

Board of Crawford County Commissioners

Commissioners' Journal

2015, THIRTY-FOURTH MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS Tuesday, May 12, 2015, 10:00AM

The Crawford County Board of Commissioners met pursuant to Kansas Statutes

Annotated Chapter 19, Article 2, Section 18 in due and regular session with open doors.

Commissioner Carl Wood served as the presiding officer.

Commissioners Jeff Murphy and Tom Moody were in attendance.

County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board.

Chairman Wood led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING

CONSENT AGENDA

On motion (15-139) of Commissioner Moody and the second of Commissioner Murphy that the consent agenda be approved including:

1. Approval of the **May 8, 2015** minutes of the Board of Commissioners.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

The County Clerk presented the following motions for Commissioners' signatures:

Motion 15	130	That the consent agenda be approved including: Approval of the May 1, 2015 minutes
Motion 15	131	To approve the bid for chip and seal oil from Wright Asphalt Products
Motion 15	132	To approve the contract between PEC and Crawford County for Civil Engineering Services for a KDOT Grant Application and authorize the Chairman to sign
Motion 15	133	To adopt Resolution #2015-013, a resolution to accept and grant the amendment in zoning from Agriculture to Rural Residential for the proposed development to be known as "Forrest Estates South Addition"
Motion 15	134	To adopt Resolution #2015-014, a resolution to accept and grant the proposed development to be known as "Forrest Estates South Addition"

Board of Crawford County Commissioners

Motion 15	135	To approve the publication of the Notice of Intent to Vacate platted street, a portion Maple Street located adjacent to and east of Lots 1-4, Block 27 and adjacent to and west of Lots 14-26, Block 28 in the Original Town of Opolis, Crawford County, Kansas with a Public Hearing set for June 2, 2015 at 10:00 AM.
Motion 15	136	To approve the publication of Notice of Intent to Vacate platted street, Mine Street located South of and adjacent to Lots 41-45 in the Original Town of Alston, Crawford County, Kansas with a Public Hearing set for June 2, 2015 at 10:00 AM
Motion 15	137	To approve the April 2015 Clerk's Report
Motion 15	138	To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss personnel matters involving non-elected personnel and to include the Board of County Commissioners and County Counselor Jim Emerson

UNDER THE HEADING NEW BUSINESS

CRAWFORD COUNTY BOARD OF HEALTH

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM THE PUBLIC

MESSAGES FROM APPOINTED OFFICIALS

Item One: Mr. Mac Young, Court Administrator, regarding the state of the current District Court Budget. Mr. Young presented a packet of information to the Commissioners regarding the budget for the remainder of 2015 as well as the proposed budget for 2016. The cover letter asked for increases in several areas including utilities, funds for recording equipment and an increase in the pay for the juvenile attorney contracts. There was a discussion of the attorney fees being paid for juvenile work and Mr. Young stated that an increase to \$3,000 per month would make the rate paid for those attorneys comparable to the other counties in the district. There was a discussion of the way that district court is funded with the state paying all salaries and wages and with the counties paying for all of the other costs of the district court including defense attorneys for indigent defendants, buildings, utilities, equipment and other costs. There was a discussion of the increase in the cost of utilities in the last few years and that there is some other cost increases. Mr. Wood stated that he would like to get a better idea of what it takes to run the district court operation. It was discussed that this will be very valuable information as they try to put together the county budget for 2016. The Commissioners thanked Mr. Young for this information. Commissioner Wood asked that Mr. Young come back in a couple of months when the budget for 2015 is formulated.

Board of Crawford County Commissioners

STATE OF KANSAS
ELEVENTH JUDICIAL DISTRICT
DISTRICT COURT ADMINISTRATOR/
COMMUNITY CORRECTIONS ADMINISTRATIVE DIRECTOR
MAC YOUNG
Judicial Center – 602 N. Locust – Pittsburg, Kansas 66762
Telephone: (620) 231-0310
Fax: (620) 232-5646

May 12, 2015

TO: Crawford County Commission

FROM: Mac Young, District Court Administrator

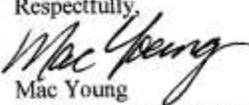
RE: Court Budget

Approximately one year ago I submitted the 2015 proposed budget for District Court. At that time I requested \$400,800.00; after review by the commission the award for the current fiscal cycle was \$383,700.00, which is \$17,100.00 less than the original proposal. At that time it was discussed that the utilities for the Judicial Center in Pittsburg had increased a considerable amount. From fiscal year 2013 – 2014 AT&T, Kansas Gas, and Westar Energy increased \$14,879.00 or about 23%.

Recently I was asked by our Chief Judge about the possibility of purchasing new recording equipment for Courtroom C at the Judicial Center, which would be at a cost of approximately \$6,500.00. This a need that we have due to two court reporters serving three Judges. I explained that at this point I anticipate a budget shortfall of approximately \$15,000.00 for this budget cycle ending December 31, 2015, which means that we can't make any such purchase at this time.

In addition, I have been approached by Attorney, Jason Wiske, requesting an increase for the two attorneys that are assigned to the Juvenile contract. Currently, each attorney receives \$1,840.02/month or \$44,160.48/year. It is suggested that the monthly allotment be increased to \$3,000.00 per month for each, which would be an increase of \$27,840.00/year or \$13,920.00 for the last six months of fiscal year 2015. See attached from Mr. Wiske.

Lastly, all considered above, I am asking the commission for a supplement to the District Court budget for the remainder of fiscal year 2015 totaling \$53,420.00 that includes some much needed technological equipment for the Court. At the very least I request a supplement of \$39,500.00. Also, I am proposing that the Commission consider removing the cost of utilities from the court budget so that I can effectively plan and anticipate actual court needs.

Respectfully,

Mac Young
District Court Administrator

Board of Crawford County Commissioners



Law Office of Jason P. Wiske, L.L.C. Licensed in Kansas and Missouri



April 10, 2015

Hand-delivered

Mac Young
Court Administrator
602 North Locust
Pittsburg, Ks 66762

Re: Juvenile contract

Dear Mac:

I have held a contract with Crawford County since July of 2006 to represent indigent persons in child in need of care cases, juvenile offender cases, and care in treatments. I am writing this letter so that you may consider increasing the monthly payment for the juvenile contract when you submit the budget to the Crawford County Commissioners.

The county pays two attorneys to primarily represent parents in child in need of care (CINC) cases with another attorney being paid to be the guardian ad litem in CINC cases and to represent juvenile offenders. If the guardian ad litem has a conflict, one of the two attorneys that usually represent parents in CINC cases is usually appointed to represent the juvenile offender. Additionally, the two attorneys usually appointed to represent parents in CINC cases share the duty of representing persons in care in treatment (CIT) cases.

As stated above, I have held the contract with Crawford County since July of 2006 to represent parents in CINC cases, along with being appointed to represent juvenile offenders if there is a conflict and handling one-half (1/2) of the CITs. Our main court date is Wednesdays in front of Judge Lori Bolton Fleming. On juvenile days, Judge Wachter and Judge Loy also hear CINC cases and hearings in front of those judges are scheduled for non-Wednesdays. Additionally, I meet with my clients during the week and often have phone calls with my clients, social workers, and the Crawford County Attorney's office during non-court dates.

Board of Crawford County Commissioners

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I have kept detailed time logs of the time I have spent on the juvenile contract since July of 2006. From reviewing my time logs, following is the amount of time I have averaged in regards to working on juvenile matters:

<u>Year</u>	<u>Hours per month</u>
2006	41.30
2007	47.70
2008	46.60
2009	45.10
2010	28.70
2011	31.20
2012	41.50
2013	46.90
2014	49.90

Please note that these are average monthly times that I spend on juvenile matters. I have spent as much as 68 hours per month on juvenile matters.

During the time I have held the contract, the monthly payment has fluctuated. During 2006, the monthly check was \$1,410.08, during 2007, the monthly check was \$1,452.38, during 2008, the monthly check was \$1,495.95, and the monthly check has been \$1,840.02 since January of 2009. Taking those monthly checks and dividing by the average monthly time that I spent in each year, an hourly fee would be as follows:

<u>Year</u>	<u>Hourly fee</u>
2006	\$34.14
2007	\$30.45
2008	\$32.10
2009	\$40.80
2010	\$64.11
2011	\$58.98
2012	\$44.34
2013	\$39.23
2014	\$36.87

As you know, the State currently pays \$62.00 per hour for criminal appointed cases (decreased from \$69.00 per hour) and my hourly fee for other matters is more than three (3) times the hourly fee I receive on juvenile cases. Additionally, I would estimate my hourly overhead (rent, secretary, utilities) to be at least \$30-40 per hour, so I am making

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little or no money on the juvenile contract given the amount of time I spend per month on juvenile matters.

Since the beginning of 2012, I have seen both a volume increase in juvenile matters filed and the complexity in the matters. While there is no "typical" juvenile matter, prior to 2011, most of the cases dealt with parents allegedly being addicted to drugs or poor home conditions. Over the last three (3) years, the allegations have been more complex such as allegations over medical neglect or child abuse. A typical Wednesday now encompasses a three to five page docket and lasts from 8:30 a.m. to 5:00 p.m. Due to the complexity of the matters, if the parents want to dispute the allegations, the court has to specially schedule a half-day or full day hearing which rarely happened prior to 2011.

Lastly, I have heard through informal discussions with other attorneys in Cherokee, Labette, and Bourbon County that those attorneys make quite a bit more than what Crawford County is paying under the juvenile contract. While those three counties also require their attorneys to take misdemeanor criminal cases, I would doubt that increases the workload much as misdemeanor criminal cases in Crawford County only have one (1) day at most, and usually one-half (1/2) day, set aside per month.

In 2013, the state of Kansas released data showing the number of children removed from the house of the parent(s) which resulted in new CINC cases being filed. Crawford County had 125 removals, which was 6th in the State and only behind much larger counties such as Sedgwick, Johnson, Wyandotte, Shawnee, and Barton County. Cherokee County had 64 removals, Bourbon had 46 removals, and Labette had 43 removals. As the main workload in juvenile court is dealing with new CINC cases, Crawford County would seem to have twice the workload of Cherokee County and three times the workload of Labette and Bourbon County.

I have greatly enjoyed working with Judge Noland and Judge Bolton Fleming during the last nine (9) years, along with the other attorneys, social workers, and court personnel. Additionally, while representing parents in CINC cases is time consuming and can be emotional, I do take professional fulfillment in helping to reunite families. In my opinion, it is always best to have an experienced attorney, like Maradeth Frederick or myself, with knowledge of the law and "the system" on the contract as any court time unnecessarily spent on juvenile matters would take away from criminal, civil, or domestic matters.

Board of Crawford County Commissioners

Mac Young
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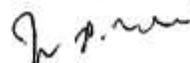
I understand that the court and county budget is tight, but I would ask that you consider increasing the monthly payment under the juvenile contract for the following reasons:

1. There has not been an increase in the juvenile contract since January of 2009;
2. The juvenile contract works out to about \$40.00 per hour which is much less than the \$62.00 per hour for criminal appointments and less than one-third (1/3) of my hourly fee for "private" clients;
3. That compared to Cherokee, Labette and Bourbon County, the attorneys on the juvenile contract make much less than the attorneys on the juvenile contract in those counties, and deal with a higher volume of cases;
4. That there has been an increase in volume and complexity of matters in juvenile court; and
5. If the contract rate is not increased, the county will only get inexperienced attorneys willing to take on the contract, which would require the courts to schedule more hearings on days not scheduled for juvenile days and would require the court to take away time from criminal, civil, and domestic matters.

If I can provide additional information or if I need to appear in front of the Crawford County Commissioners in regards to this matter, please let me know. Thank you for your courtesies.

Very best regards,

LAW OFFICE of
JASON P. WISKE, L.L.C.



