

TERM OF COMMISSION: January Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 1:30p.m. by Commissioner Stamper.

Subject: Appointments to Boone County Group Homes and Family Support Board and the Boone County Senior Board

Commissioner Stamper stated that the Boone County Commission had requested applications for persons to serve three-year terms on the Boone County Group Homes and Family Support Board of Directors. He stated that there had also been applications requested for the Boone County Senior Board position to serve a four-year term.

Commissioner Vogt asked if she could make a motion approving all of the orders for the Boone County Group Homes and Family Support Board appointments.

Commissioner Stamper stated that she could.

Commissioner Vogt moved to approve all three orders for appointees to the Boone County Group Homes and Family Support Board with the three appointees being: Bob Bailey, Lee Henson, and Craig Brumfield.

Commissioner Miller seconded the motion.

Discussion: Commissioner Stamper stated that there were only three applicants for the three vacancies. He also stated that one was a re-appointment, and the other two were new appointees.

Commissioner Stamper stated that Commissioner Vogt was the renewed representative to this board.

The motion passed 3-0. **Orders 1-99,2-99,3-99**

Commissioner Miller stated that this was a re-appointment to the Senior Board. She stated that this person was the only applicant for this vacancy. She stated that she was pleased to be able to offer this individual re-appointment.

Commissioner Miller moved to re-appoint Shirley A. Calvin to the Boone County Senior Board for a four-year term beginning January 1, 1999 to December 31, 2002.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that Shirley Calvin was an excellent member.

The motion passed 3-0. **Order 4-99**

Subject: Resolution honoring Paul Albert's 90th Birthday

Commissioner Stamper stated that the Boone County Commission made about 10-12 resolutions a year. He stated that often the proclamations were in honor of an achievement, person, etc.

Commissioner Stamper stated that Paul Albert's birthday was on January 6th.

Commissioner Stamper read the proclamation into the public record. The proclamation read as follows:

PROCLAMATION HONORING PAUL ALBERT

WHEREAS, Wednesday, January 6, 1999 marked a significant mile stone, 90 years, in the life of "Citizen Activist" Paul Albert; and,

WHEREAS, Mr. Albert had throughout his life unselfishly researched and challenged issues facing the City of Columbia and Boone County; and,

WHEREAS, Mr. Albert was only motivated by the challenge, expressing his views and encouraging the elected body to evaluate all options; and,

WHEREAS, Mr. Albert is well known for his years of public service improving the quality of life for citizens in Boone County with his dedication of parkland currently known as Albert-Oakland Park; and,

WHEREAS, Mr. Albert would always be willing and did put his money where his mouth is with television or radio ads in support or opposition to a given issue or candidate; and,

WHEREAS, Mr. Albert is especially known for his views on the Boone Retirement Center, continually reminding anyone who would listen that the building is built like a rock of Gibraltar; and,

WHEREAS, All thoughts aside, whether it be issues surrounding the lease of Boone Hospital, storm water runoff into the County or proposing developers dedicate parkland in each subdivision plat, Paul has been the voice that stirs debate in our community, without citizen input we all know our community would grow stagnant; and,

THEREFORE BE IT RESOLVED, That the Boone County Commission does hereby honor this time-honored, community-minded gentleman; and,

NOW THEREFORE BE IT FINALLY PROCLAIMED, That the Boone County Commission hereby declare the week of January 6th, as Paul Albert Week in Boone County and ask all Boone County citizens to hereby honor this outstanding citizen.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Miller stated that the Commissioners had been on both sides of Paul Albert. She stated that it takes input from people like Paul Albert in order to stir public debate.

Commissioner Vogt stated that "we would all benefit greatly if everyone took the time to participate in his government and community the way that Mr. Albert does." She stated that she was happy to be a part in recognizing Paul Albert for his birthday.

The motion passed 3-0. **Order 5-99**

Commissioner Stamper recognized Henry Lane to have comments.

Henry Lane thanked the Commission for their resolution on behalf of Paul Albert. He also thanked George Parker for taking an interest in this. He stated that Paul Albert was changing his lifestyle by eating healthier and exercising.

Commissioner Stamper gave Mr. Lane the proclamation to give to Paul Albert.

Commissioner Stamper stated that John Patton had asked that the Commission remain in session until he could arrive. He stated that John Patton was currently in court.

