

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

October 4, 2010

The Board of Harvey County Commissioners met in regular session on October 4, 2010 with Commissioner Westfall and Commissioner Roberson present. Commissioner Krehbiel was absent. Chairman Westfall called the meeting to order at 10:30 a.m. following the REAP meeting.

ITEMS ADDED TO AGENDA:

There were no items added to the agenda.

CALENDAR ITEMS:

1. There will be an Aviation Commission meeting on October 18 at 4:00 p.m.

Minutes of the September 27, 2010 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Chairman Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Commissioner Roberson made a motion to approve **Resolution No. 2010-25**, establishing a deferred compensation plan for the employees of Harvey County and allowing them the opportunity to join and participate in the Kansas Public Employee Deferred Compensation Plan. The resolution also establishes a Deferred Compensation Committee consisting of a minimum of three officers and employees of the County. Chairman Westfall seconded the motion and it was passed unanimously.
2. Craig Clough, Appraiser, and Scott Davies, Director of Planning & Zoning, presented a "Memorandum of Understanding" and final cost estimate for the LiDAR mapping project. The projected cost is \$35,200 which will be paid from the Register of Deeds Technology Fund. Some of the cities in Harvey County have agreed to fund a portion of the cost also. Commissioner Roberson made a motion to approve the Memorandum of Understanding for the LiDAR mapping project and authorize the County Appraiser to sign the agreement. Chairman Westfall seconded the motion and it was passed unanimously.
3. A copy of an "Invitation to Bidders" was presented to the Commission for the purchase of a van for the Health Department. The specifications listed are the same ones used for the purchase of the newest County vehicle. Commissioner Roberson made a motion to approve the specifications and send to bidders. Chairman Westfall seconded the motion and it was passed unanimously.
4. Rich Hanley, Director of Department on Aging, presented a new drug testing policy that covers recent Department of Transportation regulation changes. The regulation changes are effective October 1, 2010. Commissioner Roberson made a motion to approve and authorize the Commission to sign the new policy with regard to changes in the testing requirements. Chairman Westfall seconded the

- motion and it was passed unanimously. This policy covers only the Department on Aging which includes the Transportation Department.
5. Mr. Hanley presented a letter to ResCare, terminating the transportation agreement and lease with them, citing that they are now a “for profit” enterprise. A letter to the Kansas Department of Transportation requesting a lien release for the vehicle currently operated by ResCare was also presented. Commissioner Roberson moved to approve and sign the letters to ResCare to terminate the agreement, and to KDOT to request a lien release. Chairman Westfall seconded the motion and it was passed unanimously.
 6. Phil Adams, Superintendent of Road & Bridge, reported that the Halstead overlay is to begin this Wednesday. Road & Bridge employees are currently busy with paint striping. The bridge on West 12th Street should be complete and open by the last week of this month.

Warrant checks were approved upon a motion by Commissioner Roberson, seconded by Chairman Westfall. Motion passed unanimously.

CITIZEN’S FORUM:

There were no items presented during Citizen’s Forum.

Kevin Cowan, Bond Counsel, presented bids for the General Obligation Temporary Notes for the jail roof bonding. The only bid received was from Citizen’s State Bank. Commissioner Roberson made a motion to accept the bid from Citizen’s State Bank for the General Obligation Temporary Notes. Chairman Westfall seconded the motion and it was passed unanimously. Commissioner Roberson made a motion to accept **Resolution No. 2010-27**, authorizing and directing the issuance, sale and delivery of \$299,000 General Obligation Temporary Notes. Chairman Westfall seconded the motion and it was passed unanimously.

Commissioner Roberson made a motion to approve **Resolution No. 2010-26**, ensuring fair housing practices for all citizens in Harvey County. Chairman Westfall seconded the motion and it was passed unanimously.

Commissioner Roberson made a motion to accept and sign an amendment to an Administrative Services Agreement between Harvey County and the South Central Kansas Economic Development District, Inc. for the Neighborhood Stabilization Program. The amendment includes the following State and Federal regulations for grant administration:

- Affirmative Action Plan
- Copeland Anti-Kickback
- Restriction on lobbying contracts over \$100,000
- Section 503 Rehabilitation Act
- Section 912, Cranston-Gonzales National Affordable Housing Act of 1990

Chairman Westfall seconded the motion and it was passed unanimously.

The meeting was recessed for lunch at 11:50 p.m.

The meeting reconvened at 1:10 p.m. Kass Miller, Ryan Flaming, Park Rangers, and Larry

Schmitt, representative from the Parks Advisory Council, presented the final plans for game hunting on Harvey County Parks Land. Upland game hunting will be available five days a week, Wednesday, Thursday, Friday, Saturday, and Sunday afternoon. Permits will be sold at the Administration Office on a first come first serve basis. Permit fees are \$8.00 per hunter per day, with a maximum of four hunters per party. Hunters will be able to buy the duck blind for \$32.00 per day, with fee exceptions made for youth hunters. The Commissioners suggested further changes be made and then brought back before the Commission for final approval.

A proposed contract for legal services for the indigent defense panel was presented by Attorney Marilyn Wilder. The current indigent defense panel has met and discussed a proposal to change the make-up and operation of the panel. The new proposal calls for a four-member panel as opposed to six members receiving total compensation in the budgeted amount of \$135,000. The proposal requires that a flat fee be charged for certain types of cases, eliminating the need for panel attorneys to file time-keeping vouchers. The County Counselor would serve as a 5th panel member in the case of a legal conflict of interest; however his fees would not come out of the \$135,000. It is the responsibility of the Court to make collection efforts from the defendants. The proposal has been submitted to Judge Walker and Judge Dickinson and they are supportive of the plan. Judge Hilgers has not been contacted yet.

Attorneys Levi Goossen and Sue Ann Jantz attended the meeting to express opposition to the proposed plan. They approve of the flat fee for specific types of cases, however they believe the county would be better served by a six-member panel. Mr. Goossen and Ms. Jantz proposed serving on the panel as one attorney, sharing the load. However, when they called Ms. Wilder to sign to be on the panel, the four panel positions were already filled. Ms. Jantz expressed concern that the County would actually pay more for the services of the Indigent Defense Panel if there was a conflict of interest and Counselor Nye had to fill one of the positions. She pointed out that there has never been a conflict with a six-member panel.

Counselor Greg Nye proposed some changes to the contract as presented:

- The contract implies that there will be four attorneys on the panel. It should be written, not implied.
- If one of the panel members resigns, the payment for the 4th panel member will be made from the \$135,000 allotment.
- A space will be provided for attorneys to meet with clients.
- All pending cases at the end of the year would be turned over to the new panel.
- Counselor Nye would be required to notify Administration if he is required to serve on the panel.
- The contract should contain language that the contract be reviewed at it's termination to determine if additional panel members are needed for subsequent years.

Counselors Marilyn Wilder, Don Snapp, Brad Jantz, and one other attorney that wishes to remain anonymous have signed to participate on the panel. Commissioner Roberson made a motion to approve and authorize the full Commission, Administrative Judge, and panel members to sign the contract presented by Ms. Wilder for legal services provided by an Indigent Defense Panel made up of four participating attorneys. The contract would include all additions stated by Counselor Nye. Chairman Westfall seconded the motion and it was passed unanimously.

The meeting was adjourned at 2:40p.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

George A. "Chip" Westfall, Chairman

ATTEST:

Ron Krehbiel, Member

Joyce Truskett, County Clerk

Marge Roberson, Member