

TERM OF COMMISSION: February Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Shawna Victor

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

**Subject: Sheriff's Department**

Captain Beverly Braun was present on behalf of these items.

**A. Federal Annual Certification Report to the Department of Justice and U.S. Department of Treasury (Forfeiture Funds)**

Captain Braun stated this is an annual report that is sent to the Department of Justice and Department of Treasury to let them know how the Sheriff's Department spent their forfeiture funds. This report is due March 1 of each year.

In 2003, the Sheriff's Department used the forfeiture funds to pay for the following items:

- The Drug Unit. The County pays for the salary and the Sheriff's Department pays for the operational part of the unit.
- Maintaining the K-9 Unit
- SRO Grant Match
- Dictation equipment maintenance
- Pagers and cell phones for the drug unit.
- Training
- Surveillance system
- Lab testing
- Storage cabinet

Commissioner Elkin asked what the total amount of forfeiture funds received by the department. Captain Braun stated in 2003 the department received \$5,284 and in 2002 the department received around \$110,000. There is a balance of \$38,146.49 in the Justice Funds and \$144,048.72 in Treasury Funds.

Commissioner Miller moved to authorize the Presiding Commissioner to sign the Federal Annual Certification Report on the Boone County Sheriff's Department Forfeiture Funds.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 58-2004**

**B. Second Reading and Approval of Budget Revision**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1123-86800: Emergency	\$78,951.00	
1255-71100: Correction – Outside Services		\$78,951.00

Said budget revision is to cover November and December 2003 out of county housing costs.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 59-2004**

**Subject: Juvenile Justice Center – First Reading of Enhancement of Medical Services Award of Contract and Budget Amendment**

Kirk Kippley, Juvenile Justice Center Superintendent, was present on behalf of these items.

Kirk Kippley stated JJC has been awarded a grant in the amount of \$8,938.50 for the Enhancement of Medical Services. This will provide new equipment for the medical room at JJC and provide training. There is no county match for this grant.

The budget amendment will establish a budget for this grant.

Mr. Kippley requested the second reading for the award of contract be waived due to the fact the contract has to be returned by February 27.

Commissioner Elkin moved to approve the Award of Contract with the Missouri Department of Public Safety for Enhancement of Medical Services Contract Number 02-JEC-03 in the amount of \$8,938.50.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 60-2004**

There was no further discussion on the budget amendment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting after the required 10 day waiting period with an appropriate order for approval.

Commissioner Miller requested the JJC Progress report be given while Mr. Kippley was present.

Commissioner Miller stated she signed a change order in the amount of \$670 credit. This was due to a change in the kitchen equipment. She noted \$1783 was spent to replace the existing sanitary sewer pipe, \$163 to raise the clean out, \$599 to remove unsatisfactory soil, \$125 to reconnect and raise an existing clean out, and \$663 to remove the existing steel portal frame and existing exterior boys detention wall.

Mr. Kippley discussed the new changes to the building.

He noted the construction is on schedule to finish on target, Labor Day 2004.

**Subject: Public Works**

**A. Second Reading and Approval of Memorandum of Understanding**

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

David Mink stated the final version of the Memorandum of Understanding was first read in the Commission meeting on February 17, 2004. The document had been signed by a Local 773 official and was presented to the Commission for signing. The local Union business representative and one of the Union stewards spoke in the meeting against the proposed document even though it has been signed. Statements made seemed to call into question the integrity of the negotiating team. Their intention to do this was not made known to the negotiating team and appears to be an attempt to bypass the established negotiating process. The negotiating meetings were amicable so this negative focus was quite unexpected.

He believes that a good Memorandum of Understanding achieves balance between the needs of the employees and the taxpayers. He believes that the agreements of the past several years have been overly generous to the employees to the detriment of the public.

The past agreements have resulted in annual pay increases of five to 10 percent, wages exceeding market rates by up to 40 percent with no salary cap, excessive payment of overtime and excessive sanctioned absenteeism. The total compensation of several employees exceeded that of the Superintendents and two exceeded the salary of the Division manager. The past agreement has made it very difficult to accomplish work and control costs.

The Commission tasked the negotiating team to develop an agreement that more closely resembled the County Personnel Manual in place for other County employees and yet recognize some of the unique duties inherent in these positions. He believes that the agreement before the Commission is equal or better than the policies in the County Personnel Manual in every respect and yet is responsive to public interests.

Mr. Mink stated he understands the angst that this agreement has generated among the employees but believes that it reflects the goals of the Commission and the agreements reached. Given time, he believes that they can work through problems as they arise during implementation. Despite the objections, he encourages the Commission to adopt this agreement as negotiated, voted on and approved by members and signed by a Union official.

Commissioner Miller stated the Commission had a worksession on February 23, 2004 about this issue. The Commission requested Mr. Mink to identify what the original Memorandum of Understanding (MOU) was, what the Union proposal was, what the management proposal was, and what the negotiated agreement turned out to be. In listening to several members of the Union, the biggest issue was the 40 hour work week and the fact that it did not include comp time or vacation time in accruing overtime. The 40 hour work week had to include actual time worked or vacation because vacation is something they do not have a choice on.

In looking at Boone County's competition, such as the City of Columbia, and what they do. They have a 40 hour work week. They have 40 hours of comp time, which is different from Boone County's because it will be 80 hours. They have several other differences but does include in the 40 hour work week. This is based on time worked and any authorized and paid time off counts towards the 40 hours. Authorized and scheduled time off, she believes is a reasonable compromise. If the County can have the 10 day notice so scheduling can happen, which happens a week in advanced, then it alleviates the concern of management that they cannot get projects scheduled and allows for the Union members to be able to use their comp time and vacation time. As long as it is scheduled then it can be counted the 40 hour work week. This is something she would like the Commission to consider as an amendment to this MOU.

Commissioner Schnarre opened the floor for public comment.

Greg Mullanix, Union Steward, stated parts of the MOU they were not given a choice on. It was done that way for information. Different comments were made than what actually happened. They felt they had no choice in signing the MOU. They were told this openly and plainly. It was either this or go with out a MOU. They felt that that was unacceptable. They have been reminded, on more than one occasion, that if they did not have the MOU then they would be fired there on the spot. That is not a good environment. There were other members of the Laborers' Local 773 present and he thanked them for their support. A lot of Public Works employees showed up today to show that what he said last week was not just one disgruntled employee, which was brought to his attention.

Mr. Mullanix stated they were not trying to undermine anyone; that is the reason they did this in the open. They felt that this was not handled in the fairest of manners as it should have been or had been in the past. As Commissioners, they have the right to know about it from the employees.

Commissioner Schnarre asked for an explanation of why this was unfair and different from the past. Mr. Mullanix stated they have been allowed to negotiate and bargain as a normal unit on both sides. In this particular negotiation, there were points where they were told that an item had been voted on by the Commission already, it was done, accept it and go on.

Commissioner Schnarre asked what points those were. Mr. Mullanix stated the 40 hour work week as it stands at this time, the holidays as it stands at this current time, comp time was given on, and there were several points where there was no give.

Commissioner Miller stated it is to her understanding that when the Commission went through negotiations, they had requested the Union prioritizes their issues. The Union had brought forward around 30 issues to the table but did not want to prioritize them because they were all important to the Union. She stated it is hard to get into negotiations if you do not have any top priorities and the Commission had their top priorities. Those were shared with the Union at the front end what those priorities were. She asked for an explanation of why they chose not to prioritize what their priorities were, which would have allowed for more focused negotiations, and the Commission did give direction that they wanted it done when the agreement ended. When you cannot focus on the top priorities, it drags things out and forces things at the end to move faster.

Mr. Mullanix stated in the past they have never prioritized at the first meeting but at a later point they did prioritize. The top priority of the Union was binding arbitration. They had talked with Commissioners in the past about this and had gotten pretty close several times to an agreement between the Commissioners and the Union. At this particular negotiation, they were told not to even bring it to the table because it would not be taken back to the Commissioners. It was not going to happen; they did not even want to discuss it. They had other top priorities and several of those could not be discussed.

Commissioner Schnarre asked what those other priorities are. Mr. Mullanix stated binding arbitration was their biggest but the others are on a list that he would have to look at.

Commissioner Miller stated she has been here for a few negotiations and in the past they would receive a list of things the Union wanted and the Commission could discuss those in a closed session. She does not feel that they ever got to that point. She felt that going along that the meetings with the Union and staff seemed to be productive. She felt like there was a lot of give and take in the reports they received. This was after the 40 hour work week. She felt that things were moving along well.

Mr. Mullanix stated many topics were worked out, reasonable things that both sides wanted. On many of the things the Union brought to the table were not even discussed. That happens, that is not a problem. Their main focus was, when you got down to things, you either work with them, bargain with them or you drop them out. When it got down to a 40 hour work week, no choice, you're going to swallow it.

Commissioner Elkin asked if the negotiating team was informed that everything was not alright. Mr. Mullanix stated yes, several times. They were upset about it and had to take breaks several times to cool off because it got so intense.

Commissioner Schnarre stated he believes they had sidebar negotiations without the attorneys present and a lot of the negotiations were accomplished in those sidebars. Mr. Mullanix stated that is correct.

Commissioner Schnarre stated the Commission listed their priorities; 40 hour work week, comp time, skill base.

Commissioner Miller asked if the amendment she offered is reasonable compromise. The amendment was to allow scheduled and approved vacation and comp time be included in the 40 hour work week going toward overtime because overtime is the issue. Mr. Mullanix stated that is correct. Under the past understandings and discussions they have had as a group, they offered the same wording for the amendment many times to the negotiating team and were turned down.

Commissioner Miller stated the negotiating team had asked the Union if there were any other agreements like what was being requested, the eight hour work day, and they did not get any. But they did not ask for what was in the market, like the City of Columbia.

Mr. Mullanix stated they did ask that question for other Unions in this area.

Commissioner Miller asked if they had Union agreements like the current agreement. Mr. Mullanix stated not all of them.

Commissioner Miller stated it was to her understanding they were not. They did not look at areas that are competition and this is why she brought the amendment forward today. She had not discussed it with Commissioner Schnarre or Commissioner Elkin. She discussed it with Chip Estabrooks, Road Maintenance Operations Manager, only because they looked at a problem this morning. She mentioned she would offer an amendment because the City of Columbia includes scheduled and authorized paid time off. She thought that might be the compromise they should be going toward at this point. She believes this is giving on both sides.

Mr. Mullanix stated he understands and all he can give is the past discussions.

Commissioner Miller asked if this has been offered before. Mr. Mullanix stated yes they have.

Rex Taggart, Local 773 Field Representative, stated it is consensus of the employees that they do not feel like the negotiations were done in good faith from the start. His biggest issue when they came to the table was Mr. Patton said there would be a 40 hour work week, either they can agree to it or there will not be a MOU come December 31. He believes that got things started off in a bad way. That is not good faith negotiations and bargaining, when someone comes in and throws something on the table. It made it difficult and believes many more hours were put into this if it had not been started on that tone.

This put the Union on the defensive to try to negotiate something to save this MOU. They did not like it. They probably did everything they could to get over the toughest part. Mr. Taggart stated he cannot add much more than what Mr. Mullanix previously stated. That is the consensus of the employees.

He noted they did their part to negotiate in good faith. As far as prioritizing Union issues, that probably should have been done. That probably did not get done properly and Mr. Taggart took part of the blame for that. This was his first time doing the County negotiations. The Union still believes all their issues are good issues. They will try to do better next time.

Commissioner Miller stated the Commission will do the same.

Mr. Taggart stated they are unhappy being dictated to to begin with.

Commissioner Miller stated she thinks that is something they cannot take back and have to move forward. The clearest message that the Commission needs to send out of here today is that they do support the work force that works for the County. They do a good job, the Commission counts on them and they do come through in a time of need. But there are more projects that need to get done in a year's time that the public is hoping to see get done. It is a compromise with management trying to schedule things and get more work

done but also be fair to the employees. This is why she offered the compromise today. She believes that in looking at all the issues that seems to be the hardest. She is sorry it got to that point but believes that it is a reasonable amendment.

Commissioner Elkin asked how other negotiations are handled with other entities. Mr. Taggart stated usually at the first meeting there is an exchange of issues. They had no idea that the Commission had tasked their committee to go to a 40 hour work week and give up the hours. Those are some major changes and they were kind of blind-sided there. On top of bringing those issues, they were saying you accept this or there won't be a MOU.

Mr. Taggart stated normally what happens is ideas are exchanged. He goes back to the Union members in a meeting situation to get their input. Management will take the Union's issues and discuss those and come back. But when you come in and say this is the way it is going to be or there won't be a MOU then they are going to lock up. These guys do a lot more than other County employees. When you change their schedule as drastic as this 40 hour work week has done, it would have been nice to give the employees a heads up that this is what the Commission wanted.

Wayne Garrett, Union Steward stated he felt that during negotiating meetings they were told this is what the Commission wants and this is the way it is going to be. There were some issues that were negotiated but on the big issues it was like this is the way it is. At the end, they were told this is the last and final offer. So they discussed it, came back in and they bring up holiday pay. This was not on their priority list. Family holidays they now what them to work for 1.5 overtime where they used to get double time. You have to leave your wife and kids on Christmas day to come work for 1.5 overtime now where in the past they at least got double time.

Mr. Garrett stated he believes Commissioner Miller's offer is a good offer. He is really concerned about the holiday issue. He believes they should be able to negotiate like the are able to negotiate.

Commissioner Elkin asked when the holiday issue was brought forward. Mr. Garrett stated John Patton told them this is the final and best offer. The Union members went out, talked about it, came back in, and that is when holiday pay was brought up. They told them it was part of the 40 hour work week.

Commissioner Miller stated that is where the discussion happened because they were including holidays as part of the 40 hour work week that is approved towards overtime.

Mr. Garrett stated they have different holidays; there is Martin Luther King Day which is a regular holiday and Christmas, Thanksgiving and New Year's Day are family holidays.

Commissioner Miller asked if this was standard in the Union world to have family holidays. Mr. Garrett stated it has been that way ever since he's been working here.

Commissioner Miller stated she had not heard that term before.

Mr. Taggart stated Boone County is the only entity that has family holidays.

Mr. Garrett stated he does not like the \$2 per hour night premium. They are wanting to do shift work. They have been removing snow for 50 years and now they are wanting to put them into shifts having people come in and make \$2 more an hour than their normal pay rate. Before it was all 1.5 overtime. He does not believe they are receiving compensation for the work begin done, having to leave their family in the middle of the night for \$2 per hour more.

Commissioner Schnarre stated after they have put in their 40 hour week then they will get 1.5 overtime for their night work.

Chip Estabrooks, Road Maintenance Operations Manager, stated he was part of the negotiating team that negotiated the Union contract. He thinks it is interesting to listen to this because in their first meeting with the Union, he believes there were two gentleman in suits from Illinois, a female attorney, a few other Union representatives along with the Union Stewards and local business agent. Throughout the course of the negotiations with the Union in their formal meetings, they had an attorney present throughout and never once heard the attorney cry foul. Never once did he hear the attorney say that something was out of the ordinary. On several occasions, comments were made that they were negotiating over things like comp time that they had not been asked to negotiate for.

He takes exception to the comments made that anyone was forced into any thing. He has not been a part of the Union negotiation before but he sat before the Commission and negotiated different items. He thinks if this Union is this sophisticated and they enter into negotiations, they bring all their attorneys and business agents with them, they go through the whole thing, they sign and vote on an agreement and then after the agreement has been presented to the Commission cries foul and wonders how professional the organization is.

Commissioner Schnarre asked if Mr. Estabrooks had worked with Union negotiations at previous jobs. Mr. Estabrooks stated he was privy to some from the outside to some Teamster negotiations with the Ready Mix Company but was not formally part of the negotiating team.

Commissioner Elkin asked Mr. Estabrooks to elaborate on what he meant by privy. Mr. Estabrooks stated it was similar to the Commission's closed session discussions; he only sat in on the management portion of the negotiations.

Commissioner Elkin asked if he was part of the negotiations. Mr. Estabrooks stated no.

Mr. Estabrooks stated the holiday pay was set up in the past to where they would get their

eight hours of holiday pay and then they were paid a double time premium to come in, which in essence was a triple time payment for those days. Under the current agreement, they are getting holiday pay, which is eight hours straight time plus 1.5 overtime, which is equivalent to 2.5 pay rate.

Glenda Castrop, wife of Union employee, asked how they can compare the Boone County Public Works employees to the City of Columbia. She believes the Boone County employees are dedicated. They need to look at the eight hour work days then overtime because no other employee puts in that kind of time.

Commissioner Miller stated she believes Mrs. Castrop misunderstood. She was not comparing how the City and County employees work but was trying to improve on the agreement as it is today.

Mrs. Castrop stated she did not misunderstand. You do not compare apples and oranges when you're talking about these guys and their work; the City is completely different than the County.

James Csolak, Union member, stated he has worked for the County for six years. When he first started, he was impressed with the things the County did and was proud when he got hired. The benefits are what mainly brought him to the County. In the time he has been here, he has been through a number of snow fights. It was tough to get called in at anytime of the day or night to work but they fought it from beginning to end. No one complained about 1.5 overtime or double time, they just fought it. When it was done, they ended up with rewards of "job well done". The public would see what had been done and they would feel proud. They were able to use their comp time and 1.5 overtime as that reward. There was no 40 hour work week. The morale was outstanding. He has been in management most of his working life and this is the first time that he stepped down and punched a clock. The employees had a great time. They would get their job done, go home at night and feel good.

Now, six and a half years later, it has gone from being proud of the job to being ashamed. The morale is so bad at Public Works, it is difficult to get up and come to work. Now, from his management point of view, if an employee were to call to say they did not feel like coming in so they were going to take comp time, as a manager, if Mr. Csolak said it was ok to take the time off but complain later in the day that the work was not getting done then he believes that he would be looking at the management not the employee because the employee earned that time off. If there are a lot of projects he is doing at home, he does not spread himself so thin that the cannot be completed, he does it were he can get it done and do a quality job. Rather than split five people up to do a 10 person job, let us take a job do it right then move on to the next one.

If an employee is sick, that's one thing. If an employee asks a head of time to have off and management says ok then it is ok. He believes a lot of the project problems is with

management. He says this with respect because he has been the management before. He respects the Commissioners, he respects what they do and has looked at them as being fair but he has to be honest in the last couple of years the County has really been in some need of change. He is with Commissioner Miller in being progressive but the employees need to move forward also. He has seen the employees and Commissioners move further and further away. Everyone has to move together forward.

Mr. Csolak stated he feel there is a lot of tension and there does not need to be. There are a lot of good guys, and good girls in the office, and they all work hard. The benefits that they allow them to have was a great deal. They have no idea what that does for morale. You let a person know they did a good job and mean it, there are many ways of doing it, even if it just a pat on the back. But to show people that you care is where it is at.

Commissioner Schnarre thanked John Patton for coming to the meeting. He noted the Union Stewards made comments earlier that they were told this is the way things were going to be, there were no negotiations and asked for his opinion on this.

John Patton, County Counselor, he disagrees with that statement. What was communicated was the Commission was not going to extend the existing agreement when it expired at the end of 2003. If an agreement was not reached by the end of the year, they would continue negotiations but that agreement would expire.

Commissioner Schnarre reviewed the schedule of meetings and some of the items discussed at the meetings. He noted the Commission emphasized to the negotiating team at the November 25 meeting that they would not extend the present contract after it expired. Mr. Patton stated that was correct.

The holiday pay was discussed at the December 29 meeting with the Commission and negotiating team.

Commissioner Schnarre stated when he was running for office; Public Works and taxpayers' money were two of his topics. In looking at things, he saw things that needed to be changed. The statistics showed 20-30% daily absenteeism because of the use of comp time. In checking with other organizations, they use a 40 hour week. They also use an eight hour day and got the overtime afterwards. They also know their employees will put in their 40 hours without using comp time. They do give credit for vacation time during that week. They know they will get 40 hours of work from their employees. He felt there should be a higher show-up rate to get the work done. Someone told him they needed more employees but he feels that more people should show up. He is in favor of paying overtime. He does not like comp time.

He asked for the Union Stewards to explain to him what is unfair about this MOU. They get a 40 hour week, overtime for any work over 40 hours, a bonus for night work, comp time, work on Sundays at 1.5 overtime, being a County employee they receive other

holidays that many other business do not have, and across the board merit. He noted the pay ranges were set up taking into consideration the conditions that the Public Works employees work in. For some employees, their 1.5 overtime pay is over \$30 per hour.

Commissioner Schnarre stated some have questioned whether he takes care of employees. He has employees with his operation, he takes care of them and they do not come close to making the salaries of some in the County. His employees are hard working and he does not have to ask them to come in to help, they offer. He expects to get the benefits out of his employees. He expects to be fair in the money he spends. He expects the County citizens to get their moneys worth into the people that work for Public Works. He believes the Public Works employees do a good job.

Previous Union agreements were way out of whack compared to what is in the market place. Something tells him that it people are worried about the overtime then people do not want to put 40 hours of work in. He believes the only way to solve the problem is to make people work 40 hours. They have to start having 90% show up, like the rest of the world.

There was discussion from the Union employees about the 40 hour work week, overtime and other benefits.

Everett Sapp, Union employee, stated the use of comp time was not a problem until the new management came in at Public Works and this Commission started.

Commissioner Miller stated everyone agrees that there was a management problem with the use of comp time.

Mr. Sapp stated he used his comp time for days when his health would not allow him to come to work.

There was discussion from the Union employees about the amount of work that is done by Public Works employees, their evaluations, and how this agreement has cut their benefits.

Randy Garrett, Union employee, stated when he began working at Public Works, he thought it was a good deal too. He agreed with comments made by Mr. Csolak. He believes the Commission is slowly taking stuff away and with this agreement, the hatchet has been dropped. The employees work hard in the summer but he does not know if that will happen now.

Chet Dunn, Union employee, stated the employees do not take off because they want to take off; they do it because they are told they have to.

Commissioner Miller stated that is a management issue.

Commissioner Schnarre closed the floor for public comment.

Mr. Mink stated he had only been here for a few weeks when the 2001 agreement started. Because he was new, he did not understand what had happened in the past and during the negotiations. Looking back, he can see there were a lot of gains by the Union because of his newness to the County. He believes negotiations went heavily in favor of the Union.

He heard a comment about people being told that without an agreement they would be fired. This comment did not come from management and he does not know where that came from.

There were comments made about binding arbitration. Mr. Mink noted Mr. Patton had said it was not negotiable so the subject was dropped. There was no follow up by the Union attorney. He took it to mean that it was not an issue that the Union was interested in pursuing.

Mr. Mink stated there has been a perception that the negotiating team communicated back that there was happiness about this. He does not think the team ever said there was happiness. Under the structure that was set up there was agreement and yes there were times when people left the room and came back in to say everything was cool and moved on. He is not sure if the team did insinuate there was complete happiness with this; that was not their intent. They felt like there were agreements reached in accordance with the structure that was set up.

There was a lot of time spent in sidebar discussions where a lot of the issues were actually hammered out. Those were done without the assistance from the attorneys on either side. There was a lot of discussion about the 40 hour work week, skills based, and comp time, and that is where the hard work of reaching those agreement came out.

He believes it is important to remember that it is a Memorandum of Understanding; it is not a contract in the strict sense of the word. The requirement is to meet and confer and he believes that was done.

Mr. Mink stated the family holiday time did come up late. To his way of thinking, the agreements that had already been reached basically negated that and made it non-enforceable because it was different from what was already negotiated. They did bring it up to be discussed at the last minute to see how it would be handled. They believed 1.5 overtime was fair and is a change from the old agreement where it used to be double time.

The \$2 per hour shift premium was proposed by management as an add on to the normal salary with the understanding that it is difficult to get up in the middle of the night and come to work. It is true that the job they have accepted includes this kind of work. It is true when the salaries are calculated that is taken into account. So, they felt that this was a premium that was added on as somewhat of a bonus for a difficult situation.

It was mentioned that if the employees were not being paid overtime they were not going to work overtime and this is a concern to Mr. Mink.

Comments were made about the morale and people were ashamed to come to work. He regrets that and hopes to see it change. They need to develop a professional force that is proud to come to work. He does not think that people should work in an environment where people do not enjoy their jobs. He hopes this can be addressed in the future.

Mr. Mink stated that comments were made about the management did not control the time off very much and there were delays in projects and were blamed on management. They were operating under a structure that really did not give a choice because there were so many sanctioned days off that it was difficult to say no. When do you find the time to allow people to have four to six weeks off every year? That's hard to do when you have a staff of 40 and they all have this much time. The approach they are trying to take is to correct the current system so they can manage the time off. He believes that is a reasonable thing to do.

Mr. Mink stated comments were made about having good employees and he agrees. There are good people at Public Works. He talked with Mr. Garrett this morning and told him this is not about individuals or their personal strengths or weaknesses, it is about the structure they are trying to work under. He believes it is important to settle this issue so everyone can understand the rule and work under the established rules.

He agrees that benefits are good for morale. But at some point the County has to look at the return on their investment. If the County continues to try to satiate human desire with more money thrown at problems then the problem is not being addressed in a proper manner.

Comments were made about not having to work overtime. That is a misconception. He believes the Fair Labor Standards Act does allow for compulsory overtime. It is not necessarily a voluntary thing. It has been mostly voluntary because they have thrown enough money at it that people wanted to do it. If they manage properly then he believes they can compensate fairly and still get the work done the citizens expect to be done.

The Public Works department does not fall under the Department of Transportation rules about the 10 hour truck rule. That rule is for over the road truck drivers and not for public sector emergency services.

A comment was made that the roads are getting worse. Mr. Mink stated it is tough when there is so much absenteeism that they find it hard to actually have the time to work. A call was put out last Friday to have people stay to help after work but the concern was about working through lunch.

Mr. Mink stated they have restricted working through lunch. It has been a practice that has been abused and has had direction to bring that under control. He believes they are working on it. He thinks it is important that people have the chance to stop and take a break during the day. No one has asked to work through the paid break but the employees stop for that. It does not seem to work both ways.

The office remodeling project was mentioned. He believes people have to remember that there are other employees in the Public Works Department besides the Union employees. They have to provide a good place for those employees to do their work as well. The new office space for other employees is like a new work truck to the maintenance workers. It is important to have good work space for all employees.

Mr. Mink stated he also manages the Facilities Maintenance staff. He is concerned that they are not treated the same. They work under the County policies yet they come in during the middle of the night to remove snow on the sidewalks and do a lot of hand shoveling. He believes it is important to keep in mind that there are other employees that also put in a lot of effort in the County.

There was talk about cuts about COLA. What he sees is the wages of many employees are well over the County's established cap of 120% of the market rate. The talk about cuts is not born out by the facts. The fact is the department is paying way more than the market salary rate.

Skills based pay was set up before Mr. Mink began working for the County. It was continued in the previous agreement. He has not been a skills based fan and especially of this one because it was not set up properly to control the costs. There were people who were getting \$1 per hour raise and that was after they tried to get it under control. There are a lot of workers throughout the state that would like to get a \$1 per hour raise. The fact that someone chose not to do that was their choice.

He appreciates Commissioner Miller's offer of compromise. He reviewed other contracts and those contracts did have similar wording to allow for a variation on her proposed amendment. If that is a compromise that addresses the issues raised today then it is workable. They can work with whatever is adopted. Whatever is adopted, he hopes that management and Union employees can get back to business of providing a service to the County.

Gary Wieberg, Union employee, commented on working through paid breaks and lunches.

Mr. Mink reminded the Commission that the issue before them was the MOU.

Commissioner Elkin stated people are always saying that County employees are the greatest asset and he stands behind that statement 100% but is taken back by the comments that have been made concerning the Public Works employees. When he took

office three years ago, he knew many of the Public Works employees and has gotten to know many more since he has taken office. The confidence and respect for the administration over the past three years has taken a nose dive. He does not know why this has happened. He can tell you from running his own business that if you do not have respect and admiration of your employees then the ship will start to take on water and it won't be long before the ship sinks.

He has heard a lot about change and understands some people are resistant to change. Not all change is a good thing. He questions the path on some of the changes that are being proposed. Is it in the best interest of the taxpayers? That is who the Commission serves; they do not serve management or staff but the public and sometimes they lose sight of that. Do you want to lead with confidence and respect or with oppression and intimidation? He knows which path he would chose to lead by.

He knows that everyone wants to maximize their resources and efficiency. He thinks that is what all this debate and discussion is about, getting the most bang for the buck. Can we do better? Of course we can. He knows he can do better also and tries every day.

Commissioner Elkin stated a chain is as strong as its weakest link and believes that Mr. Mink has a serious problem in his department. It is more than just a piece of paper with terms and conditions of an agreement. There is a problem out there and believes it would be in the best interest of the public for Mr. Mink to get a handle on the problem. He does not know how, he does not have the answer but Mr. Mink is the manager.

The other issue is the MOU. Commissioner Elkin stated he has heard a lot about show up time and things of that nature. To him that is not a paper problem, that's a problem with management. That is an inefficiency of directing the employees. For Mr. Mink and Mr. Estabrooks to say they have no control of their employees, he does not buy that. He does not think the MOU will solve all the problems that have been discussed.

Commissioner Elkin stated he takes exception to Mr. Estabrook's comments about the professionalism of the Union. He believes that was way out of line and he does not buy that.

He agrees there needs to be some changes and does not think anyone disagrees with that statement. To give the Commission, who was not in on the negotiations, the impression that people were happy with the MOU was insinuated. The intent of the negotiating team's direction to the Commission was the Union was ok with it when in fact they were not ok with it.

Commissioner Elkin stated he is not prepared to support the MOU. He would like to investigate Commissioner Miller's proposed amendment. He will not support the MOU as presented today.

Commissioner Miller stated she could support the MOU with her proposed amendment.

Commissioner Schnarre asked for Commissioner Miler to explain her amendment.

Commissioner Miller stated the amendment would be for the 40 hour work week and would be based on time worked and any authorized and scheduled time off, comp time or vacation and would also count towards the 40 hour work week.

Commissioner Schnarre stated he would be willing to agree to the amendment with all vacation days. He is not willing to include the comp time.

Commissioner Miller stated she thinks a worksession is needed to discuss this issue.

Mr. Mink asked for more clarification of the amendment.

Commissioner Miller stated a 10 day notice would have to be given for the scheduled time off.

There was discussion about the use of comp time.

Commissioner Miller moved to approve the Boone County, Missouri Laborers' Local 773 Memorandum of Understanding 2004-2006 with the following amendment:

- Based on time worked and any authorized and scheduled time off with a 10 day notice counts towards the 40 hour work week.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed as follows: Commissioner Schnarre – Aye, Commissioner Miller – Aye, Commissioner Elkin – Nay. **Order 61-2004**

**B. Second Reading and Approval of Water Line Relocation Agreement with Public Water Supply District #9**

Commissioner Elkin moved to approve the Water Line Relocation Agreement with Public Water Supply District #9 for the Olivet Road/Richland Road improvement project.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 62-2004**

**C. Second Reading and Approval of Budget Revisions**

Commissioner Miller moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
2045-71100: Public Works – Outside Services	\$3,850.00	
2045-10600: Public Works – Unemployment		\$3,850.00

Said budget revision is to cover FY2003 unemployment charges.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 63-2004**

Commissioner Elkin moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
2040-92400: Public Works – Replacement Auto/Truck	\$31,514.00	
2040-10100: Public Works – Salaries		\$11,769.00
2040-10110: Public Works – Overtime		\$19,745.00

Said budget revision is to cover FY2003 salaries and wages.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 64-2004**

**Subject: Planning and Zoning – Second Reading and Approval of Budget Revision**

Commissioner Miller moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1720-10100: Building Codes – Salaries and Wages	\$5,300.00	
1710-71101: Planning and Zoning – Professional Services	\$2,700.00	
1710-91200: Planning and Zoning – Seminars/Conferences	\$746.00	
1710-10100: Planning and Zoning – Salaries and Wages		\$1,536.00
1710-10110: Planning and Zoning – Overtime		\$7,210.00

Said budget revision is to cover FY2003 salaries and overtime.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 65-2004**

**Subject: Treasurer’s Office – Second Reading and Approval of Budget Revision**

Commissioner Schnarre moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1140-10100: Treasurer – Salaries and Wages	\$4,090.00	
1140-71107: Treasurer – Bank/Credit Services		\$4,090.00

Said budget revision is to cover bank service fees.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 66-2004**

**Subject: Public Defender – Second Reading and Approval of Budget Revision**

Commissioner Elkin moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1123-86800: Emergency	\$1,961.00	
1285-71500: Public Defender – Rent		\$1,961.00

Said budget revision is to cover additional rent allocation for FY2003.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 67-2004**

**Subject: Clerk’s Office – Second Reading and Approval of Budget Revision**

Commissioner Miller moved to approve the following budget revision:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT DECREASE	AMOUNT INCREASE
1123-86800: Emergency	\$896.00	
1191-71016: Insurance and Safety – Auto Claims Deductible		\$896.00

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 68-2004**

**Commissioner Reports**

*Commissioner Schnarre*

*Notice of Voluntary Annexation*

Commissioner Schnarre stated the County has been notified of the following voluntary annexations:

- Approximately 0.3 acre of land owned by William C. and Barbara B. Johnson, located on the northeast corner of Scott Boulevard and Bethany Drive (3540, 3542, 3544, 3546 Bethany Drive)
- Approximately 3.87 acres of land owned by Payne Enterprises, Inc., located on the south side of Clearview Drive, east of Clearview Road

*Commissioner Miller*

*Bonne Femme Policy Committee*

Commissioner Miller stated she has requested the Commissioners to make suggestions of people who they would like to serve of the Bonne Femme Policy Committee.

*Ashland Drug Task Force Meeting*

Commissioner Miller stated the Ashland Drug Task Force is now known as Southern Boone Community Engaging Parents Organization. There will be a meeting on March 9, 2004 at 7:00 p.m. in the High School auditorium. Britt Shea from the Sheriff's Department will give a presentation on watching for drug use. Jane Stock will give a presentation on how to talk to kids about drug and alcohol use. She requested this be put on the Mental Health web page.

*JJC Progress Report*

This was given previously in the meeting with Mr. Kippley.

*Commissioner Elkin*

No reports at this time.

There was no public comment.

The meeting adjourned at 11:35 a.m.

Attest:

\_\_\_\_\_  
Keith Schnarre  
Presiding Commissioner

\_\_\_\_\_  
Wendy S. Noren  
Clerk of the County Commission

\_\_\_\_\_  
Karen M. Miller  
District I Commissioner

\_\_\_\_\_  
Skip Elkin  
District II Commissioner