Commissioner Reports

Commissioner Vogt

Commissioner Vogt reported that she had worked out of the Centralia office the day before. She stated that the heating problem had been fixed.

Commissioner Miller

Commissioner Miller reported that on Monday, January 4th, she met with some of the neighbors in the Dee Woods Rd area to discuss the County's proposed road plans. She stated that they discussed typical issues like how the project would effect the property owners. She stated that Dave Nichols took very good notes on each person's property and would report to the Commission at a later date.

Commissioner Miller also reported that the Jail and Reality House project staff met every Monday. She stated that they had started demolition on the Jail project. She stated that there was an issue with the Masonry Contractor (the contractor did not want to fulfill his obligation). She stated that John Patton had stated that the contractor could change his sub (contractor). She stated that Mr. D'Eagle had requested that they write a letter to the County to let them know what type of problems they were having.

Commissioner Miller stated that things were moving right along on the Reality House project.

Commissioner Miller stated that the Commission had moved to rescind an order on the Lanier Maintenance Service contract. She stated that they had been given the wrong order number and therefore needed to modify that motion.

Commissioner Miller moved to modify order 589-98 to rescind order 580A-98, not order 580-98.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 6-99**

Commissioner Miller stated that Wendy S. Noren had stated that there were fire-proof cabinets on the third floor (of the Government Center) that could be used in the Information Technology Department.

Commissioner Miller stated that she needed to rescind the motion to purchase the fire-proof file cabinets.

Commissioner Miller moved to rescind the motion for the purchase of fireproof file cabinets.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 7-99**

Commissioner Stamper

Commissioner Stamper stated that he had been authorized to negotiate with the Sheriff's department for the use of one of the trial vehicles. He stated that there was about a thousand dollars involved in a switch-out. He stated that the life usage had been discussed, and it had been decided that a new vehicle would be purchased.

Commissioner Stamper stated that he had not had a chance to think about the e-mail that Commissioner Miller had sent out to him regarding the problems that having a holiday on December 31, 1999 would cause.

Commissioner Miller asked if Boone County was obligated to follow State holidays.

Commissioner Stamper stated that Boone County followed the holidays by choice.

Commissioner Stamper stated that he had received a notice from the U. S. Department of the Interior of their final rule on the Topeka Shiner. He circulated the document and submitted it public record.

Commissioner Stamper stated that the Commission had been notified that Mr. Perkins on Old Plank Rd had petitioned to come into the City of Columbia. He stated that it was contiguous, but lacked the compactness that was normal.

Commissioner Stamper stated that Roy and Raymond Rogers had petitioned for 40.27 acres off of Sinclair Rd.

Commissioner Stamper recognized John Patton. He stated that John Patton had received a communication from the Board of Trustees.

John Patton stated that the Board was not ready to engage in any sort of contractual relationship. He stated that they were not ready to proceed with a contract involving the managing of the facility.

John Patton stated that Boone County had as much security as it was going to get in regards to the financial commitment. He stated that he was not concerned about the County being put at risk because the board did not want to make a contractual commitment for managing the facility.

John Patton stated that it would be alright if the County wanted to proceed with the Articles as amended, or to appoint board members, or a management corporation. He stated that the board was not voicing any opposition to that.

Commissioner Vogt stated that in meeting with the Hospital Board of Trustee, she found that they were willing to appoint two board members. She stated that they also have a problem with the term "material participation."

John Patton stated that he could understand their concern, but stated that the County needed to get on with things.

Commissioner Vogt asked if a definition of material participation could be given.

John Patton stated that he could do that. He stated that the investments that the County was making were safe.

Commissioner Miller elaborated on the point that it took private pay, Medicare, and Medicaid to support the 75% Medicaid that were already present. She stated that the last line that John Patton had read that stated that they wanted to do their own thing and seek their own thing was in direct competition with the previous point.

Commissioner Miller stated that if the board was at the table making the decisions to ensure that the new organization would be viable, she would not have a problem with them wanting to do their own thing. She stated that the facility has to be able to pay the bills, and this could not be done with Medicaid alone.

John Patton stated that the facility was required to have a certain amount of Medicaid.

Commissioner Miller stated that the point she was trying to make was that there had to be some Medicare beds as well in order to operate the facility. She stated that if the Trustees were viably

responsible for making sure that the organization was successful, then they would not do anything that conflicts with obtaining that success.

John Patton stated that the composition of the board would naturally prohibit any one party from trying to do their own thing. He stated that policies could not be changed without a majority vote.

Commissioner Miller stated that this was not what she was saying. She stated that the facility had the proper number of Medicare, then any other beds would be overflow and this was what made the mix work. She stated that if they expanded the facility for Medicare beds only, it would take away the mix and put a burden on the facility.

Commissioner Vogt asked if the Commission wanted to micromanage the facility.

Commissioner Miller stated that they did not, however she stated that she had been working to keep that mix for the last six years in order to ensure the facility's survival.

Commissioner Stamper stated that the Commission's goal was not to micromanage, however the goal was to ensure that each partner had equitable value for what was trying to be done. He stated that he was not as concerned with defining material participation as he was with having the phrase (in the document) as an open expression of intent.

Commissioner Stamper stated that he was very concerned about a partner that was coming to the table thinking that they did not have to make a commitment to participate in this (of some material value). He stated that he thought that the wording should stay just based upon that.

Commissioner Stamper stated that any temptation to establish a competing concern might undermine the existing organization

Commissioner Vogt asked if there was going to be a material participation on behalf of the County.

Commissioner Stamper stated that there was material participation--in the form of the \$669,000.

Commissioner Vogt stated that the County was asking to have the lease paid back.

Commissioner Stamper stated that once the lease was the paid back, the County might not be a partner anymore.

Commissioner Vogt stated that the material participation term should be clarified so that everyone knows what it meant.

Commissioner Stamper stated that the document allowed them four options of material participation. He stated that John Patton was the one that had to write the document so that it remained meaningful to everyone involved.

John Patton asked Commissioner Stamper what he wanted the Trustees to do.

Commissioner Stamper stated that he wanted them to be a fully participating, equitable partner. He stated that he did not want anyone doing their own thing because this would undermine the venture.

Commissioner Vogt stated that the Trustees wanted the right to do their own thing if they still needed those short-term beds.

Commissioner Stamper stated that if this were the case, then what the County would be left with was that the Trustees probably would need to leave the structure and go their own way.

Commissioner Vogt stated that she did not think that this stopped them from doing that.

John Patton stated that the amended articles were not etched in stone. She stated that the vote could be changed to a majority as opposed to a 5-7 vote.

Commissioner Miller stated that this was etched in stone as far as she was concerned. She stated that a 5-7 vote would guarantee that one of the County's appointees agrees with what the board wants to do. She stated that this allows the County's citizens to have a vote.

John Patton stated that if the "material participation" language was taken out, and all three entities appointed their board members, (or if Boone Hospital or the University of MO wanted to do something that would adversely affect the viability of the facility) the directors would have the option of eliminating the participation of the disagreeable party.

Commissioner Stamper stated that the County was bringing tremendous material participation into this. He stated that this left the trustees room to express their material participation.

John Patton stated that part of the problem was that no one had put forward a concrete proposal of how the trustees could participate.

Commissioner Vogt stated that she felt that this was being left open so that the trustees could provide for the community in the way that was best for them (the trustees).

Commissioner Stamper stated that he failed to see what problem the phrase material participation created.

Commissioner Vogt stated that the phrase could be left, however a better definition should be provided.

Commissioner Stamper asked if there were any objections to working on the definition.

Commissioner Miller stated that she had no objection.

Commissioner Stamper stated the phrase needed to stay in and if it needed to be defined, then so be it.

Commissioner Vogt stated that she did not have a problem with the phrase staying as long as it was defined.

Commissioner Stamper directed John Patton to work on defining the term "material participation," so that it could stay in the document.

John Patton stated that they were working on getting the closing completed toward the end of the month. He stated that they hoped to get a license issued at the time as closing or shortly afterward.

Commissioner Miller asked what the old board had to do and when it needed to be done.

John Patton stated that there was the signing of the closing documents and a person from the old board should be authorized to execute the closing documents.

Commissioner Vogt stated that all three of the bodies were working to appoint the new board by January 26th.

There was no public comment.

The meeting was adjourned at 2:15p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner