

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, November 7, 2000

The Butler County Board of Commissioners was called to order by Commission Vice Chairman, Neal Parrish. Present were Commissioner Linsey Cutsinger, County Administrator, Jay Newton and Clerk's Secretary, Tindel Jennison. Commissioner Randy Doll was absent.

APPROVAL OF MINUTES

Commissioner Cutsinger moved to approve the minutes of Monday, October 30 and Tuesday, October 31, 2000 as amended. Commissioner Parrish seconded the motion that carried 2-0.

RWD #3 ANNEXATION

The Public Hearing for attachment of property to RWD #3 was scheduled for Monday, November 6, 2000. No one was present for that hearing.

Commissioner Cutsinger moved to approve the petition for attachment of property to Rural Water District #3, Sedgwick County. Commissioner Parrish seconded the motion that carried 2-0.

EL DORADO LAND ANNEXATION – RESOLUTION 00-71

Commissioner Cutsinger stated that all the information presented was looked at and considered and he felt that the best decision was made.

Commissioner Parrish stated he wanted to be fair to both the City of El Dorado and the people in the areas being considered for annexation.

Commissioner Parrish moved to approve Resolution 00-71 approving in part the annexation request of the City of El Dorado on A, B, C, D and E. (Not all of the land requested for annexation was approved).

COUNTY ATTORNEY RESPONSE TO COUNTY CLERK ISSUE

County Attorney, Jan Satterfield gave her response to the County Clerk issues raised on Monday, November 6.

She stated that there is no residency requirements for elected officials other than those related to specific districts such as County Commissioner. Once elected the County Clerk may reside outside of the County.

According to the Ethics Commission, nothing legislatively prohibits an elected official from receiving a paycheck from some other place of employment. Dual office capacity is not prohibited, for example, one may be on a school board and other public board.

There is no Butler County policy that requires the County Clerk to fill out time sheets and there is therefore no documentation to research on the matter of time spent in the office. What is required is that the office is being run properly by the people in the office. The Clerk is responsible for all the activities of the office whether they are present or not.

Regarding the authority of the County Commission to elect an elected official's pay, that a County Office is not a contractual arrangement. According to current Attorney General opinion (opinion only and not a law) allows the Commissioners may reduce compensation of an elected official.

Ms. Satterfield reiterated her concerns about one governing board utilizing the compensation factor as a measure of conduct or control over an elected official. She stated that there was nothing before her to indicate criminal activity that merited an investigation to be conducted.

ANDOVER ANNEXATION

Commissioner Cutsinger moved to approve the annexation request in response to a City of Andover Resolution 00-38 for annexation of a tract of City owned property in accordance with provisions of K.S.A. 12-521c. Commissioner Parrish seconded the motion that carried 2-0.

RECYCLING TRAILER BID OPENING

Commissioner Parrish moved to grant the request of the Greenwood County Commission for a joint opening of bids for purchase of recycling trailers with Flint Hills RC&D grant funds at 1:30 PM, Monday, December 11, 2000 at Greenwood County. Commissioner Cutsinger seconded the motion that carried 2-0.

HURST POWER TOOL UNIT

Commissioner Parrish moved to authorize the purchase of a Hurst Power Tool Unit by the Butler County Rescue Squad in an amount not to exceed \$3,890 as budgeted in the Fire District #3 2000 annual budget. Commissioner Cutsinger seconded the motion that carried 2-0.

JAIL ROOF REPAIR

Commissioner Cutsinger moved to approve the proposal from RW Roofing Company for repair of the Jail roof in an amount not to exceed \$12,300 with the payment for 50% of the materials on the day the job is started. Commissioner Cutsinger seconded the motion that carried 2-0.

DAMAGE ASSESSMENT AND DEBRIS REMOVAL MUTUAL AID AGREEMENT

Commissioner Parrish moved to table this agenda item. Commissioner Cutsinger seconded the motion that carried 2-0.

PROFESSIONAL SERVICES AGREEMENT – TRAFFIC SIGNALS & INTERSECTION IMPROVEMENTS @ SANTA FE LAKE RD & US 54

Commissioner Parrish moved to contract with Poe and Associates for Engineering Work for professional services to provide surveys, design and construction plans and documents related to the signals and intersection improvements at Santa Fe Lake Road and U.S. 54 Highway intersection west of Augusta. In an amount not to exceed \$100,200 to be paid out of the Road and Bridge Capital Improvement Fund. Commissioner Cutsinger seconded the motion that carried 2-0.

NEW HIGHWAY SHOP CONCRETE WORK

Commissioner Cutsinger moved to approve the Public Works Department to construct concrete aprons and sidewalk at the new County Highway Maintenance Shop Building and accept the bid from Doug Wilson, Augusta, to do finish work in a total project cost not to exceed \$8,500. Commissioner Parrish seconded the motion that carried 2-0.

PUBLIC WORKS DEPARTMENT COMPUTER BIDS

Commissioner Parrish moved to authorize the solicitation of bids for three new personal computers for the Public Works Department to be added to the solicitation for PCs for the County Treasurer's Department. Commissioner Cutsinger seconded the motion that carried 2-0.

PAUL'S VALLEY SUBDIVISION ROAD PAVING

County Engineer informed the Board that Pleasant Township had passed a motion to not consider subdivision road paving in Paul's Valley until the new township board convenes.

EL DORADO TECHNOLOGIES COOPERATIVE AGREEMENT

Bu Co, Bu Co Comm College, Susan B. Allen, USD #490, El Dorado

Commissioner Parrish moved to table this agenda item. Commissioner Cutsinger seconded the motion that carried 2-0.

RECESS

Commissioner Parrish moved to recess for 10 minutes. Commissioner Cutsinger seconded the motion that carried 2-0.

RECONVENE

Commissioner Parrish reconvened the meeting at 10:10 AM.

BU CO EMPLOYEE CHRISTMAS PARTY

Commissioner Cutsinger moved to approve the proposal presented by the Christmas Party Committee regarding the County Christmas Party and it will include a small gift ornament, total not to exceed \$3,269.00 for the Christmas Party plus a \$10 gift certificate for each employee. Commissioner Parrish seconded the motion that carried 2-0.

RELOCATION OF JUVENILE INTAKE & ASSESSMENT, JJA, TEEN CT.

Commissioner Cutsinger moved to approve the proposal for relocation to 2nd floor of the Smith Building, 226 W. Central to house Juvenile Intake, Juvenile Justice Authority, Teen Court and Electronic Monitoring. There will be a three-year lease that will begin January 1, 2001 with two one-year options. Lease will be paid for by various grants. Commissioner Parrish seconded the motion that carried 2-0.

RENTAL WAIVER FEE FOR LITTLE LEAGUE

Commissioner Parrish moved to deny the request to waive Community Building rental fees for the El Dorado Little League football practice Friday, November 10 and Saturday, November 11, 2000. Commissioner Cutsinger seconded the motion that carried 2-0.

There will be no Commissioner Meetings Monday, November 20 and Tuesday, November 21, 2000.

ADJOURNMENT

Commissioner Parrish moved to adjourn. Commissioner Cutsinger seconded the motion that carried 2-0.