

TERM OF COMMISSION: June Session of the May 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 Skip Elkin
Deputy County Clerk Brian Wright

The Presiding Commissioner called the meeting to order at 9:31am.

Commissioner Stamper stated that the Commission welcomed Former District II Commissioner Linda Vogt to today's meeting.

Subject: Purchasing Department

Melinda Bobbitt, Purchasing Department Director was present on behalf of these items.

A. Second Reading & Approval of Amendment Number One to the Bid for Law Enforcement Equipment

Melinda Bobbitt stated that the Purchasing Department made an error and included Section 4.9 in the contract to OMB Police Supply. She stated that Purchasing Department requested to amend the contract to bid 20-02MAY01 to delete section 4.9.

Commissioner Elkin moved to approve Amendment Number One (1) to bid #20-02MAY01. Said Amendment will remove section 4.9 (Bulletproof Vests) from the contract to OMB Police Supply. It is further ordered that the Presiding Commissioner be hereby authorized to sign the Amendment.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 282-2001**

B. Second Reading & Approval of Shop Parts Term and Supply Contract

Ms. Bobbitt stated that the Purchasing Department recommends that the County not renew its contract with Missouri Fleet Parts for bid #33-24MAY00. She stated that the Public Works Department has been experiencing slow turn around time on orders and insufficient quantities and types of batteries carried in stock., ever since Rolla Fleet Parts closed its Columbia location.

Ms. Bobbitt stated that the Purchasing Department recommends that section 4.15 of bid #33-

24MAY00 be awarded and added as an amendment to the contract of the second low bidder, O'Reilly Auto Parts. She stated that Purchasing also recommends award of Sections 4.10 and 4.12 to Al Scheppers Motor Company for having the second low bid for these two bid sections.

Commissioner Elkin moved to approve the Purchase Agreement and Contract Amendment Number One (1), for Shop Parts Term and Supply Contract Changes as follows:

FOR	TO
Sections 4.10 and 4.12 (of Bid #33-24MAY00)	Al Scheppers Motor Company
Sections 4.15 (of Bid #33-24MAY00)	O'Reilly Auto Parts

Said contract changes are recommended per the attached documentation of the Purchasing Department. It is further ordered that the Presiding Commissioner be hereby authorized to sign the Purchasing Agreement and Contract Amendment Number 1.

Commissioner Miller seconded the motion

There was no discussion or public comment.

The motion passed 3-0. Order **283-2001**

C. Second Reading to Award a Bid for a Single Axle Dump Truck

Ms. Bobbitt stated that Purchasing and the Public Works Department recommended award of bid 21-30MAY01 to Al Scheppers Motor Company for having the lowest and best bid, meeting the minimum bid specifications. She stated that the two departments also requested the disposal of a 1992 truck, a 1968 spreader, and two 1994 snow plows as a trade-in option for this purchase.

Commissioner Stamper asked why the County was choosing to dispose of more than one snow plow.

David Mink, Public Works Director stated that one the of plows was damaged. He stated that the other plow was already attached to the 1992 truck being disposed.

Commissioner Stamper moved to award bid #21-30MAY01, for a Single Axle Dump Truck to Al Scheppers Motor Company and authorizes the disposal of the following:

1992 International 4900 Series Truck with Heil 10 foot dump body VIN# 1HTSDNUN6NH424679
1968 V-Box Material Spreader Schein Model 2420 (6 cubic yards) Serial #SC2471
1994 Good Roads 10' hydraulic reversible Snow Plow Serial # 2094A Model 120M
1994 Good Roads 10' hydraulic reversible Snow Plow Serial # 2094E Model 120M

Said bid is awarded per the attached recommendation of the Purchasing Department. It is further

ordered that the Presiding Commissioner be hereby authorized to sign the agreements and Disposal Forms.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 284-2001**

D. First Reading to Award a Bid for Coats Lane Bridge

Ms. Bobbitt stated that the Purchasing Department received a request from the Public Works department to issue a Bid for Coats Lane Bridge. She stated that the bid was issued on May 19, 2001 and closed June 12, 2001. She noted that eight bids were received.

Ms. Bobbitt stated that Purchasing and the Public Works Department recommended award of bid 28-12JUN01 to Viebrock Construction and Equipment, Incorporated for having the lowest and best bid meeting the specifications. She stated that the contract award was for \$226,187.50, noting that it would be paid out of account 2045-71100. She noted that \$400,000 was budgeted for this project. She further noted that currently, there is a balance of \$621,761.20 remaining in the account.

There was no public comment.

Commissioner Stamper stated that item had been first read into the public record and requested that it be returned at the next Commission Meeting for further discussion and final approval.

Subject: Second Reading & Approval of the Front Door Program Transfer Agreement

Commissioner Stamper stated that at the previous Commission meeting, Phil Steinhaus (Manager of the Office of Community Services) and Jim Silsby (Columbia Director of Development for the Boys and Girls Town of Missouri) were present on behalf of this item.

Commissioner Elkin moved to approve the Front Door Program Transfer Agreement, from Comprehensive Human Services to Boys Town of Missouri, Incorporated (d/b/a Boys and Girls Town of Missouri), and authorize the Presiding Commissioner to sign the agreement.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 285-2001**

Second Reading & Approval for a Variance Request for Shalimar Gardens, Block V

Commissioner Miller moved to approve a request by Jeff McCann, P.E. with Allstate Consultants for a 47-foot radius on a cul-de-sac in Shalimar Gardens, Block V as allowed by Appendix B of the Subdivision Regulations and as recommended by the Road and Bridge Advisory Committee. This will maintain consistency with the other cul-de-sacs within previous plats of this subdivision.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 286-2001**

Subject: Authorize Commission Chambers Use

Commissioner Stamper noted that there were no representatives of the National Audubon Society present on behalf of this matter.

Commissioner Miller moved to authorize the use of the Commission Chambers for a discussion of the State Board of the National Audubon Society, sponsored by Audubon Missouri on July 14, 2001, from 10am to 1pm.

Commissioner Elkin seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 287-2001**

Subject: First Reading of a Request for an Adopt-A-Road Litter Control

David Mink, Public Works Director was present on behalf of this item.

Commissioner Miller stated that the County has a process in place that allows for neighborhoods or organizations to adopt sections of roadways for litter control. She stated that once the Commission approved the request, the Public Works Department would create a sign identifying the organization responsible for that section of the road.

David Mink stated that he did not have any paperwork with him today, and asked if the item should be tabled until the next meeting.

Commissioner Miller stated she would like to move the item forward today. She stated that the organization (Turtle Creek Homeowners Association) requested to adopt one mile of High Point Lane from Route N to just west of Turtle Creek Lane for litter control.

Commissioner Stamper stated that the item had been first read into the public record and

requested that it be returned at the next Commission meeting for further discussion and final approval.

Subject: First Reading of a Budget Revision for Moving Expenses for the Director of Public Works

Betty Dickneite, Human Resources Director was present on behalf of this item.

Betty Dickneite stated that June Pitchford, Boone County Auditor, prepared a budget revision for this item. She stated that funds, in the amount of \$4,920 will be transferred from account 1123-86800 (Emergency) to account 1115-85700 (Human Resources: Recruitment/Relocation Expense). She noted that the funds were agreed upon when Mr. Mink was hired as Public Works Director. She further noted Mr. Mink will received itemized bids for the expenses, adding that those bids will be submitted.

Commissioner Stamper stated that the County had been anticipating this item, noting that it had been in its negotiations with Mr. Mink.

There was no public comment.

Commissioner Stamper stated that the item had been first read into the public record and requested that it be returned at the next Commission meeting for further discussion and final approval.

Subject: Loss Control Program Recognition Presentation by MARCIT

Rufus Nye (Executive Director of MARCIT), Athena Wilson (Assistant Director of MARCIT), Carol Wilson (Deputy County Clerk) and Wendy S. Noren (Boone County Clerk) were present on behalf of this item.

Wendy Noren stated that Boone County is a member of MARCIT, noting that it is an Insurance Trust (for property, casualty, and worker's compensation). She stated that last year MARCIT instituted a loss-control program, of which the member (governmental entity) could participate. She noted that if the member met all the criteria that the MARCIT board of Directors adopted, it would receive refunds on its premiums. She further noted that the refund the County would be receiving was due to the hard work of Carol Wilson and other members on the Loss Control Committee.

Ms. Noren stated that Boone County was the only member-county that was able to meet all the steps required by MARCIT. She stated that the County will be receiving a premium discount, adding that the County will be receiving a check for \$30,000.

Rufus Nye stated that MARCIT is an intergovernmental insurance pool, noting that there are approximately 500 of these types of businesses across the country; covering about 75% of the

population in the United States. He stated that this is a method for local governments to finance its risk-management obligations. He further noted that “risk financing” is commonly referred to as insurance, adding that effective loss-control is the key to good risk financing.

Mr. Nye stated that these “pools” are designed specifically for the unique exposures of governmental bodies, noting that it has much different obligations than a typical employer. He stated that MARCIT was created in 1983 to provide these types of services to local governments in the Kansas/Missouri area.

Mr. Nye stated that MARCIT also offers employee-benefits (health care). He stated that one of the benefits of these programs is that the members get an opportunity to participate in understanding the process of the loss-control system. He noted that this benefit allows the member to provide ideas and opportunities on how to improve their local services. He further noted that this option has proven to be beneficial over time.

Mr. Nye stated that MARCIT has to operate like an insurance company in many ways, noting that the company is subject to the economics, laws, and the processes and procedures considerations that would apply to this type of insurance.

Ms. Noren stated that Boone County has been a member of MARCIT since 1985. She noted her appreciation to all the employees that participated in the program. She wished to acknowledge the extra efforts of Public Works and the Sheriff’s Department to receive this discount. She noted that those two departments had extra measures to meet due to extra exposure possibilities (of all the County departments).

Commissioner Stamper acknowledged the work of Ms. Wilson and the other members of the loss control committee, on behalf of this item. He stated that the Loss Control committee has also presented a Safety Policy Statement for approval by the Commission. He noted that the policy acknowledges that “Safety is the basic responsibility of all employees within Boone County. It shall be the primary consideration in the operation of daily business”. He asked if the item needed to be approved today.

Ms. Noren stated that the item could be first-read today.

Commissioner Stamper stated that the item had been first read into the public record, and requested that it be returned at the next Commission meeting for further discussion and final approval.

Subject: Commissioner Reports

Commissioner Stamper

Meeting with the Mayor of Hartsburg report

Commissioner Stamper stated that he met last week with the Mayor of Hartsburg, Nancy Grant.

He stated that the city has annexed up the hill an area of land, with the possibility of the area being used for several possible subdivisions. He noted that there was a dilemma with sewer lines capabilities-issues, adding that the possibility had been raised for extending the sewer line.

Commissioner Miller stated that the City had the capacity, but noted that it would be costly.

Commissioner Stamper stated that the City discussed the possibility of creating an alley behind the Old Hotel Bed & Breakfast. He stated that the alley used to exist, and the City would like to see the alley re-established. He noted the Mayor felt, in her opinion, that the alley would be helpful for several events.

Commissioner Stamper stated an on-going controversy regarding liquor-by-the-drink in Hartsburg. He stated that the City Council denied a request made by a local bar owner to sell liquor-by-the-drink. He noted that the individual found a technical angle on the issue, and was granted a license by the State. He noted that a second bar is trying to work through the proper channels in the City for a request approval, but noted that the bar could also use the loop-hole used by the first bar owner to receive a license.

News Release Regarding Katy Trail report

Commissioner Stamper stated that he had the opportunity to welcome approximately 300 bicyclists to Columbia. He stated that the bicyclists are a group of people that are riding across the Katy Trail. He noted that the ride began in Clinton, Missouri and will conclude in St. Charles (approximately 200 miles). He further noted that the ride was organized by DNR, adding that the participants pay a fee of about \$130.

Commissioner Stamper stated that the riders camped in Reactor Park. He stated that the riders had an opportunity to take a shuttle to visit downtown Columbia. He noted his appreciation for the work done by Public Works and Facilities Maintenance crews to get the trail repaired for the ride.

Community Partnership Board of Directors Meeting report

Commissioner Stamper stated that he attended the Community Partnership Board of Directors Meeting several evening ago. He stated that the Board received notice from the State that funding to the Board has been cut from \$1.2 million to \$931,000 (about a 15½% cut) . He noted that the cuts were fairly uniform across the state. He further noted that the Board put together a subcommittee to determine how to address these cuts.

Commissioner Stamper stated that the Board continues to have a vacancy at the Caring Communities level. He stated that the budget cuts will force the Community Partnership to make “hard choices” in terms of funding for projects. He noted that under declining revenues, the Community Partnership will be unable to fund additional sites without reductions in allocations to existing sites. He added that, in his opinion, that this Partnership will be eliminated in the near future.

Commissioner Miller asked how much Mental Health money remained from last year.

Commissioner Stamper stated that about 40% of what Mental Health originally budgeted still remained from last year.

Civil Defense Siren Agreement report

Commissioner Stamper stated that he met yesterday with representatives for the City of Columbia, regarding the civil defense sirens. He stated that he was presented with an agreement from 1974, noting that one section (VI) stated that:

With the exception of expenditures expressly for the benefit of a specific governmental subdivision, (i.e. if the City of Columbia purchases a siren for its subdivisions) which shall be paid for wholly by the subdivision, expenditures shall be paid by the City, however, that 33% of said costs paid by the City shall be reimbursed by the County.

Commissioner Stamper stated that agreement forces the County to pay for a third of the reimbursement for civil defense-type of expenditures. He stated that a discussion occurred regarding whether the County shall pay for a shared 33% of the maintenance and replacement of sirens in the city. He noted that he suggested to the City that the Commission would not be interested in this type of funding, adding that the County would be interested in supporting the new sirens (which have already been bought and paid for to be installed).

Commissioner Stamper stated that a proposal regarding this matter will be brought forward to the Commission in the near future.

Commissioner Stamper noted that he would be gone tomorrow, and requested that the Deputy County Clerk appoint District I Commissioner Karen M. Miller as Presiding Officer of the County Commission for June 27, 2001.

Commissioner Miller

Farm Bureau Meeting report

Commissioner Miller stated that she had attended the Farm Bureau meeting last week. She stated that on August 28, 2001 Farm Bureau will be having its annual meeting at the Knights of Columbus Hall. She noted that Farm Bureau is currently working on hosting a transportation meeting for its members. She further noted that the meeting is being done in conjunction with a statewide effort to address ways of solving transportation problems across the state, adding that the Commission should send a representative to that meeting.

Commissioner Miller stated that Farm Bureau is interested in keeping informed on the Stream Buffer Ordinance. She stated that Andrew Stanton will continue to be the Farm Bureau representative to the Storm Water committee. She noted that a discussion occurred, regarding Soil and Water's efforts on farmland preservation and possible communication possibilities between the two entities.

Zumwalt Bridge Update

Commissioner Miller stated that the Commission discussed the closing of Zumwalt Bridge at the previous meeting. She stated that she had communicated with Callaway County, regarding the estimate of cost to re-open the bridge. She noted that she requested that Callaway County share in the costs (at least 50%) for repairs to the bridge. She further noted that Callaway County agreed to help in the costs to re-open the bridge.

Commissioner Miller requested, by consensus agreement of the Commission, Boone County's portion of the funds for the repair costs to the bridge.

Commissioner Stamper and Commissioner Elkin agreed to the request.

Commissioner Elkin

Tourism Council report

Commissioner Elkin stated that he met with the Tourism Council on June 18, 2001. He stated that an update on the Missouri Theatre Campaign was discussed at the meeting. He noted that the council was heavily involved in the Missouri Visitor's Center in Kingdom City. He further noted that the Center was receiving a phenomenally positive response from the public.

Commissioner Elkin noted that a calendar of events (available at www.calendar.columbia.mo.us) for posting events with the Tourism Council.

Boone Retirement Center report

Commissioner Elkin stated that he met with representatives of the Boone Retirement Center last Thursday, noting that the meeting did not have a quorum. He stated that shingles are being delivered to the Center. He noted that the General Contractor has stated that the project is caught-up, due to the seasonal and weather delays. He further noted that the tentative finish date is March of 2002.

Commissioner Miller asked if occupancy at the Retirement Center was still at 100%.

Commissioner Elkin stated that the current occupancy at the Retirement Center was at 96%.

Commissioner Miller asked if the Center was struggling to keep employees.

Commissioner Elkin responded affirmatively. He stated that the Center has instituted several new programs (such as English as a Second Language) to help attract new employees.

Convention and Visitors Bureau report

Commissioner Elkin stated that the Convention and Visitors Bureau met on June 14, 2001. He stated that the Tourism Development Fund was discussed at the meeting. He noted that one of the criteria for events being attracted to the Columbia region was a guarantee for room nights. He further noted that many of the events currently are fledging, making it difficult to justify the

required room nights. He added that the Bureau will be discussing the possibility of adjusting the requirements for start-up events.

Commissioner Elkin stated that the Bureau is trying to get the Snickers Cup Soccer Tournament to come to the Columbia area. He stated that there would be an estimated room night for 6700 rooms over five days for the event. He noted that hopefully the event would come to Columbia next year. He further noted that the Bureau is working on several other smaller events, adding that it is a competitive process to get events such as these.

Ribbon Cutting Ceremony for MU/Verizon Children Literacy Center report

Commissioner Elkin stated that he attended a ribbon-cutting ceremony at the University of Missouri last Wednesday for the University's College of Education & Verizon new Children's Literacy Center. He stated that the program promotes technology and literacy for the children of the State of Missouri. He noted that at the ceremony, a live web-cast was being transmitted with the first grade summer school class in Hallsville.

Commissioner Stamper called for a recess at 10:05am, until legal counsel for the County could arrive for a scheduled discussion of Associate Commissioners' Back Compensation.

Commissioner Stamper reconvened the meeting at 10:13am.

Subject: Discussion of Associate Commissioners' Back Compensation

John Patton, County Counsel and Linda Vogt, Former District II Commissioner for Boone County were present on behalf of this matter.

Commissioner Stamper stated that with the changing of the Associate Commissioner terms (from two years to four years), which occurred in 1995, a question came forward regarding conflicting or confusing issues in the law, regarding the manner in which raise increases to Associate Commissioners were to be dealt with. He stated that the law essentially made it so that the Commissioners could not receive an increase for an extended period of time. He noted that differing opinions regarding this matter arose at that time.

Commissioner Stamper stated that with the County's salary commission meeting, held in 1997, this question was anticipated. He stated that there was a legal challenge occurring at the time between Laclede County, its prosecuting attorney, and its Associate Commissioners regarding this matter.

Commissioner Miller stated that the legal challenge occurred after the County's salary commission meeting.

Commissioner Stamper stated that the County anticipated litigation to clarify the issue. He stated that the County's salary Commission Order identified that if, through litigation or Attorney General's opinion, authority was given for Associate Commissioners to receive a mid-term

increase, that the salaries would be adjusted to their proper levels. He noted that if this action never occurred, the County would not have addressed it.

Commissioner Stamper stated that late last year, the circuit court in Laclede County had a case, regarding this matter, that found in favor of the Associate Commissioners. He stated that the Commissioners could receive a midterm increase in their compensation. He noted that at the time, over seventy counties had taken the compensation, adding that the Commissioner had been receiving the rate increase for the full portion of that term.

Commissioner Stamper stated that the Commission made a decision before the close of the session for the year 2000, to give the Associate Commissioners the increase that the Court in Laclede County stated that they were entitled to. He noted that the decision was made, with the understanding that there might be legal challenges that would be coming forward.

Commissioner Stamper stated that a legal challenge did come forward, adding the case was referred to the Supreme Court. He stated that the Supreme Court issued an opinion that forces the County Commission to reconsider its action.

John Patton stated that a statute that passed in 1997, granting Associate Commissioners what would be characterized as “a mid-term increase during that term of office.” He stated that the rationale for that statute, by legislature, was that the extension of the Commissioners’ term of office went from two to four years. He noted that this action warranted the pay increase.

Mr. Patton stated that he was asked to review the salary bill in 1997, adding that it also included numerous issues. He stated that he questioned, at the time, whether the action was constitutionally permissible. He noted that his hesitation spurred the salary commission to include language in their Commission Order granting the mid-term rate increase, regarding Attorney General’s opinion or court decision upholding the validity of the statute.

Mr. Patton stated that late in the year 2000, the court in Laclede County determined that the two-year term extension constituted a new duty, which created an exception to the constitutional prohibition on mid-term increases. He stated that the State constitution states that “elected officials cannot receive a salary increase in their compensation during a term of office”. He noted that the Courts created an exception to this statute, adding that if the legislature imposes a new duty upon elected officials, they can receive additional compensation. He further noted that the question being raised in Laclede County was “Was the extension of the term of office a ‘new duty’?”

Mr. Patton stated that the circuit court believed the extension was a new duty. He stated that the Boone County Commission considered the opinion issued by the circuit court, noting that it was the only law existing in the state at that time interpreting the statute. He noted that the Commission granted the increase before the end of the year 2000. He further noted that there was an appeal pending on the Laclede County court case.

Mr. Patton stated that the Commission’s decision, at that time, was to see what the outcome of

the case was. He stated that approximately one month ago, the Supreme Court found that the state statute was not valid. He noted that there was an issue concerning whether the ruling would be prospective-only (applicable only in the future). He further noted that if the ruling was prospective-only, it would allow Associate Commissioners to retain the monies they had received as increases in compensation. He added that the ruling could have also been retroactive to the date of passage of the statute.

Mr. Patton stated that the Supreme Court, in its opinion, stated that the statute was invalid- therefore the Laclède County commission order granting the rate increase was invalid. He stated that the Supreme Court did not talk about the effect of the opinion, statewide. He noted that it was expected that one of the parties involved in the case would file an application for re-consideration to raise that issue, but added that the action was never taken. He further noted that according to his research, Commissioners throughout the state are differing on the way they handle this matter.

Mr. Patton stated that, according to his research, unless the courts say otherwise in its opinion, generally when the courts determine that a statute is unconstitutional, the statute is unconstitutional from the time the Governor signed it into law. He stated that there were several exceptions to this rule: When dealing with procedural laws or when dealing with situations that would be impossible to predict the unconstitutionality of the statute. He noted that in his research he could not find any sound authority on which to base a decision to retain the monies. He further noted that, in his legal opinion, he could not find any sound basis in existing law allowing the Commissioners to retain the money after the court said the statute upon which the initial decision was made was unconstitutional.

Mr. Patton stated that the Commission needed to decide, just as it did in December to grant the rate increase, whether the money should be re-paid to the treasurer or not.

Commissioner Miller stated that when the legislature put the rate increase item in the statute, it was done so out of a sense of fairness. She stated that in 1995, Associate Commissioners could not receive a raise because the Presiding Commissioner had to make \$2,000 more than the Associates. She noted that since the Presiding Commissioner did not run for office until 1997, there could not be a raise given until that Presiding Commissioner took office. She further noted that there was not a place then for the salary commission to consider the pay increase.

Commissioner Miller stated that in 1997 the Commission identified, if there was case law- or an Attorney General's opinion- that this rate increase would be retroactive. She stated that the statute was created to foster a sense of "fairness" for the Associate Commissioners. She noted that if the action had not been taken, the Associate Commissioners could not have received a rate increase.

Commissioner Miller stated that she agreed with Mr. Patton's observation that different counties throughout the State are approaching the recent court decision in various ways. She stated that some counties have even chosen not to return the monies, unless "their hand is forced". She

noted that she was not sure if the Attorney General would give an opinion, but added that his opinion had been requested.

Commissioner Miller stated that the Council for the Missouri Association of Counties had identified numerous issues that needed to be considered by Commissions, as the issue was addressed. She stated that one of the issues was the manner in which the motion was passed. She noted that the Boone County's Order was specific, adding that it dealt with the ongoing court case, at the time, or Attorney General's opinion. She further noted that the Commission didn't have many options due to the language of the salary Commission Order.

Commissioner Miller stated that many counties passed a motion that included all elected officials. She stated that it is the opinion of the council that if that was the case, the entire motion was illegal, and would require all the elected officials' salaries to be rolled-back.

