

TERM OF COMMISSION: October Session of the October 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 1:32 p.m.

**Subject: Purchasing Department**

Heather Turner, Purchasing Department Buyer, was present on behalf of these items.

**A. Open Bid 73-07OCT04 (Good Time Acres Neighborhood Improvement District Project)**

	<b>APAC</b>	<b>APAC Alternate</b>	<b>Columbia Curb and Gutter</b>	<b>Lehman Construction LLC</b>	<b>Aplex</b>
<i>Section 5.1 – Base Bid Concrete Pavement</i>	\$296,715.80	\$268,775.00	\$227,023.00	\$234,377.00	\$215,512.00
<i>Section B-1 – Water Line Relocation Total Base Bid</i>	\$39,649.00	\$39,649.00	\$43,410.00	\$17,810.00	\$22,220.00

Commissioner Miller asked how much was budgeted for this project. Heather Turner stated she believes the budget for this project is around \$125,000.

Commissioner Schnarre noted the bids received will be forwarded to the department for review and brought back to the Commission at a later date with a recommendation for award.

**B. First Reading of University of Missouri Cooperative Bid C051904 (Commercial Wireless Service)**

Heather Turner stated the Purchasing Department is requesting permission to utilize the

University of MO cooperative contracts for Commercial Wireless Service. We have currently been utilizing their contracts for this service with Cingular and US Cellular. The University recently re-bid this as a non-competitive, non-exclusive, multiple-vendor bid in order to contract with as many service providers within the state in order to have access to the widest selection of products, services and coverage areas. The three contracts are with Sprint, U.S. Cellular and Cingular. The initial term is one year with four one-year renewals.

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 with an appropriate order for approval.

**Subject: Sheriff's Department**

**A. Second Reading and Approval of Contract with Missouri Police Chiefs' Association**

Commissioner Elkin moved to approve the Agreement Providing Training Services between the Boone County Sheriff's Department and the Missouri Police Chiefs' Association.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 423-2004**

**B. First Reading of Budget Revision**

Sheriff Ted Boehm was present on behalf of this item.

Sheriff Boehm stated this budget revision is to cover shortages in classes 2 and 5 due to the rise in gas prices, vehicle repairs and tires. This is also for prescription medicines. Savings have been identified in class 1 to cover these shortages. The reason for the excess in salaries and wages is due to vacancies in the department throughout the year.

Sheriff Boehm noted in preparing the FY2003 budget, he budgeted an additional \$15,000 from the FY2002 budget for gas. In preparing the FY2004 budget, gas prices were calculated at \$1.26 per gallon. In September 2003, the department received the bill from Public Works with gas prices at \$1.57 per gallon. In May 2004, gas prices were billed at \$1.72 per gallon.

Commissioner Miller stated this shows how many miles are driven by the deputies. The Commission was aware of the rise in prescription drug costs.

Commissioner Miller noted the budget revision is requesting to transfer \$50,100 from Sheriff Operations Salary and Wages. Of that \$50,100, \$38,300 will be transferred to the gasoline line item, \$8,800 will be transferred to the vehicle repairs line item, and \$3,000 will be transferred to the tires line item. \$42,000 will be transferred from Corrections Salary and Wages. Of that \$42,000, \$24,000 will be transferred to the prescription drugs line item, \$4,000 will be transferred to the non-prescription drugs line item, \$3,700 will be transferred to the maintenance supplies line item, \$7,100 will be transferred to the gasoline line item, \$3,000 will be transferred to the vehicle repairs line item and \$200 will be transferred to the tires line item.

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 with an appropriate order for approval.

**Subject: Discussion – House Bill 1055 County Law Enforcement Restitution Fund**

Sheriff Boehm stated he attended a meeting a few weeks ago with the Presiding Commissioner, a representative of the Courts, a representative from the Prosecuting Attorney's office, and County Counselor John Patton to discuss House Bill 1055. During that discussion the Courts expressed concern about this bill.

House Bill 1055 went into effect in August 2004 and is referred to the County Law Enforcement Restitution Fund. This can only and may be established by a County Commission. If the County Commission decides to do this, then a Board of Trustees has to be established; two citizens appointed by the Presiding Commissioner, two citizens appointed by the Sheriff and one appointed by the Medical Examiner/Coroner. This Board will have the sole authority on determining how the money is spent. The money can be spent on narcotics investigation, purchase of law enforcement equipment, match funds for state and federal law enforcement grants. It can also be used for any reasonably related to investigation, charging of someone for a crime including the Prosecutors Office, preparation for that case, the trial and the final disposition of the case before the Courts of the State of Missouri.

The Courts will have the sole authority to impose this restitution in a criminal case and can only impose restitution up to \$300. This does not apply to any Class C Misdemeanor, which is speeding, careless driving, or other driving violation charges. This does apply to Class A Misdemeanor or Felons.

Sheriff Boehm stated this is a way to generate funds to cover the expense of law enforcement, including the Sheriff's operations and the Prosecutor's operations. Then it is left to the discretion of the Court on how and when it is imposed on a person who has been convicted of a crime. This will not happen unless the County Commission approves this and creates this Board of Trustees.

Commissioner Schnarre stated the Court en banc has discussed this issue. The Court en banc has stated they will not use this course of action. Part of the problem the Court en banc sees is if this restitution is imposed, it moves to the top of the priority list. For example, if there is restitution to a victim, this restitution would take precedent over the restitution to the victim. The Prosecutor has a problem with this and so does the Court en banc.

Sheriff Boehm stated County Counselor John Patton believes this will be challenged in court in the future. It was challenged several years ago in Cape Girardeau.

Commissioner Miller stated that challenge is why they have this bill. The old bill had the option of paying the restitution and someone could get out of jail. It was like the poor man stays in jail because they cannot afford the restitution while the rich man can pay and get out of jail.

Commissioner Schnarre stated this can be enacted at any time but believes the Commission should wait.

Commissioner Miller agreed with Commissioner Schnarre.

Commissioner Elkin stated the Court does not have to impose the restitution. Sheriff Boehm stated that is correct it is up to the discretion of the Court.

Commissioner Elkin stated if this was approved by the Commission then the Court would not impose the restitution. Commissioner Miller stated there would also be a board that would not meet and have an account that would be monitored by the Treasurer but it would not have any activity.

Commissioner Schnarre stated the Commission should wait until the Court decides there is a need for this and then he sees no problem with establishing the board.

Commissioner Miller stated she has not supported this from the beginning.

There was no public comment on this issue.

**Subject: Authorize Use of Centralia Office (Girl Scout Leader Meeting)**

Commissioner Miller moved to authorize the use of the Centralia Clinic on October 11, 2004 from 6:30 to 8:30 p.m. for a Girl Scout Leader meeting.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 424-2004**

**Commissioner Reports**

There were no Commissioner Reports.

The Commission discussed the Good Time Acres Neighborhood Improvement District bid with John Watkins, Project Development Manager. Mr. Watkins noted the projected budget for the Good Time Acres Neighborhood Improvement District project was \$121,980. Since the bids were over budget, he will have to get another petition from the neighbors. He thought the department did a good budget for this project but believes the time frame of this project is what hurt the bids.

There was no public comment.

The meeting adjourned at 1:55 p.m.

Attest:

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Keith Schnarre  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner