

December 13, 2022,

Tuesday 9:00 a.m.

The Bourbon County Commission met in open session with all Commissioners (Clifton arrived late) and the County Clerk present.

Anne Dare, Clint Walker, Jason Silvers and Dale Griffiths were present for some or all the meeting.

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

Eric presented the monthly culvert report for new culverts for signature. Eric presented the monthly fuel report. Eric stated they are still working on the card system and hope it will be up and running by the end of the month. Jim asked if Eric was considering going bigger bulk on fuel and Eric said yes. Eric presented tax exempt papers on the property by landfill. Clifton made a motion to allow Chairman Harris to sign vacant land around landfill tax exemption. Nelson seconded. All approved. Contract with Schwab Eaton to do our yearly bridge inspections. We have 19 bridges that are due by February. The price is \$7,200 for all 19. Clifton made a motion to use Schwab Eaton for bridge inspections for \$7,200. Nelson seconded. All approved. Eric stated that they bought a crack seal machine from purple wave. Hope to get some asphalt roads sealed after all the dry weather. It's an older machine but in very good condition and low hours. Eric stated the crusher was moved to Shepard Quarry and hope to be crushing by the end of the week or first of next week. We also have a blast scheduled at Beth Quarry by the end of the year. Eric stated that he listened to the last meeting and appreciate you trying to get us budget reports. It's been a struggle this year. The last budget report I received was in April with March's numbers, but I have worked one on one with Susan every month and she's been able to go in and get them for me. Jim stated how would you like to run a private business and not know how much money you have? Road & Bridge is a multi-million-dollar operation, how do you do that? It's totally unfair to have to run an operation like that and not know what money you have. Whoever is responsible for that shame on you. Eric stated he got two quotes and broke them all down. We have one for \$6,273.24 which is the one our mechanic is recommending we go with. We also have another quote that is \$8,656. This will get them back up and going. We got EMS 1 up and going. Nelson made a motion to accept the bid from Torq Performance for \$6,273.24. Clifton seconded and also commended the mechanic on saving the county money. All approved. Jim asked the person responsible for there being no budget reports sent out to be asked to come in. Ashley Shelton stated the prior to having a Chief Financial Officer, our office was responsible for sending those out. When the CFO was hired, I was told that the reports were not correct and were off budgeted numbers and not actual and that there are better reports. I looked back and the CFO sent those out in April and June. I have ran all those reports for each month, the same reports that she sent out. I've run those reports for July through November. I tried to send those last night and no one got them. I think because I tried to send

them all in one message. I'll have to divide them up and send them under separate cover. I will do that each month in a timely manner from now on.

Clifton made a motion to approve Accounts Payable. Nelson seconded. All approved.

Ashley Shelton presented the renewal for our section 125 cafeteria plan. That allows us to take insurance premiums pre-taxed for employees. We do have to upgrade to add a few of the new things that were offered. We just need the chairman to sign. Jim asked what company this is. Ashley stated Bestflex from Employee Benefits Corporation. Clifton made a motion to allow Chairman Harris to sign the renewal of the cafeteria 125 plan. Nelson seconded. All approved.

Ashley stated the Courthouse, Elm Creek and County Barn use Linn's Sanitation for trash pickup. They sent us a letter that costs would be increasing. Eric stated that it could be bid out or Bob Reed had the idea of buying a truck and roll offs and hauling it ourselves to the landfill. Eric stated that he has looked for grants that might help us with that. Bourbon County Redi helped us look. Eric recommended getting bids and continuing to look for grants. Nelson made a motion to put out to bid for sanitation services. Clifton seconded. All approved.

Susan Bancroft - CFO: We are getting our EMT positions filled. We are still down one as we have an EMT on medical leave. Hoping to hire one more and then we'll be fully staffed and hope that will cut back on overtime. As we get toward the end of the year and looking at their budget, I think it's important that we look at purchasing a ventilator. It's over 20 years old and it could create some liability for us. Lora dropped by and said the Sheriff's deeds came in on Friday and they'll go in the mail today. Susan handed a letter to each of the commissioners regarding some statements that were made at last week's meeting and I won't go into great detail. I just wanted to show the support of the conversation and how some of the statements were misguided. I didn't print this out for everybody but I had done a KORA request on the exchange for department head meetings and this comes directly from Outlook and it shows date/time stamps. Jimmy is the one that pulled the information if anyone has any questions on how that's done you can contact him. We have a committee that has been working together to find an insurance broker. We had 9 brokers that sent us proposals. We did a competency matrix which basically goes through and looks to make sure everybody's covering everything we wanted. Each committee member scored this on their own and sent it to me and then I put the scorings altogether and then we picked the top three and we interviewed them. Everyone provided most everything we wanted. It was more the one on one and the personal touch. We felt very comfortable with Assured Partners and that's the proposal we are making to the commission. They have no fee, everything is based on commission. Jim stated he would like to think about it for a week. Susan stated we received three bids for banking. Susan made mention that there are no fees with Citizens. Ashley stated that her understanding is that when they changed banks previously the bank we used had no fees but also didn't pay any interest. When we changed banks, we do pay fees but the interest greatly outweighs the fees. Susan

stated that Citizens also pays interest. Jim made a motion to allow Susan Bancroft and Clifton to review and bring back next week. Nelson seconded. All approved.

Justin Meeks requested an executive session to be at the end of the meeting. Clifton made a motion to move Justin Meeks to the end of the meeting. Nelson seconded. All approved.

Shane Walker - CIO: No comment

A 5-minute break was called.

Public Comment: Clint Walker stated that when the new law takes effect that applies to the county, get ready to investigate or do anything with the sheriff's department now it has to go through the attorney general's office now. According to new law, the Sheriff is voted in and the investigative properties went from your County Attorney to the Attorney General. Anne Dare stated the recall process by the people is still in place. The new law did not wipe out the recall process. I've heard comment that the sheriff can only be ousted by the attorney general and that's not true. The people still have a right to recall. Anne asked how many quarries the county has and how many did we crush rock at. Eric stated we have four quarries and we will crush rock at all of them by the end of the year. Anne continued that in the paper the meeting posted for next week will be at 6pm. Anne wanted clarification of expenditures being what was spent or will be spent by year end. We are amending because they overspent. Susan stated no. The landfill brought in a whole bunch more revenue because we had a new sanitation company dumping at our landfill. We have to transport that waste to Allen County. So, revenue went up and expenses went up because of that because we had more waste coming in. Anne then asked about Road & Bridge. Susan stated that we had more sales tax come in and so we did more projects. Anne asked about the Pilot. Susan stated we didn't budget for those dollars when they came in and they're setting there and we need to get them out and put them in the general fund. Anne asked why we are sending waste to Allen County. The commission stated we have no other option. We are only licensed for a transfer station. Clifton stated that Sweden, Holland and Norway process waste for electricity. Jim stated that to open that type of landfill today would cost around 6 million dollars. Anne stated it still befuddles me that we have state statutes that are laws. These statutes state how an office is to be run. Then if they don't run them appropriately, we have laws that line out the consequences of those actions. Part of that involves you, the auditor and the county attorney. If there is a violation in a department, we have all entities involved and I feel like sometimes we are on a merry-go-round. Some people jump off, some people get thrown off, some people jump on. I don't understand when we have laws and the auditor has done what he's done the next step isn't done. Jim said you are wondering why we don't prosecute anyone for violating these laws. Jim asked Justin to comment. Justin stated he believes there is a current, active, ongoing investigation concerning some different things. Once we get the report back the commission and powers that be can take the next step. Anne continued with stating she understands why we created the CFO

position but it goes back to particular departments not having their act together. We spend \$95,000 per year on a CFO when we have elected officials that are to be doing that job. Is that correct? Jim stated she is correct. Anne continued; shouldn't our elected officials be able to do what a finance director does? If we didn't have a finance director, you could add two if not three more employees into Public Works or Clerk's Office or wherever they're needed. Jim stated that needed to be addressed come next election. I did some research and of the 12 counties of like population between 10 and 20 thousand people ours is the only one with a finance director position. Seward County, which is 22,000, is the first county to have a county administrator. Nelson asked if that was an administrator or CFO. Anne said it was administrator and a lot of duties are the same that you have given to our CFO. I have a whole list of consequences when entities aren't doing their job. We can't have part-time excellence. A better job has to be done to get grants. Mark McCoy stated that one of the things that is difficult in government is the inability to directly manage government offices. How do I know the performance of an elected official. If I don't have a copy of the job description of the elected official. When the statement is made of as an elected official, I have no control over another elected official or the employees they have or results of their department. What is the process to ensure those results can be achieved. Anyone who works for a boss is to be evaluated by their boss on a frequent basis. I think it is important to give performance updates for employees. It's impossible for the citizens or you as commissioners, to give performance updates to elected officials because that's not your duty or responsibility. Outside reports that can be created by a consultant. This is why companies hire efficiency consultants to go in and analyze their company. Are we operating efficiently? It appears those things are difficult to do in local government. I had a short period of time as the interim city manager. I'm not here to comment on anything specific with the city but one of the things that I brought up and discussed was more frequent performance evaluations of individuals that work. If I only tell you as the boss once a year how well you are performing your job duties. That's insufficient in my opinion. The bottom line is results in whatever you do. If I'm an elected official and I have audits performed and I have inconsistencies showing up that's my performance evaluations. I would suggest some form of governmental consultant. I don't think any of these three gentlemen have a master's degree in business consulting or management. Sometimes you need a professional that does this and say how are we operating. How can we improve ourselves? We need to identify the job duties and responsibilities for our elected people and are they achieving the results to move us forward.

