

December 6, 2022,

Tuesday 9:00 a.m.

The Bourbon County Commission met in open session with two Commissioners (Jim Harris and Clifton Beth) and the County Clerk present.

Anne Dare, Clint Walker, Patty Ropp, Jason Silvers, Michael Hoyt, Tiana McElroy, and Deb McCoy were present for some or all the meeting.

Clifton made a motion to approve the minutes from the last meeting. Jim seconded. Both approved.

Jim stated Road and Bridge report would be removed as there is a lot of sickness in that department.

Renodry representative talked with commissioners about waterproofing the basement of the courthouse. They did a full inspection about a year ago and there were moisture issues in the foundation. David walked us through again last week and in the mechanical room up the chimney. We just wanted to stop in and see if you had given anymore thought to drying out the courthouse. Jim requested an updated proposal and get a recommendation from David.

Accounts Payable was approved.

Clifton made a motion to sign the tax-exempt agreement for the tower at 1131 250th Street. Jim seconded. Both approved.

Lora Holdridge spoke with the commissioners regarding the road records. The road records actually belong to the Clerk's Office. Lora wasn't sure when the records went to the Deed's office, but she does enjoy the process. She stated that she has the space in her office to keep the records, whereas the Clerk does not. She has spoken with the Clerk regarding this. I bring this up because I don't have the personnel to continue to do this. The survey companies are three to four months out and they are emailing us more and more asking us to go to the road records to look this up for them. Right now, I'm the only one that knows how to do this. This takes time away from my regular duties. The Clerk wouldn't have the personnel to do this either nor does she have room. I'm asking that you amend my 2023 budget to allow my part-time person to be full-time to allow more time to keep this up.

KDOR-PVD Compliance: (via phone) Mike Ballwin - Field Staff Supervisor spoke with commissioners regarding substantial compliance KSA 79-1404(b) that requires us to meet with the counties that are out of substantial compliance for the year. This year there were 16 counties out of compliance. The market sale prices went crazy and caught a lot of people off guard. There are two parts statistical and procedural. Statistical performance is broken out into residential and commercial. The Appraiser's Office has the option to appeal if they wish. When the county is out on residential statistical compliance probably nine times out of ten, they will be out of substantial

compliance just because of how much weight is applied to that. The residential ratio is what hurt everybody. You are out on commercial compliance as well. We are required to go out and do a sample appraisal of commercial properties for any counties that was out of statistical compliance for commercial. We had 40 counties that had a group of people going out and looking at commercial properties across the state for that reason. In a county the size of Bourbon County, we probably looked at two or three properties. With what the market did during Covid caught a lot of people off guard. He also stated that when you have a new Appraiser it takes time to get acclimated to what needs to be done. If things aren't done correctly in previous years that can cause issues going forward. Matt stated that he is currently working on correcting the issues.

Lora Holdridge - part-time works 20 hours; we would need \$30,000 for salary/benefits. Clifton stated that there had been discussion of the part-time person in the Clerk's office was to go away and that money could be moved to Deeds. Jim stated that we will discuss this again in two weeks.

Tiana McElroy - thanked everyone that had a part in making the holiday luncheon a success. Tiana stated that when updating of the handbook began, all the department heads got together and everyone had input and recently that has changed. Section 1 has been completed and adopted. I've been told that all future department head meetings have been cancelled. I'm requesting that it be moved to Human Resources so that we can continue meeting and have input. I believe Courtney has a lot of resources that she can reach out to help make sure the handbook is complete and thorough. My concern is that if it is prepared and submitted and we are just asked for input, I'm not sure how much our input will be included or valued. Besides myself I have five employees that will be affected. I think it would be more beneficial and allow us to work together to get it done. Jim stated that we have been waiting for updates since 2001. We haven't received that. We are finally on track. I understand your concern on how the information is fed and maybe we can adjust that a little bit, but we have to keep moving forward. We do not have a handbook. Jim stated that before it is put into paper form it is sent to you and others for review before it comes to us. Tiana stated that Section one was not sent to her until the 15th. Susan stated it was sent to her. Tiana stated it wasn't received. Tiana stated that with the CFO handling the policies and handbook is a violation of Kansas statute. She is operating as a county administrator. Jim asked what the HR person would be operating as. Tiana stated they would be operating as what HR typically operates as which is creating policies and handbooks. Susan requested an executive session as she is being discussed in a public meeting. Tiana stated we are not discussing your performance. You are a contract employee. We are talking about something that will affect every county employee. Jim stated he appreciated her concern. This is something the commissioners need to discuss and decide how we want to move forward. I just want the handbook done and done correctly. I want input from all elected officials and department heads. We can restructure that and make it work for everyone. Tiana stated I have the statutes that this is responsibility of a county administrator. Jim said if we make her the HR director, she's legal then. Tiana stated that the CFO doing the

handbook in the manner she is doing it, the responsibility of it, would be that of County Administrator. Clifton said they would take it under advisement but felt part of this is opinion. Tiana offered a copy of the statute. Tiana stated she believed there is a violation of the statute and will proceed with that as necessary. I will be back next week because I'm going to do a KORA request for the contract.

Jim requested an executive session. Clifton made a motion for executive session KSA 75-4319(b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy including the two commissioners present for 15 minutes returning here at 10:09 a.m. Jim seconded. Both approved. Clifton made a motion to return to normal session with no action. Jim seconded. Both approved.

Susan Bancroft - CFO: The Budget Amendment - Jim asked about the increase in Road & Bridge that is the money from the crusher. Susan said it's the loan proceeds. Jim also asked about the increase in landfill because business is doing much better. Susan stated yes that we have a new business that has been coming and so that has caused our revenue to increase but our expenses have also increased because of going over to Allen County. Jim asked if the budget amendment gives them more cash to spend and if they don't spend it just carries over. Susan stated yes, but that's pretty much what's going to be spent at the landfill. Clifton clarified that this is not an increase in taxes. Susan stated that as your revenues coming in better than expected you have to look at cash law and budget law and in order to abide by the budget law you have to do a budget amendment. You can do it throughout the year but most places do it at the end of the year. This is authorization to publish it in the newspaper. Clifton made a motion to authorize the publication in the newspaper for budget amendment calendar year 2022. Jim seconded. Both approved. Susan stated the hearing will be December 20th at 6 p.m. Financials ending 10/31/22, there is a budget violation. I've noted that to the treasurer. She fixed it in November, but it will be a violation because it wasn't fixed in October. Also, when you are looking at your financials you will notice on both treasurers and clerk's bank accounts there are a lot of items not in bank. All those correcting entries that you see to get us to the cash balance are entries that should be made into the system that have not been at this point. Therefore, if they are not fixed by the end of the year, you will have overstated or understated cash depending on if those entries don't get completed. So, I'll continue to let you know as I work with the clerk and the treasurer. Jim asked how many months it's been since Eric got an updated report? I don't think they've been sent out for a long time. Jim stated he was told July. What do we need to do to get Eric a budget report so he can operate correctly. Susan stated that she can print him a report but it is the Clerk's responsibility. Jim stated he would visit with the Clerk. Jim made a motion to move the excess funds from the Inmate fund to a General Public Safety Fund, leaving in the Inmate fund at the end of each month, inmate funds plus \$10,000. Jim stated in my opinion it could have been used for cameras and we wouldn't have had to borrow money if we had known the funds were there. The funds will still be in this building spent for Public Safety but where the commissioners can review it and when we're asked to borrow money to buy stuff if we have cash, we'll spend the cash. Clifton seconded. Both approved. Jim continued making a

motion that under the direction of Terry Sercer, he advised of those accounts that we discovered, that we do a 7-year audit. My motion will include for Susan to work with an outside auditor to do an extensive audit of those accounts for 7 years. Clifton seconded. Both approved. Susan asked if the commission wanted her to bring before them once we come to an agreement on a contract with that auditor. The commission stated yes.

Justin Meeks - County Counselor: Out of Office

Shane Walker - CIO: We've had a bunch of people call about the internet and cell phones in Hidden Valley. Nuwave is working on trying to figure out how to engineer this up there to work. The problem is no one will sell them bandwidth. In order to pass the amount of bandwidth from point to point on antennas we have to use 4-foot dishes which makes a wind load way more expensive than we really need to spend on an antenna. The big antenna we own up there can handle 12- or 13-foot dishes. These smaller antennas that we can afford with ARPA funds 90 to 100 miles per hour with a 2 ½ foot dish. I talked with David Lee, he is one of the owners of Nuwave, he is Allen County Commissioner, they are working on trying to get fiber from Mildred over closer to Hidden Valley Lake but in the meantime I'm going to set up a meeting with Embarq and see if we can initiate a buy of bandwidth from them to use for repeaters then if they would allow Nuwave to service the people at the lake. Jim asked if we would put up a taller tower at the lake. Shane said a tower of 125 feet is needed for people in that area. That's where the engineering problem is. Trying to get the amount of data passed to it. Jim stated our goal is for all county homes to have internet. People who live in these areas that aren't served by anything else, most have tried satellite internet which isn't very good, you can sign up for Starlink online, it might take two or three months to get it, but Starlink works like nothing else. That is the Elon Musk internet. There is service in this area now. There are people already getting it. I think it's under \$100 and it's fast for what it is. That is competitive with what Nuwave will charge. We can't get Craw-Kan out there right now. That's probably 5 years away. Shane stated the next one to be worked on is down by Garland.

Public Comment: Clint Walker spoke about Sports gambling. We've bet over \$300 million so far and have received \$191,000 in taxes. The taxes are supposed toward those with gambling problems. Anne Dare stated she appreciated Lora coming in and trying to figure out a way to continue doing what she enjoys doing and you guys are going to look into trying to work with her so our maps and road closures stay up to date. This is the only public meeting that county officials hold that's on YouTube that the public can come and present some things but also in a public manner speak to other county officials. Whether they show up or not at this meeting is a little sad because quite frankly this is more directed toward them not so much to the commissioners. Anne questioned reconciliation of cash in bank to the county's accounting records is the responsibility of the county's treasurer's office. Are we up to date? Susan stated yes. Anne continued the sheriff's fund do merit attention by the county commissioners and I will say that time and time again we come in frustrated with other departments and even before you were all on the board it was all we do is

set the budget. Right here, it charges you with giving attention to these issues and what it is you all can do about it I don't know, but can you remind us of what these three bank accounts that the sheriff had and had been going on for some time. Are they still floating around in a bank somewhere? Susan stated there were four accounts of which one account is still housed with the sheriff's department. The other three have been transferred to the treasurer. Since before the funds were turned over to the county there were numerous violations of Kansas statutes recited in the audit this year. Susan stated that with the commissions motion earlier today most of that funding will come back here, but as far as approval of claims that happens in the sheriff's office that doesn't come before the commission. Based on the outside auditor it would be prudent to require excess funds in the account to be turned over and Jim made the motion to make this happen. Anne stated those accounts were opened a very long time ago and based on Kansas statutes they should be under the control of the county treasurer. It saddens me that once that was realized why the county sheriff's office did not feel it important to turn that over to the county treasurer for them to do the job they are required to do. I'm just frustrated when it comes to our county officials. We as citizens vote them into office and entrust them and give them a lot of responsibility. When it comes to the audit you see the same violations over and over. Kansas statute KSA 75-1126 states procedure when audit discloses law violation or grounds for ouster. When any audit under this act indicates violation of a penal statute or discloses reasonable ground, that's your excuse what is reasonable, ground for removal of office it shall be the duty of the licensed municipal public accountant or accountants or certified public accountant signing the report of such audit to file one copy of the report with the county attorney. So, going forward it isn't good enough just to fix these things. Our county attorney needs to stand up and do their job. And do them with excellence. I don't feel like we are getting what we voted into office. Election year is two years away and by golly if some good candidates come forward, I will be campaigning for them openly, hard. Right now, I don't have the confidence that we have the correct officials in a lot of our elected positions. Jim stated he is frustrated as well with the same violations and the same people. If I had the power to oust some of these people I would do it today. We need some corrective action to get all elected officials to be held accountable, including us.

Commission Comment: Clifton stated he agrees with Anne. If you're not doing your job, find a different job and that applies to me, Jim, and Nelson also. Jim asked Susan if the violations hurt our bond rating and grant availability. Susan affirmed. Jim continued the violations started a long time ago, what would a bonding agent or a grant application from Bourbon County. You can't even do your own books and you want a grant or bonds from us. County Attorney needs to do her job if there is a violation or the voters can take action.

Susan request executive session. Clifton made a motion for executive session KSA 75-4319(b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy including two commissioners, Susan Bancroft and Shane Walker for 20

