



**Governing Board Special Meeting
Friday, October 30, 2020, 3:00PM
Zoom Meeting**

Attendees:

Chip Westfall, *President*, Harvey County Commissioner; **Susan Hubbell**, *Vice-President*, Kingman County Register of Deeds; **Gary Scoby**, *Treasurer*, Nemaha County Commissioner, joined late; **Bob Vidricksen**, *Secretary*, Saline County Commissioner

Kenny Baccus, Ottawa County Noxious Weed Director; **Jeff Blosser**, Morris County Engineer (left early);
Craig Cox, *Past-President*, Deputy County Counselor Riley County;
Ed Eilert, Chairman Board of Johnson County Commissioners; **Patti Israel**, Ford County Appraiser;
Richard Malm, Jefferson County Commissioner; **Dan Partridge**, Director Lawrence-Douglas Co Public Health (joined late);
Carla Pence, Harper County Commissioner; **Lon Pishny**, Finney County Commissioner;
Brian Stone, Emergency Management Director, Cowley County;
Frank Williams, Operations Manager County EMS Director (joined at 10:30am).

Absent:

Dean Haselhorst, Ellis County Commissioner; **Shari Kaminska**, Elk County Commissioner;
Don Pyle, Crawford County Clerk.

Staff present:

Jay Hall, Legislative Director & General Counsel;
Dornella Leal, Finance & Operations Director;
Kim Qualls, Education & Communications Manager.

Staff absent:

Bruce Chladny, Executive Director; **Betty Oliva**, Office Manager;

President Westfall called the meeting to order at 3:00PM
Dornella Leal took roll call, to record attendance.

Approval of the Agenda:

Craig Cox made a motion to approve the agenda, Susan Hubbell seconded, motion carried.
Motion to amend the agenda to take up item B under New Business (Extension of Executive Director's Contract) before item A (Litigation Update) by Craig Cox, seconded by Brian Stone, motion carried.

Commissioner Pishny asked for clarification of the by-laws and evaluation. General Counsel Hall explained that the by-laws were drafted prior to hiring executive director and recommended that a draft of by-laws be changed to reflect contract. Commissioner Westfall recommended to adjust contract time irregardless of annual convention.

Motion by Lon Pishny, seconded by Gary Scoby to extend the Executive Director's contract through December 31, 2021.

Prior to vote, motion by Carla Pence, seconded by Richard Malm to move into Executive Session for the purpose of discussing non-elected personnel. Commissioner Pence asked about renewing contract without evaluation. President Westfall explained that it is not unusual to renew contract without evaluation.

Motion was made to have an executive Session.

Motion failed on a roll call vote 5-10 / 5 Yeas; 10 Nays

Yea – Blosser, Hubbell, Malm, Pence, Vidricksen

Nay – Baccus, Cox, Eilert, Israel, Partridge, Pishny, Scoby, Stone, Westfall, Williams

Commissioner Eilert recommended that a broader process for evaluation be made in the future.

President Westfall reminded the Board that no evaluations had been made 5 years prior on the staff.

Roll call vote to approve extension of contract 14-1 on roll call

Yea – Baccus, Blosser, Cox, Eilert, Hubbell, Israel, Malm, Partridge, Pishny, Scoby, Stone, Vidricksen, Westfall, Williams

Nay – Pence

Commissioner Pence stated that her objection was due to the process not having completed an evaluation of the Executive Director prior to the vote to extend.

A discussion was had regarding the differences in timing from the KAC bylaws on the Executive Director's evaluation and the Employment contract. General Counsel Hall explained the timing of the bylaw was drafted prior to the development of the Executive Director's contract, but not approved by membership until after the Executive Director's contract was signed, without the timing of the two ever being aligned. Bylaws could be changed to reflect the contract.

Litigation Counsel Larry Michel presented a litigation update. The counteroffer to settle without interest was rejected by Allen. Discussion was had regarding potential positives and negatives of continuing to litigate on the issue of pre-judgment interest. Michel advised that it was a "50-50 chance" of a favorable ruling.

Motion by Ed Eilert, seconded by Susan Hubbell to settle the Allen suit for wages plus interest, utilizing insurance funds as appropriate. Motion passed unanimously on roll call vote.

Yea – Baccus, Blosser, Cox, Eilert, Hubbell, Israel, Malm, Partridge, Pence, Pishny, Scoby, Stone, Vidricksen, Westfall, Williams

Nay – None

President Westfall brought to the attention of the board and attending membership that KAC representatives had a meeting with the Governor's office staff, legislative representatives and the LKM Executive Director Erik Sartorius regarding mask wearing, COVID-19 spread and how to curb the spread of COVID-19 in rural communities. KAC provided information to the legislators and LKM on the effects of COVID-19. At this time, it does not appear that there is an appetite for a statewide mask mandate.

The meeting adjourned at 3:50 PM.

Respectfully submitted:

Robert Vidricksen, Secretary

Jay Hall, Legislative Director & General Counsel