Jason P. Wiske

JPW

CRAWFORD COUNTY, MO
BUDGET OPERATING STATEMENT
AS OF: APRIL 30TH, 2015

PAGE: 1

% OF YEAR COMPLETED: 33.33

	BILLING AMOUNT	REVENUE \$1,000,000.00	EXPENDITURES FOR MONTH	CURRENTLY TOTAL TO DATE	BUDGET BALANCE	PERCENT USED	CURRENT DATE
GENERAL FUND							
Commissioner District #1	30,000	6,864.42	2,000.00	6,500.00	20,517.49	31.13	
Commissioner District #2	30,000	6,864.42	2,000.00	6,500.00	20,517.49	31.13	
Commissioner District #3	30,000	6,864.42	2,000.00	6,500.00	20,517.49	31.13	
TOTAL Clerk	119,000	24,893.26	6,000.00	19,500.00	64,552.47	30.47	
DEPT	124,800	26,200.00	15,200.00	11,000.00	67,200.00	31.21	
Police	200,000	40,000.00	15,000.00	15,000.00	170,000.00	37.50	
Police of Roads	180,000	36,000.00	15,000.00	15,000.00	154,000.00	33.33	
Public Safety	600,000	12,000.00	11,000.00	11,000.00	589,000.00	18.33	
General Fund	1,700,000	130,000.00	130,000.00	130,000.00	1,570,000.00	33.53	
Net	1,400,000	120,000.00	120,000.00	120,000.00	1,280,000.00	33.33	
Expenses	900,000	32,000.00	27,000.00	27,000.00	873,000.00	30.00	
Comms	25,000	6,000.00	4,000.00	4,000.00	21,000.00	33.33	
Electric/Lights	110,000	17,000.00	17,000.00	17,000.00	93,000.00	30.91	
Auto Expense	20,000	4,000.00	3,000.00	3,000.00	17,000.00	33.33	
Supplies	10,000	2,000.00	2,000.00	2,000.00	8,000.00	33.33	
Landfill	20,000	4,000.00	3,000.00	3,000.00	17,000.00	33.33	
Water Sewer & Gas Utility	100,000	20,000.00	18,000.00	18,000.00	82,000.00	33.33	
GA RECONSTRUCTION	0	0.00	0.00	0.00	0.00	0.00	
Capital	130,000	11,000.00	12,000.00	12,000.00	118,000.00	33.33	
Special Projects	80,000	6,000.00	6,000.00	6,000.00	74,000.00	33.33	
Public	110,000	6,000.00	6,000.00	6,000.00	104,000.00	33.33	
Dept of Health Services	200,000	30,000.00	17,000.00	17,000.00	183,000.00	33.33	
Civil Engineering	200,000	20,000.00	10,000.00	10,000.00	190,000.00	33.33	
W.P.S. Department	110,000	6,000.00	10,000.00	10,000.00	100,000.00	33.33	
NET	11,000	2,000.00	1,000.00	1,000.00	10,000.00	33.33	
Capital Project Total	0	0.00	0.00	0.00	0.00	0.00	
Appropriations	907,000	42,000.00	39,000.00	39,000.00	868,000.00	33.33	
Comms	100,000	10,000.00	10,000.00	10,000.00	90,000.00	33.33	
Public Safety Department	100,000	10,000.00	10,000.00	10,000.00	90,000.00	33.33	
TOTAL GENERAL FUND	3,100,000	240,000.00	240,000.00	240,000.00	2,860,000.00	33.33	
ROAD & BRIDGE							
GA Road & Bridge	3,000,000	220,000.00	220,000.00	220,000.00	2,780,000.00	33.33	
Special Projects	100,000	100,000.00	100,000.00	100,000.00	0.00	0.00	
Public Road	100,000	100,000.00	100,000.00	100,000.00	0.00	0.00	
TOTAL ROAD & BRIDGE	3,100,000	320,000.00	320,000.00	320,000.00	2,780,000.00	33.33	

Board of Crawford County Commissioners

MESSAGES FROM ELECTED OFFICIALS PROCLAMATIONS AND ORDERS OF THE BOARD NEW BUSINESS

Item One: Mr. Don Pyle, County Clerk, regarding his attendance of the Kansas County Clerks and Election Officials Association Conference in Lawrence on May 6, 7 and 8. Mr. Pyle stated that they had discussed several issues that affect the clerk's office. Mr. Pyle stated that they were concerned about the Elections Bill that would move the city and school elections. Mr. Pyle also stated that he had received news that the Elections Bill had been revised to move city and school elections to the fall of odd years and to keep them as non-partisan elections. There was a discussion of how much easier it would be to administer these elections and that moving the city and school elections to the fall of even years would have made that election much more complicated and would have increased the chances of voters receiving an incorrect ballot. There was also a discussion of the end of state assistance with the cost of some of the statewide voter registration system and that this would increase this cost to the counties.

House Offers Odd-Numbered Year Elections

At an Elections Conference Committee Meeting announced about an hour ago, Rep. Mark Kahrs, the Chair of House Elections, offered to accept the Senate position of holding city and school elections in the Fall of odd-numbered years.

The Elections Conference Committee is scheduled to meet again at 4 PM, at which time we will find out if the Senate accepts this new offer or makes a counter-offer

The Senate conferees came back at 4 PM and agreed to the House offer made an hour before to move all municipal and school elections to the Fall of odd-numbered years and leave city and school elections non-partisan.

Rep. Mark Kahrs, the Chair of House Elections, remarked that the main goal was to increase turnout, and that moving elections to the Fall of odd-numbered years would do that while keeping their "promise" to leave city and school board elections non-partisan. He said it would also address concerns about crowding out other races on the ballot.