Commission Comment: Nelson stated we are all endowed with certain inalienable rights among these are life, liberty and pursuit of happiness and to secure these rights governments are instituted amongst men and we have these state agencies that tell us how to run our offices. But the rules and regulations that I see are correlated to securing those rights to us as citizens. It's more like stifling our rights and what is frustrating to me is you can arrest someone for breaking into a car and stealing a purse and then they're out the next couple of days walking the streets. That's what I want the government to protect me from. One side of the aisle wants to keep

government in check and secure our rights but they're always on the rights of the criminal. I want the government to protect us from criminals and let the law-abiding citizens to be free to go about their lives and make the community better. We have to follow state laws but we have to be vocal about laws that we think are in place to protect us and what laws are created to give them more power and more regulations. Clifton stated we serve at the will of the people. As Anne stated we can quit, be recalled or ousted in the next election. We are public servants. We are trying to make the best decisions for this county. None of the decision we make are made lightly. Very few decisions are made on the spot. We are trying to make things better. As far as elected officials they can run their office as they see fit, but 8-5 we are a family. After 5pm Jim doesn't have to like me. From 8 - 5 I promise you I have your back. I wish everyone in this county felt this way as far as the employees. They may think there is a witch hunt but that is not true. We may be doing an investigation to prove somebody wrong. If somebody accuses you of something we may look at it to say there may be something but maybe there isn't. Let's prove that person wrong. If you don't feel like I have your back, go find a different job. I don't care what department you're in, if you are not happy you are poison to this organization, find a different job. You are replaceable. Everyone is replaceable. Do I agree we need more policies to hire someone. I know some really stupid people that have college degrees. If I farmed the way K-State told me, I would go broke in six months. People need to understand this county has kicked the can down the road for 30 years. We can't fix it in two years, we can't fix it in four years. Our measure of standard would be the mil levy. We've kept it neutral. The county, I feel, is going in the right direction but it's baby steps. I hope to get back to worrying about roads and not all this other nonsense. Jim stated he trusts the other two commissioners and we try to make the best decisions for Bourbon County. When we ask for an auditor, we are proving to the citizens that everything is ok. We hope to get to no violations which will help our bond rating. We are trying to do good for you folks.

Justin asked for executive session including three commissioners, myself and Shane Walker. Clifton made a motion for executive session KSA 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship for four minutes returning here at 10:15 am. Nelson seconded. All approved. Clifton made a motion to return to normal session with action. Nelson seconded. All approved. Justin stated we had an issue with a tower east of town. There was some money given to get some dishes removed from that tower. We put a deposit and the money hasn't been returned. Clifton made a motion to allow Justin Meeks to proceed with lawsuit for lack of performance. Nelson seconded. All approved.

Clifton announced that Legacy Health Foundation are doing a toy drive and ham giveaway tomorrow along with a Christmas tree lighting; 10 am to 6:30 pm with the lighting at 1pm. Clifton made a motion to allow all three commissioners to attend the toy drive and ham giveaway. No business conducted. Nelson seconded. All approved.

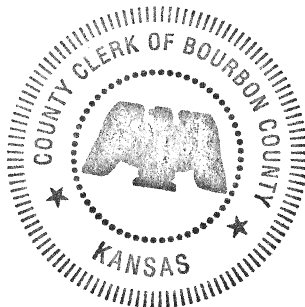
Justin requested an executive session regarding four, possibly five employees job description, job duties, job performance. Clifton made a motion for executive session KSA 75-4319(b)(1) to discuss personnel matters of individual nonelected to protect their privacy for 30 minutes including three commissioners and Justin returning here at 10:54 am. Clifton made a motion to return to normal session @ 10:54 am with no action. Nelson seconded. All approved.

Justin requested an executive session regarding three nonelected employees job performance, job description, job relevancy. 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 three commissioners, Justin for 30 minutes returning here at 11:26 am. Nelson seconded. All approved. Clifton made a motion to return to normal session at 11:26 am with no action. Nelson seconded. All approved.

Justin requested executive sessions on next weeks agenda with Shane Walker for 20 minutes, with Susan for 20 minutes and Brian Allen for 10 minutes to talk about job performance, job review and job description.

At 11:28 am, Clifton made a motion to adjourn. Nelson seconded. All approved.

ATTEST:



THE BOARD OF COMMISSIONERS  
OF BOURBON COUNTY, KANSAS

[Signature], Chairman  
[Signature], Commissioner  
[Signature], Commissioner

Ashley Shelton, Bourbon County Clerk  
1-10-23, Approved Date