Kansas Association of Counties
Governing Board Minutes
August 25, 2017
Wilson, Ellsworth County, Kansas

Attendance
Board Members Present: John Bartolac, Johnson County Director of Records and Tax Administration; Jeff Blosser, Morris County Engineer and Road Supervisor; Max Dibble, Phillips County Commissioner, President; Ed Eilert, Urban County Representative; Fred Johnson, Labette County Counselor; Dave Johnston, Sedgwick County EMS Operations Manager; Richard Malm, NACo Representative; Lynn Peterson, Dickinson County Commissioner; Lon Pishny, Finney County Commissioner; Rob Roberts, Miami County Commissioner; Clair Schrock, Thomas County Noxious Weed Director; Gary Scoby, Nemaha County Commissioner; Hannah Stambaugh, Saline County Emergency Management Director; Barbara Wasinger, Rural County Representative; and Dan Woydziak, Butler County Commissioner.

Board Members Absent: Nick Baldetti, Director of the Reno County Health Department and Patti Israel, Ford County Appraiser.

Others Present: Randall Allen, KAC Executive Director; Dennis Kriesel, Operations and Finance Director; and Melissa Wangemann, General Counsel.

Proceedings
President Max Dibble called the meeting of the KAC Governing Board to order at 9:00 a.m. President Dibble introduced two Ellsworth County commissioners, Albert Oller and Steve Dbalal. Commissioners Oller and Dbalal provided opening remarks, welcoming everyone to Ellsworth County. President Dibble also welcomed a reporter from the Ellsworth Independent Reporter.

President Dibble called for the board to review the agenda for any changes. Dan Woydziak moved to approve the agenda and John Bartolac seconded the motion. The motion passed.

Fred Johnson moved to approve the July minutes and Rob Roberts seconded the motion. The motion passed.

Treasurer Hannah Stambaugh presented the financial committee report as prepared for August 25, 2017. Barb Wasinger moved to approve the financial report and Lynn Peterson seconded the motion. The motion passed.
President Dibble called on Dennis Kriesel to present the monthly financial report. He reviewed the summary of financials, noting that the net assets improved against May’s figures in the amount of $3,380. The YTD income is $455,666.77 with expenses of $472,231.55 with a net loss of $16,564.78. He noted that annual conference registration opened in June, which created a revenue stream. He said all other programs performed as usual. Lon Pishny moved to accept the report and place it on file, and Dan Woydziak seconded the motion. The motion passed.

President Dibble appointed a nominating committee to select the 2018 KAC officers consisting of himself, Dan Woydziak, Jeff Blosser and Richard Malm.

Richard Malm presented his NACo report, noting the new officers in NACo, the current issues being addressed by NACo, and the Bylaws change that was approved at the July meeting. He noted that about 25 states have tax lids now. President Max Dibble discussed his experience attending the NACo annual conference. He also noted that Richard Malm was chosen as Membership Chairman for NACo.

Randall Allen discussed possible amendments to the KAC Bylaws. He noted the election process for the NACo representative, which requires a mail ballot. Richard Malm was the only candidate that filed for the NACo position this year, but the Bylaws required an election nevertheless. Randall Allen suggested amending the Bylaws so that an election is not required if one candidate files. Randall Allen moved on to discussion of the Legislative Committee as outlined in the Bylaws. He gave the history, noting that the Bylaws were amended in 2004 to constitute the legislative committee with six regional commissioners, the KCCA president and one person selected by the affiliates and associates. Later, three at-large members were added, bringing the legislative policy committee to a total of 10 members. In 2016, the membership amended the Bylaws to add an urban and rural representative to the governing board, but those two positions were not added to the LPC. Randall Allen discussed the three at-large members of the committee this year, who represent associate members. He suggested disbanding the current LPC and using the board to serve as the LPC, perhaps with the addition of the associate members. He suggested the possible amendment to the Bylaws might state that the governing board sets the composition of the LPC and it is not spelled out in the Bylaws. Dan Woydziak and Max Dibble noted that adding numbers to the committee helps accomplish the board’s goal of being more inclusive. Lon Pishny asked about a wholesale review of the Bylaws for other issues that need correction so as to avoid repeated Bylaws amendments every year. He discussed whether a subcommittee should be appointed to review the Bylaws. He also suggested the committee just include six commissioners from the six highway districts, but not necessarily be the same commissioners serving on the governing board. He said there needs to be a mechanism outlined that is quick and easy for the KAC staff to get answers during the
legislative session. Ed Eilert asked about the affiliates and associates and who serves on the governing board, and Randall Allen explained the difference; the affiliates are the only ones who sit on the board. Rob Roberts noted that the strategic discussion on improving communications might suggest that the board serve as the LPC so as to increase communication and inclusion. Randall Allen and Melissa Wangemann noted that using the board as the Legislative Policy Committee would omit the associate members. Lon Pishny noted that the committee could always enact policy to gather information and feedback from the associate members, and that expanding the committee is not the only way to involve the associates. Barb Wasinger noted that bigger board allow for more inclusion, but also make it harder to conduct meetings. Jeff Blosser said that the legislative policy is one of the most important policies made by KAC and the board answers for KAC policy so the board should have a hand in it. Hannah Stambaugh said KEMA nominated her because they thought she was already on it as a board member, which indicated confusion among the affiliate members. Richard Malm suggested that the chairman of the Legislative Policy Committee should be separate from board president because the work is too much. John Bartolac noted that the LPC could invite the subject-matter experts to the meeting to participate in the discussion. Melissa Wangemann noted that KAC invites all KAC members to the meetings, and even offers a meal to them, but it does not generate much interest. Max Dibble said he distributes the County Comment within his county, and Randall Allen said the County Comment is distributed to any county official who wants it. Melissa Wangemann suggested personal phone calls to the member organizations to encourage their participation. Gary Scoby asked about attendance at the LPC meetings, and it was noted that conflicts arise with the committee as well as the KAC board. Gary Scoby also asked whether the KAC board could appoint a committee to do the work of the LPC. Melissa Wangemann said the Bylaws allow the board to appoint committees, and that the LPC is a standing committee. Richard Malm moved to abolish the LPC and the KAC Board serve as the LPC. Rob Roberts seconded the motion. Lon Pishny asked if the intent was to abolish the committee, but also create a Bylaws Committee to review the Bylaws for an amendment. The motion passed.

Lon Pishny moved to amend the Bylaws to eliminate an election process when one nominee is received for NACo representative, and Dave Johnson seconded the motion. Jeff Blosser suggested the KAC Board confirm the person as the appointment. The motion passed.

President Dibble appointed John Bartolac to chair the subcommittee and Barb Wasinger and Lon Pishny will also be on the committee.

The board adjourned at 10:11 for a break. The board reconvened at 10:25 a.m.

Randall Allen provided the Executive Director’s report. He reviewed the Annual Conference registration numbers, noting that Dorrie Sullivan was home sick.
Randall noted that the KAC lease will end in 2018, and that he is beginning to look for office space that might reduce costs. The INK office that was on the third floor with KAC is vacant, and therefore KAC is losing money for that space. Given the number of KAC employees and the decrease in need for storage space, we can downsize to smaller space. Rent is the biggest expense after staff costs, and KAC does not use all the space in our rented office. Lynn Peterson asked about buying a building instead of leasing. Max Dibble noted the monthly costs of renting. Ed Eilert discussed the LKM’s decision to buy the building years ago and the controversies surrounding it. Randall Allen noted the issues with leasing space from the LKM in that extra space can only be subleased to a nonprofit group, which shrinks the base of potential tenants.

Jeff Blosser said the KCHA is requesting a formal response for secretariat services from KAC prior to the annual conference. They want to present the secretariat to their members at the November meeting. Randall Allen said KAC would need to receive a Request for Proposal from the group.

Randall Allen requested travel authorization to attend a meeting of his peer executive directors in Washington. Dan Woydziak moved authorization to attend the NECD conference and Barb Wasinger seconded the motion. The motion passed.

Randall Allen asked Melissa Wangemann to brief the board on the Attorney General’s work relating to counties. Melissa Wangemann reviewed three Attorney General Opinions relating to counties that have been issued in the last year, as well as one case arising in Johnson County. She expressed concern with the AG’s opinions that do not comport with KAC’s legal analysis. She reviewed AGOs relating to building codes, anti-nepotism clauses, and election commissioners, noting that she thought all the conclusions were wrong. She also discussed the court case involving the planning and zoning laws for a pumpkin patch and winery in Johnson County in which the AG decided to involve the State by filing a brief. Ed Eilert indicated that the court case said a business certified as an agri-tourism site can host just about any event it wants that markets its tourism product.

President Dibble gave his President’s Report. He discussed the opiod program he attended at NACo and the conversations he had after he went back to his county. Richard Malm also discussed the opiod epidemic that was discussed at the NACo annual conference. Max Dibble said that a new governor is taking office, and he and Randall have discussed meeting with the new governor about county issues.

Max confirmed the next meeting is the LPC meeting Thursday, Sept 21 in Topeka. The Board meeting is September 22 via conference call. The Friday October 13th call will be a discussion on the budget.
Jeff Blosser said that KCHA would like some time at the conference’s general meeting to discuss the National Association of County Engineers conference occurring in Wichita.

Meeting was adjourned at 11:11 a.m.