appeared on page A2 of the bond documents submitted to the County Clerk and it read in part that "[N]o assurance can be given that Bond State Aid will continue at this or any amount in future years,"

Ms. Wade asked for clarification if the State aid was actually guaranteed or if it could be lost. Mr. Hinrichs stated the document reflects it is possible, but to his knowledge it has never happened before.

Mr. Nordell stated that there is a scheduled \$600 million dollars shortage in the state of Kansas and he would like the School Board to heavily consider the fact. Mr. Hinrichs noted that a State budget for 2020 had not been completed yet.

Commissioner Massey asked why calculations were made using outdated property values that are lower than present property valuations. Mr. Hinrichs stated it was important for each person not to decide on the averaged information provided by the school district, but to find out what it will cost them personally and then vote. Ms. Wade asked if the General Bond line of the school's budget in future years would remain at 16 mills. Mr. Hinrichs advised that the 16 mills calculation assumed that there would be 5 mills from the State. Commissioner Massey stated many people want to know why the bidding process does not seem transparent or why is it coming after the vote? Mr. Hinrichs stated there has not been any bidding yet, that will come after the vote. Mayor Warren stated the City of Sedan had a similar situation with the water project and bids could not be obtained until the money was secured. Commissioner Shaw stated he would have to excuse himself from the call and planned on meeting with Mr. Hinrichs later on Wednesday. Mr. Hinrichs thanked the Board for hearing his concerns. Mr. Hinrichs requested a copy of the list of questions that Commissioner Massey referred to and the Commissioner directed the County Clerk to get a copy to Mr. Hinrichs.

Emergency Manager Cody Collier stated he obtained the information regarding the mitigation plan that Commissioner Shaw requested and that 104 of the 105 counties in Kansas had participated. Mr. Collier explained this does not mean each county adopted a resolution, but may have participated in various ways.

Sheriff Newby invited Commissioner Massey to have a tour of the Sheriff Department facility.

Commissioner Massey moved to adjourn the meeting at 9:50 a.m., seconded by Commissioner Carpenter, motion passed 3-0.

/s/ Parker Massey

Parker Massey, First District Commissioner

/s/ Rodney Shaw

Rodney Shaw, Chairman, Second District Commissioner

/s/ Jack Carpenter

Jack Carpenter, Third District Commissioner

ATTEST:

/s/ Niki Collier

Niki Collier, County Clerk