The only question coming into the 4 PM meeting was if the Senate would make a counter-offer that would incorporate the "LaTurner Amendment" requiring bond issue and mill levy elections be held during the next regularly scheduled primary or general election. The Senate conferees did not ask this to be included in the Conference Committee Report.

Since the Conference Committee Report is still in a house bill, HB 2104, the Senate will be the first to consider it. The Senate can consider it as soon as the Revisor's Office is able to change the text of the Conference Committee Report to reflect moving the elections to the Fall of odd-numbered years instead of the Fall of even-numbered years as it was first drafted.

Item Two: Mr. Jim Emerson, County Counselor, presenting Resolution #2015-015, a resolution exempting Crawford County, Kansas from using Generally Accepted

Board of Crawford County Commissioners

Accounting Principles ("GAAP) in the preparation of its financial statements and reports. Mr. Emerson stated that this is a resolution that has been adopted annually for many years that allows the county to exempt itself from Generally Accepted Accounting Principles in order to comply with the state statutes that require municipalities to use Cash Basis accounting for their records.

BOARD OF COUNTY COMMISSIONERS
CRAWFORD COUNTY COURTHOUSE
GIRARD, KANSAS

RESOLUTION 2015-015

A RESOLUTION EXEMPTING CRAWFORD COUNTY, KANSAS FROM USING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) IN THE PREPARATION OF ITS FINANCIAL STATEMENTS AND REPORTS.

WHEREAS, Crawford County, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2015 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of Crawford County, Kansas; and

WHEREAS, there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Crawford County, Kansas:

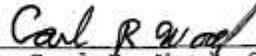
Section 1. That Crawford County, Kansas does hereby waive the requirements of K.S.A. 75-1120a(a) as they apply to Crawford County, Kansas for the year ended December 31, 2015.

Section 2. Crawford County, Kansas shall cause the financial statements and financial reports of Crawford County, Kansas to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

ADOPTED, APPROVED AND GIVEN, by the Board of County Commissioners of Crawford County, Kansas under our hands at the

Board of Crawford County Commissioners

Courthouse in Girard, Crawford County, Kansas this 12th day of
May, 2015.



Carl R. Wood, Chairman



Tom Moody



Jeff Murphy

ATTEST:



Donald P. Pyle, County Clerk

On motion (15-140) of Commissioner Moody and the second of Commissioner Murphy to adopt Resolution #2015-015, a resolution exempting Crawford County, Kansas from using Generally Accepted Accounting Principles ("GAAP) in the preparation of its financial statements and reports.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. Jim Emerson, County Counselor, regarding a report from Bill Brady of Capitol Strategies on the legislative session. Mr. Emerson discussed some of the proposed changes in the tax and budget legislation that have come about recently.

Item Four: Mr. Carl Wood requesting a Special Meeting on May 13 at 10:00 AM in regards to the lawsuit over the zoning of the Liberty Baptist Church.

Item Five: Mr. Carl Wood regarding old equipment being sold on Craigslist.

UNDER THE HEADING OLD BUSINESS EXECUTIVE SESSION

Item One: Commissioner Wood asked for a work session to discuss personnel matters involving non-elected personnel.

On motion (15-141) of Commissioner Moody and the second of Commissioner Murphy to recess this open session and go into a closed executive session for a period of not more

Board of Crawford County Commissioners

than 15 minutes to discuss personnel matters involving non-elected personnel and to include the Board of County Commissioners and County Counselor Jim Emerson.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 10:50 AM and reconvened the Open Session at 11:05 AM with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: May 13, 2015, 10:00 AM – Special Meeting in regards to the lawsuit over the Zoning of the Liberty Baptist Church.

ANNOUNCEMENTS:

Item One: May 19, 2015 – 11:30 AM County and City Officials Luncheon hosted by the City of Arma. All three Commissioners may be in attendance.

Item Two: May 25, 2015 – The Courthouse will be closed in observance of the Memorial Day Holiday.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Murphy and the second of Commissioner Moody to adjourn the [May 8, 2015](#) meeting of the Board of Crawford County Commissioners at 11:07 AM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Murphy and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

In Testimony whereof, I have hereunto set my hand and caused to be affixed my official seal and submitted these minutes for the approval of the Board of Crawford County Commissioners:

Don Pyle
County Clerk

◇

Board of Crawford County Commissioners

This submission completed at the Crawford County Courthouse in Girard.

Taken by DPP 05/12/2015 at 11:07 AM, Amended by DPP 5/12/2015 at 2:33 PM/amended BKW 05/14/2015 2:51 PM