Commissioner Miller stated that in the best interests of the County, the Associate Commissioners had no choice but to return the rate-increase payment. She stated that it would be a problem for both the County Clerk's office and the Auditor's office to determine how to address the issues of Social Security, the amended W-2, and various other issues. She noted that in terms of the money, she or Commissioner Vogt had no problems returning the money. She further noted that both Commissioners knew this issue was a possibility, adding that both banked their funds, pending the final outcome.

Commissioner Miller stated her concerns were about the responsibility of the Auditor and Clerk's office in this matter.

Commissioner Elkin stated that the entire issue was confusing. He stated that Commissioners' opinions across the state varied. He stated that based on legal counsel's opinion and the opinion of the Supreme Court, the Commission had "very few options regarding this issue".

Linda Vogt stated that she would not want her legacy to be that "she kept this money", noting that she did numerous other positive things for the citizens of Boone County. She stated that she was also willing to return the money. She noted that she also had questions regarding deferred compensation, retirement, and various other issues. She further noted that she only ended up with approximately \$17,000 of the original \$31,000, due to taxation.

Commissioner Stamper stated that he had been advised by other individuals that have been involved in various elements of this issue, that any action by the Commission should be focused on establishing a time-line for when the monies the Associate Commissioners received should be returned. He stated that as the issue relating to deferred compensation and similar matters would be complex. He noted that the Commission would have to engage the IRS, Social Security, and other various plans the County has. He further noted that this type of work would best be done by the Auditor and the County Clerk.

Commissioner Stamper stated that at this meeting, the Commission should express it's intent to

request that the funds be returned, based upon the Supreme Court's opinion. He stated that the Commission should further request that the County Clerk and the Auditor, along with legal counsel, move through the issues of the various other agencies that were in receipt of the funds.

Commissioner Stamper asked Commissioner Miller and Linda Vogt what would be timely deadline for the return of the funds that they received.

Commissioner Miller stated that the renewal on her CD was July 1, 2001. She stated that it would not be renewed.

Commissioner Stamper asked if the Commission set a deadline of July 20, 2001 for the funds to be returned, if it would it be acceptable.

Commissioner Miller and Linda Vogt agreed.

Commissioner Stamper stated that the Commission tried addressing this matter in the best interests of the people of Boone County. He stated that the Commission was also addressing the issue in such a way, "as was considered to be the law at the time". He noted that the County is not in a position where some of its Associate Commissioners would not participate with the return of the funds, or deny the opinion handed-down by the State. He further noted that some parts of the issue would be difficult, but added that the County would deal with it.

Ms. Vogt asked if the Commission should wait to take any opinion handed-down by the Attorney General into consideration.

Commissioner Miller stated that his opinion could help clarify the remedy to this issue.

Mr. Patton stated that the Attorney General's opinion does not have any greater force than any other lawyer's opinion. He stated that although the Attorney General's office is well-researched, it does not necessarily mean that he or she is correct. He noted that he would be surprised if the Attorney General did provide an opinion on the issue. He further noted that if the Supreme Court had clarified its opinion on this issue, the County would not be having this problem.

Commissioner Miller stated that the other counsel recommended that each county address the issue individually with its prosecuting attorney or legal counsel. She stated that the Commission should take Mr. Patton's opinion on this matter.

In public comment, Nancy Belcher (4000 North Wellington Drive, Columbia) stated that she was impressed with the Commissioners. She stated that each of the Commissioners seem concerned about the County's tax dollars. She stated that the Commission's decision to return the funds was commendable.

Ms. Vogt stated that the Attorney General's opinion could give the Commissioner's more clarification into the matter. She stated that if the Commission would make a motion today, that

it might also consider taking that opinion -concerning timing- into consideration in it's order.

Mr. Patton stated that the Attorney General will, most likely, not turn its opinion around quickly. He stated that this issue could be an exception, however. He noted that the opinion could be months away. He further noted that the County could contact the Attorney General's office to find-out when a possible time-frame for the opinion might be.

There was no public comment.

The meeting adjourned at 10:32am.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner