

TERM OF COMMISSION: January Session of the January Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Edward H. Robb  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Kristina Johnson

The meeting was called to order at 9:30 a.m.

### **Planning and Zoning**

Stan Shawver from Planning and Zoning was present on behalf of this item.

#### **1. Annual Report**

<http://www.showmeboone.com/pb/>

### **Purchasing Department**

#### **2. Bid Award 53-09Nov10 Regulatory Signs (first reading)**

Commissioner Elkin stated The Bid for Regulatory Signs Term and Supply closed on November 09, 2010. Nine bids were received. Purchasing and the Public Works department recommend award by low bid per section. IBIS Tek is recommended for award of section 4.8., Osburn Associates, Inc. is recommended for sections 4.9. and 4.10., Custom Products Corp is recommended for sections 4.8.5. and 4.10.2., and J&A Traffic Products is recommended for section 4.11.

This is a term and supply contract and invoices will be paid from department 2040 – PW Maintenance/Operations, account 26600 – Strt/Traffic/Construct Signs. \$75,000.00 is budgeted for this service.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

#### **3. Authorize the following Surplus Disposal List (second reading, first read on 1/6/2011)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Surplus Disposal of the following items listed in the attached memorandum. It is further ordered the Presiding Commissioner is hereby authorized to sign

said disposal forms.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 9-2011**

### **Treasurer's Office**

Jan Fugit the Boone County Treasurer and CJ Dykhouse the County Counselor was present on behalf of this item.

#### **4. Cooperative Agreement Deposit Pool (Amended 7-27-2010) (first reading)**

Mr. Dykhouse stated this is long project with Boone County Fire Protection District for a Cooperative Agreement for the Treasurer's Office to handle their investment funding. The Missouri Constitution recognizes the broad ability for political subdivision to cooperate with each other. Statute which allows for this constitutional provision contemplates that in instance of county government this should be put forward by commission order. What is before the Commission is the final version of the contract negotiated with the Fire Protection District and which Ms. Fugit has approved. This includes the clause which was added by the County Clerk.

Ms. Fugit stated this has been a really long process and my guess is that this was started in April and now there is a final agreement.

Commissioner Miller stated she believes that Southern Boone is going to go on their own. They do not like the provision of losing money when the County does not share in a loss. Commissioner Miller stated she agrees with them and she is totally opposed to this concept. Commissioner Miller stated she think this is unfair.

Mr. Dykhouse stated this provision was not at the insistence of the Treasurer.

Commissioner Miller stated well the County Clerk does not have to sign this. This is between the County Commission and the Treasurer.

Commissioner Elkin stated he apologizes but he does not understand how this is unfair.

Commissioner Miller asked Ms. Fugit to explain the provision to Commissioner Elkin.

Ms. Fugit stated the County invests money for these entities along with our own funds. In the event that there are gains the County shares equally on any gains based on their investment amount etc but losses would not be shared that same way. If there would be a loss the County would be made whole prior to any of these other subdivisions that the

County invests for.

Commissioner Elkin stated ok, so it is not fair to these outside agencies.

Ms. Fugit stated this is not how the original agreement was drafted but rather it was a provision that was added by the County Clerk.

Mr. Dykhouse stated in its purest form it is probably most accurate to describe that as an allocation of burdens as to obtain appropriate security, because all of these devices that we are talking about are north of the 200,000.00 FDIC. One way to do it like the schools do it, is that we distribute to the schools at least monthly but at this time of year the County does it more frequently than monthly. They handle their own security issues and collateralization issues. On the County's side, we have a complicated arrangement with the County depository in terms of what can be secured there and beyond that Ms. Fugit on a daily basis is making significant investments consistent with what are proof of investments and state statute that the loss of principal risk is small but it is academically possible.

Ms. Fugit stated the limitations that we have through state statute that the County can and can't be invested in must be things that are backed by the federal government. This makes the chance of loss minimal.

Commissioner Miller stated this has worked for thirty years and she finds it offensive.

Ms. Fugit stated this is what has been done historically with the prior Treasurer there was just nothing in writing formalizing the agreement. Ms. Fugit stated that she was advised to continue this because there is nothing wrong with it but I just wanted something in writing saying that this is the agreement. This was all kind of initiated when the Collector had decided that she did not have the authority to turn funds directly over to the Treasurer's Office to add this pool. So the money goes directly to the Fire District and then the Fire District then turns the money over to me the Treasurer to invest. Ms. Fugit stated since we were already making a change it was decided that we should get it in writing.

Commissioner Elkin stated so it used to be that the Collector gave the money to you but now they give it to the Fire District and they give it back to you.

Mr. Dykhouse stated that distribution is consistent with the statutes as it pertains to distribution of collected taxes.

Commissioner Miller stated it was just the time factor that was being addressed with the Collector.

Mr. Dykhouse stated this was the same rationale that caused us to embark upon this journey because the piece that was missing was the Commission Order authorizing the intergovernmental cooperative agreement. The idea was let's get the Commission Order so that we can clearly trace our source of power with respect to pooled assets. The other piece

that we touched on too that we hadn't mentioned was that our external auditing requirements were etched up a little bit while we were holding funds for other entities but the County Auditor (in speaking with the external auditor) did not believe that it would be a significant cost driver. We can make the required disclosures and track these things in a way that is not going to drive up the price of the external audit.

Ms. Fugit stated if the County is going to continue investing funds for other governmental agencies, I would just like to have the terms in writing. Some may choose to go out on their own and that is fine but if they would like to participate in this that will work as well.

Commissioner Miller stated this goes against intergovernmental cooperation and she is opposed to it. Commissioner Miller stated she does not believe that it is right and she will not vote for it.

Commissioner Elkin asked because of that clause.

Commissioner Miller stated yes. Commissioner Miller stated she is all for intergovernmental agreements but she would strike that provision.

Commissioner Elkin asked if the Commission had the authority to do this.

Commissioner Miller stated the Clerk has no authority in this whatsoever.

Commissioner Elkin asked Mr. Dykhouse and Ms. Fugit to try and explain the County Clerk's position on this.

Mr. Dykhouse stated it was the collateralization he believes.

Ms. Fugit stated unlike Commissioner Miller who is a proponent of the intergovernmental agreement at the investment pooling, Ms. Fugit stated she does not think that the Clerk is a cheerleader for that at all. Ms. Fugit stated these entities if they go out alone would have to hire someone to take care of these investments because she does not believe that they have the expertise to invest.

Commissioner Miller stated this Commission tries to work very hard with our small communities and different governmental entities to try and help them in any way that we can. This does not put a big burden on us and she believes this is one way that the County has been able to help. Commissioner Miller stated this intergovernmental agreement will set the tone for the other ones and she is not going to support it.

Mr. Dykhouse stated logistically if the Commission directed us we could redraft this agreement to where this would be proportional.

Commissioner Elkin stated he is surprised they signed this.

Commissioner Miller stated they don't have the resources to do this alone.

Commissioner Elkin asked if they could make a motion.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby pull out the provision that does not equally share both ways in the distribution.

Commissioner Elkin asked if Mr. Dykhouse and Ms. Fugit were both comfortable with that and this would not violate anything that you are aware of.

Mr. Dykhouse stated no, this is definitely a policy decision.

Commissioner Elkin seconded Commissioner Miller's motion.

Ms. Fugit stated the original attempt was to try and keep all stakeholders happy. Ms. Fugit asked if they are saying that the Clerk is no longer a stakeholder in this even though she is responsible for collateralization. Ms. Fugit stated this is apart of the whole process.

Commissioner Miller stated honestly the bank bid is probably the responsibility of the Treasurer and the Clerk has just helped the former Treasurer.

Commissioner Elkin stated he does not know that.

Ms. Fugit stated she had though that she is statutorily responsible for collateralization.

Mr. Dykhouse stated the bank bid process is a Commission driven process as well. It is just that the Commission has accepted the recommendations of the Treasurer and the Clerk historically. The reason this has to be a Commission driven process is because there are multiple offices that are affected within the County.

Commissioner Elkin asked Commissioner Miller do you think that we have to have a discussion with the County Clerk on this.

Mr. Dykhouse stated considering the pace that this is moving there certainly would not be a problem finding the time to do that.

Commissioner Miller stated she would withdraw her motion but that will not change her philosophy.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with an appropriate order for approval.

**Sheriff's Department**

**5. Budget Amendment to cover site restoration at the substation (first reading)**

Commissioner Miller stated this is for the contract that was passed last week, this just creates a budget.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten day hold required for budget amendments with an appropriate order for approval.

**Resource Management**

Georgeanne Bowman from Resource Management was present on behalf of this item.

**6. Auto Auction acceptance of the security bond (Stormwater Security Agreement) (first and second reading)**

Ms. Bowman stated the Developer is the owner or authorized agent of the owner for the real estate contained within the development described above which is subject to the Boone County Stormwater Regulations. This agreement is made pursuant to Section 8 in Chapter 28 of the Subdivision Regulations of Boone County in order to permit the Developer to disturb land on the development described above and to assure County of the required erosion and sediment control and stormwater the erosion and sediment plan described below in accordance with the County Stormwater Regulations and specifications and provide to the County financial security in the event the developer fails to comply with the plan or complete the improvements within the time and manner provided for by this agreement.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Stormwater Erosion and Sediment Control Security Agreement between Boone County, Missouri, and Rangeline Investments, LLC. The terms of this agreement are stipulated in the attached contract. It is furthered ordered the Presiding Commissioner is hereby authorized to sign said MOU.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 10-2011**

**Commission**

**7. Change Order for the Boone County Government Center Project (first and second reading)**

Commissioner Elkin stated when we do projects we like to have an overstock of ten percent on carpet squares. For whatever reason the overstock was not included on the original bid

and so this is the amount for the ten percent for the overstock.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Commissioner Skip Elkin to sign Change Order #006-BCGC in the amount of \$18,440.84 for the Boone County Government Center Remodel project.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 11-2011**

**8. Budget Amendment for payment of Health Department Air Balance Study (first reading)**

Commissioner Miller stated this has been a long time coming.

Commissioner Elkin stated there was too much positive pressure in the health department building and they couldn't find out what was going on. They did some study and they found out what the problem was. This is to supplement that and the City will pay for half of this.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten day hold required for budget amendments with an appropriate order for approval.

**9. Budget Amendment for the 2010 portion of BCRSD Energize MO (first reading)**

Commissioner Miller stated the Sewer District received an energy grant when we received an energy grant. Commissioner Miller stated we are the ones who have to monitor their energy grant. The County receives their payments and in order for us to pay them back there must be a budget.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten day hold required for budget amendments with an appropriate order for approval.

**10. Budget Amendment for the 2011 portion of BCRSD Energize MO (first reading)**

Commissioner Miller stated this is just for the 2011 portion.

Commissioner Robb stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the ten day hold required for budget amendments with an appropriate order for approval.

**11. Closed Session authorized per RSMo Sec. 610.021(1) at 2:30pm on 1/12/2011  
(first and second reading)**

Commissioner Robb moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, January 12, 2011, at 2:30 p.m. The meeting will be held in Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by 610.021 (1) RSMo. to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 12-2011**

**12. Public Comment**

**13. Commissioner Reports**

The meeting adjourned at 10:25 a.m.

Attest:

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Edward H. Robb  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner