



Governing Board Meeting
Monday, October 18, 2021, 7:30AM
Overland Park Sheraton Hotel / Maple Room
KAC 46 Annual Conference & Exhibition

Attendees:

Chip Westfall, *President*, Harvey County Commissioner;

Shari Kaminska, *Vice-President / FC*, Elk County Commissioner;

Kenny Baccus, *Treasurer / FC Chair*, Ottawa County Noxious Weed Director;

Dan Partridge, *Secretary*, Director Lawrence-Douglas Co Public Health;

Keith Becker, FC, McPherson County Commissioner; **Wayne Blackburn**, FC, Engineer Coffey County;

Max Dibble, Phillips County Commissioner; **Craig Cox**, Deputy County Counselor Riley County;

Ed Eilert, Chairman, Board of Johnson County Commissioners; **Dean Haselhorst**, Ellis County Commissioner;

Susan Hubbell, Kingman County Register of Deeds; **Patti Israel**, Ford County Appraiser;

Dee McKee, Pottawatomie County Commissioner; **Don Pyle**, Crawford County Clerk;

Brian Stone, Emergency Management Director, Cowley County; **C.J. Wettstein**, Seward County Commissioner;

Frank Williams, Operations Manager County EMS Director.

Staff present: **Bruce Chladny**, Executive Director; **Jay Hall**, Legislative Director & General Counsel;

Betty Oliva, Office Manager, by ZOOM; **Dornella Leal**, Operations & Finance Director;

Absent: **Kimberly Qualls**, Education and Communications Director, (conference registration).

President Westfall called the meeting to order at 7:50AM

Betty Oliva took roll call and recorded attendance.

Approval of the Agenda: President Westfall asked if there were any amendments to the agenda, being none, asked for a motion to approve. Max Dibble made a motion to approve, Shari Kaminska seconded the motion, motion carried.

Approval of the Minutes:

Shari Kaminska made a motion to approve both sets of minutes as presented; KAC Governing Board minutes for September 15, 2021, and the KAC Special Meeting minutes on October 11, 2021. Kenny Baccus seconded the motion, motion carried.

Executive Director Report, Bruce Chladny:

- Bruce welcomed the Governing Board members to the 2021 KAC Annual Conference & Exhibition. He thanked them for their service and thanked all of KAC staff for their hard work in making the conference possible.
- Jay and Bruce attended the Kansas Emergency Managers Association meeting in Mulvane, KS. KAC staff was recognized by KEMA and received an award for their hard work and dedication to their organization. Brian Stone, Cowley County Emergency Manager submitted the nomination.
- Jay and Bruce attended the Southeast Regional meeting in Iola, KS with commissioners in attendance. A variety of topics were discussed including SB13, the Tax Transparency Bill passed this past Legislative session. The bills sponsor, Senator Caryn Tyson, joined the discussion and engaged the commissioners in conversation about the bill, expressing their dissatisfaction and concerns.
- Bruce reported he met with the League of Municipalities to present to the subcommittee on Statewide Coordination and Collaboration of the Kansas Cybersecurity Task Force about how our organizations interact and communicate with local units of Government. This was valuable information for the committee as they develop recommendations for the Governor as she addresses Cybersecurity threats across the State.
- Bruce and Dennis Kriesel with KALHD, hosted a one-hour Zoom presentation funded by a grant from the Sunflower Foundation. Members discussed the many uses for ARPA funds in addressing community health issues. There were 119 attendees.
- Bruce attended a virtual meeting followed by a presentation by the Climate and Energy Project discussing solar and battery storage trends across the state. Wind energy is deeply invested in Kansas, and solar with battery storage

abilities beginning to invest here as well. The meeting with CEP Director Dorothy Barnet was simply an education introduction of the future.

- Jay & Bruce have met with the Sheriff's Association to discuss their efforts to approach the Kansas Legislature next session in the hopes of getting a vote on a constitutional amendment that would make the sheriffs position a constitutional one. KAC at the time did not oppose the proposal.
- Bruce reported he attended the League of Kansas Municipalities annual meeting held at the Topeka Convention Center. There he attended several education sessions as well as the trade show.
- Bruce attended a round table lunch and discussion by invitation of the Federico/Duerst Consulting Group with the Governor. He shared with the Governor appreciation for her response to the pandemic and her support for county government by allocating \$400 million CARES Act funds and for standing up the Office of Recovery within the SPARK Task Force.
- Bruce reported he and staff are working on educational materials for the KAC membership to use as they address the Dark Store and the Constitutional Home Rule Protection issues. These materials will be posted to the KAC website and rolled out in the coming weeks.

Legislative Report, Jay Hall:

On October 11, 2021, a special meeting was held where the KAC Board voted and passed the OPIOID between KAC, LKM, and the Kansas Attorney General's Office. The Attorney General's office is sending a letter out to every county in the next couple of days to let everyone know what is happening and to move forward. The agreement has been completed and will be signed. There still needs to be an individual appointed to the Grant/Fund Board.

Dark Store – The LKM held their Legislative Policy Meeting where Jay attended. Dark Store Theory was discussed along with the Johnson County Walmart case. Big Box Stores are a large tax base in some of our cities. The split was 2 to 1 on this case. Wyandotte County lost to Nebraska Furniture Mart. There have been a couple cases that have come down not favorably for counties. The CCAK/CLE tomorrow will have Wendy Green, representative from the Wyandotte Legal Department presenting on DARK Store and some of the cases she has dealt with and some of the lessons she has learned. This will be helpful information for county counselors.

Jay provided an update on the Atchison County sales tax situation after attending the LKM meeting and the discussions in relation to the proposed county tax.

SB13 has been worked on, in a working group all summer trying to clean up some of the dates. At the time Senator Tyson was in lola, she seemed agreeable in making some changes to SB13, for making it more workable. Jay encourages everyone to keep the pressure on with your local legislature to make sure they understand there are some real problems with the processes in this bill.

Education and Communications Director, Bruce Chladny for Kim Qualls:

Bruce reported Kim is working the conference and has been working long hours in preparation of the conference and asks everyone to be sure and thank her for all her hard work.

Bruce provided a review of the scheduled meetings, conference events, workshops and reviewed the formats for the upcoming meetings with the Board members as conveners and their responsibilities.

Finance Report, Dornella Leal:

Dornella provided a review of the September financial statements; September ending with a net income of \$2,497.15. The 2021 KAC Conference registrations are at 108% of budget; for October we are receiving income for the Conference. KAC also received income for the ARPA Webinar with KALHD/Sunflower Foundation Grant.

Finance Committee, Kenny Baccus: Kenny Baccus reported the Finance Committee has reviewed the September 2021 Bills & Payrolls report and has found everything to be in order. Kenny made a motion to approve both the September 2021 financials and the September 2021 Bills & Payrolls report. Keith Becker seconded the motion, motion carried.

Keith Becker, NACo Representative:

Keith attended the NACo conference recently held in Salt Lake City. He met many new folks and was impressed with NACo's Board and their professionalism. They're great advocates for our Kansas counties.

Items discussed at the conference included their new budget, the infrastructure bill, diversity, equity and inclusion. ARPA funds were also discussed, and he encouraged everyone to contact their NACo representative if you have any questions and to receive accurate information. Broadband was also an item of discussion.

Old Business:

Update on Road Maintenance Education Program Request (Keith Browning, KAC):

Keith introduced himself to the Board having joined KAC on November 2, 2020, as the Local Road Engineer. Before joining KAC, Keith most recently served as the Public Works Director/County Engineer for Douglas County from October 1998 to June 2020.

While attending the 2021 KCCA Conference, Keith learned of concerns from commissioners on the inability to hire qualified road department leaders. He began researching education possibilities both new and existing and put together a power point presentation for the KAC Board. Some possibilities are:

- Discuss with KCHA Executive Committee;
- Poll county road departments to determine demand;
- Obtain KCCA input on how much value commissioners place on formal education programs;
- Pursue expanded Roads Scholar program with KS LTAP;
- Propose technical school curriculum to KBOR;
- Propose a 2-year associates degree program to KBOR.

New Business:

County Road Engineer Program Presentation, Keith Browning, KAC:

Keith provided the Board with the KAC Local Road Engineer Activities Report. The report included a description of the part-time position that is contracted annually, the pay rate and expense reimbursements for travel and mileage. This position/program is funded both by KAC and KDOT equally.

Routine activities include:

- Semi-monthly email updates;
- County Comment column "Road Notes";
- Handle inquiries from counties on various issues;
- Pavement Management Systems;
- Provides support at meetings, conferences, training;
- Work with KDOT on various issues.

Urban Representative Election, Bruce Chladny:

The Board has received and reviewed the following applicants for the **Urban Representative:**

- Mike Smith, Chair Leavenworth County Commissioner
- John M. Ford, 1st District Riley County Commissioner
- Shirley Allenbrand, Commissioner, 6th District
- Aaron Mays, Shawnee County Commissioner

After discussion on the candidates, Dee McKee made the motion for the Board to make their selection at the next KAC Board meeting on November 17, 2021. Susan Hubbell seconded the motion, motion carried.

Motion to Approve Continuance of Governing Board Member Term, Jay Hall:

Jay Hall addressed the Board in reference to the proposed changes to the KAC bylaws and the possible Board gap that would be created if approved by the General Membership on October 19, 2021. To avoid this gap, a motion and approval would need to be made by the Board.

Motion to retain board members pending approval of bylaw amendments:

Shari Kaminska moved that, upon adoption of the amendments to the Bylaws of the Kansas Association of Counties by the General Membership on Tuesday, October 19, 2021 during the KAC annual meeting, consistent with Article XX, Section 2, the terms of KAC Governing Board members that would otherwise end pursuant to the current version of Article IX, Section 6 of the Bylaws of the Kansas Association of Counties be extended until the January 2022 transition meeting of the KAC Governing Board. In the event that the General Membership of the KAC does not adopt the amendment to Article IX, Section 6, the terms of KAC Governing Board members would terminate according to the existing bylaws and this resolution would be void. Kenny Baccus seconded the motion, motion carried unanimously.

Executive Session to Discuss Non-Elected Personnel Matters, Chip Westfall:

At 9:34AM Craig Cox made a motion that the KAC Board Members recess into executive session pursuant to the non-elected personnel justification to the Kansas Open Meeting Act to discuss personnel matters for 10 minutes. The open meeting to resume, Kansas Association of Counties held at the Sheraton Overland Park Hotel & Convention Center in Overland Park / Johnson County, Kansas on Monday, October 18, 2021, at 9:44AM. The motion was seconded by Shari Kaminska, motion carried.

The meeting was called back to order at 9:44AM, no binding action taken.

Comments and Announcements:

From the Board President:

- Extremely pleased with the Conference attendance.
- President Westfall has read two reports on the Intern Education Committee members of the House, and the State School Board meeting. They are talking about goals and student scoring with a quasi-kind of threat with cuts to school funding. Be aware of this with the Legislature.
- Walt Bettis with Foley is nearing retirement and wants to continue renewing the KAC annual conference contract. Please extend a thank you to him.
- Sedgwick County is discussing what Johnson County is doing with the Treasury Clerks and we will see a lot of media on this.
- Inquired on the email contact list for the Legislature. Bruce reported a distribution list is being created and it will be called "Legislative Liaisons."

Board Members:

Max Dibble commented the staff has done an excellent job in getting the Vendors together. Take time to go around and visit with the Vendors and thank them.

Thank yous were extended to Johnson County for being the County host for this year's KAC Conference.

Public:

No public attendees.

Adjournment:

Next KAC Governing Board Meeting will be held in person on Wednesday, November 17, 2021, at 10:00AM. Zoom attendance will be available.

Meeting adjourned at 9:48AM

Respectfully submitted:
Dan Partridge, Secretary
Betty Oliva, Office Manager