

Board of Crawford County Commissioners

Commissioners' Journal

2016, **NINETY-THIRD** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS **Friday, December 16, 2016, 10:00 AM**

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 Tom Moody served as the presiding officer. Commissioners Carl Wood and Jeff Murphy were in attendance. County Clerk Don Pyle and County Counselor Jim Emerson were seated with the Board. Chairman Moody led the pledge of allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (16-459) of Commissioner Wood and the second of Commissioner Moody that the consent agenda be approved including:

1. Approval of the **December 13, 2016** minutes of the Board of County Commissioners, and
2. Approval of the accounts payable warrant numbers **569965 to 570209 and account payable add on #111111 dated December 15, 2016 in the total amount of \$428,933.35**, and
3. Authorizing the Chairman to sign the previous week's vouchers.

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 16	451	That the consent agenda be approved including: Approval of the December 9, 2016 minutes
Motion 16	452	To make it known that the matter of issuing a license to the applicant(s) listed below was discussed and considered by the Board, and there being no objection filed as provided by law and the Board knowing of no reason why a license should not be issued, the board hereby issues a license to "sell at retail", cereal malt beverages in

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		broken case lots from the place of business as shown in the application as designated and described on the application as herein before set out, and that the County Clerk be hereby authorized and directed to execute the proper license which shall be signed by the Chairman of the Board of County Commissioners and the County Clerk of Crawford County, Kansas.
Motion 16	453	To approve the Publication for the Amended Budget for 2016 for Crawford County with a Hearing Date of December 27, 2016.
Motion 16	454	To approve the Publication for the Amended Budgets for 2016 for Crawford County Fire District Number 1 with a Hearing Date of December 27, 2016.
Motion 16	455	To recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss matters that would be Deemed Privileged in the Attorney-Client relationship and to include the Board of County Commissioners and County Counselor Jim Emerson.
Motion 16	456	To recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss personnel matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Counselor Jim Emerson and Zoning Assistant May Smith.
Motion 16	457	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, County Counselor Jim Emerson and County Clerk Don Pyle.
Motion 16	458	To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss matters that would be Deemed Privileged in the Attorney-Client relationship and to include the Board of County Commissioners and County Counselor Jim Emerson.

**UNDER THE HEADING NEW BUSINESS
PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS
MESSAGES FROM OTHER GOVERNMENTAL ENTITIES**

Item One: Mr. Blake Benson, Pittsburg Area Chamber of Commerce President, presented the 2017 Contract for Services between Crawford County, Kansas and the Crawford County Convention and Visitors Bureau and the Pittsburg Area Chamber of Commerce. Mr. Blake Benson stated that since the Convention and Visitors Bureau was created in 1987, Crawford County has contracted with the Pittsburg Area Chamber of Commerce to administer the CVB. Mr. Benson explained benefits involved in the contract. He also explained the synergy of departments and the benefits of the departments being under one roof. Mr. Benson stated the contract is basic from year to year and this year the contract is requesting an increase from \$33,000 to \$36,000 for 2017. He explained the details of the contract to the Commissioners and the reasoning for the request of an increase. Mr. Benson answered questions the Commissioners asked

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about the staffing and salaries listed in the contract. The Commissioners agreed that it was good for the CVB to work closely with the chamber.

CONTRACT FOR SERVICES

THIS Contract for Services, made and entered into as of the 1st day of January, 2017, by and among CRAWFORD COUNTY, KANSAS (hereinafter referred to as the "County"), the CRAWFORD COUNTY CONVENTION AND VISITORS BUREAU, (hereinafter referred to as the "CVB"), and THE PITTSBURG AREA CHAMBER OF COMMERCE (hereinafter referred to as the "Chamber").

WHEREAS, the County has, through its Board of County Commissioners, adopted Resolution No. 86-5 pursuant to K.S.A. §§ 12-1696 to -16,101 and Charter Resolution Nos. 8-90 and 12-93 levying a Transient Guest Tax in Crawford County and organizing the CVB, and various motions from time to time appointing the Advisory Board of the CVB;

WHEREAS, the proceeds derived from said Transient Guest Tax are to be used for the promotion, solicitation, encouragement and development of tourism and conventions in and for Crawford County, Kansas, and the local economy benefits greatly from such coordinated efforts;

WHEREAS, the County has established the CVB and appointed its Advisory Board to oversee and make recommendations with respect to such efforts;

WHEREAS, the parties have since the inception of the CVB contracted among themselves for the operation of a Convention and Visitors Bureau and the implementation of convention and tourism programs in Crawford County;

WHEREAS, the Board of County Commissioners of Crawford County and the Advisory Board of the CVB deem it advisable and proper to contract with the Chamber to utilize its services and facilities for said purposes; and

WHEREAS, the parties desire to enter into and effectuate this Contract setting forth the purpose, direction, responsibilities of each of the parties, and other pertinent matters with respect to the operation of the CVB.

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NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, the parties agree as follows:

1. Implementation. The County and the CVB do hereby engage and retain the Chamber to assist generally in the implementation of convention and tourism programs in Crawford County and to provide those specific services set forth herein, and the Chamber does hereby accept such engagement and agree to discharge its duties in accordance with the terms and conditions of this Contract.

2. Duties of the CVB Advisory Board (CVB Board). The CVB Board shall be responsible for the establishment, implementation and monitoring of long range and short range goals for the CVB. The CVB Board shall prepare and publish a program of work containing its goals and the priorities for each upcoming year, with the assistance of the Chamber, and account to the County, at least annually and as often as requested by the Board of County Commissioners, for its receipts and disbursements. The CVB Board shall prepare the portion of the budget relating to the annual program of work and submit the total budget, which shall include the Chamber's Contract for Services, to the County for approval on or before December 31st.

The CVB Board shall make recommendations to the County and the Chamber with respect to the following:

- (a) Goals and objectives for the Convention and Visitors Bureau for each program year;
- (b) Annual budgets for the Convention and Visitors Bureau;
- (c) Program efficiency and effectiveness; and
- (d) Growth and development of businesses and services related to visitors, conventions and tourism generally.

3. Duties of the Chamber. The Chamber agrees to render the following services:

- (a) Provide office space and furniture for the operations of the CVB;
- (b) Stock and provide necessary office supplies and equipment;

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(c) The Chamber President shall hire, train and supervise adequate staff, including at a minimum one (1) full-time CVB Director, one (1) full-time CVB marketing assistant, one (1) part-time finance director, and one (1) part-time business and tourism assistant to carry out the duties as outlined in Section 4 below; and

(d) The Chamber President shall conduct an annual performance review of the CVB Director and other CVB staff members with input from the CVB Board.

(e) The Chamber shall be responsible for hotel map and brochure fulfillment.

4. Duties of the CVB Director and Staff. The CVB staff shall perform at the minimum the following duties under the direction and supervision of the Chamber President:

(a) Provide a Secretary to the CVB Advisory Board and carry out the administrative duties to the CVB;

(b) Maintain and distribute information for the Visitor Information Center, including ordering and tracking of brochures and inquiries;

(c) Prepare budgets, manage record keeping, payment of invoices and voucher requests;

(d) Coordinate all advertising and event planning related to tourism and convention activities; and

(e) Perform the additional specific duties as outlined in the attached CVB Director Job Description document.

5. Term. The term of this Contract shall be for one (1) year from the date hereof.

In the event the CVB or the Chamber shall cease operations, this Contract shall automatically terminate upon the giving of written notice of such cessation of operations. This Contract may be terminated by any party for the failure of another party to adhere to the terms of this Contract or satisfactorily perform its duties hereunder if, within sixty (60) days after receipt of written notice of such problems, the party to whom such notice is directed has failed to take appropriate corrective action.

6. Compensation. As compensation for the services to be provided under this Contract, the CVB will pay to the Chamber an annual fee during the term of this Contract equal to the sum of \$36,000. Payment of said annual fee in accordance with the terms hereof shall constitute full and complete payment to the Chamber of all costs and expenses to be incurred hereunder, including for example but not limited to, local and long distance telephone service

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including toll free "1-800 number" base charges (but not itemized long distance "1-800" usage charges), postage for day-to-day use (but not for special direct mail promotions and projects), , copies, office supplies and equipment, insurance and related miscellaneous expenses. In addition, the Chamber agrees during the term of this Contract, as the Chamber's annual contribution to the promotion of conventions and tourism in the Crawford County area and at no additional charge to the County or to the CVB, to provide rent, maintenance, utilities, parking, and the use thereof separate from and in addition to the use of computer equipment owned by the County or the CVB, post office box, subscriptions, additional staff assistance and other miscellaneous items. These funds shall be in addition to other funds received by the County, the CVB, the Chamber, or the Chamber Foundation for specific projects or promotions, which funds shall be used solely for such projects or promotions. Said annual contract fee shall be payable quarterly in advance on the 15th day of the first month of each calendar quarter, based on a projected annual fee of \$36,000. Any and all amounts due to the Chamber from the County under this Contract shall be payable solely from funds budgeted and appropriated for that purpose during the County's then current budget year or from funds made available from lawfully operated revenue producing sources, including in this instance funds generated by the Transient Guest Tax.

7. Review. In addition to the annual review of CVB staff performance by the Chamber President pursuant to paragraph 3(d) above, the County, the CVB and the Chamber contemplate that the following information will be gathered by the staff employed by the Chamber to carry out the program contemplated hereunder at the direction of the CVB and will be used to monitor the impact and effectiveness of the CVB during the term of this Contract. This information will be reported quarterly to the Board of County Commissioners:

- (a) Requests for information and materials about Crawford County and the tourist attractions located therein;
- (b) Meetings/Conventions/Events held during each quarter;
- (c) Upcoming Meetings/Conventions/Events for the next quarter;

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- (d) Review of recruitment contacts for meetings, conventions and other events; and
- (e) Other additional information as the CVB may deem appropriate with respect to the effectiveness of its program.

8. Independent Contractor. The parties contemplate that the Chamber will be an independent contractor with respect to the services provided to the County and the CVB hereunder. The CVB staff shall be subject to and be expected to abide by the office policies and procedures of the Chamber and shall report to and be supervised by the President of the Chamber.

9. County/CVB Equipment: The parties understand and acknowledge that the following equipment has been purchased with CVB funds and shall upon the termination of this Contract be and remain the property of the County:

<u>Description</u>	<u>Model #</u>	<u>Serial #</u>
IBM Personal Wheel Typewriter	6781	11-0062631
Skyline Displays 8' Mirage Portable Display	N/A	
Dell Dimension 3000 Computer	CB-OWC-292-42940-562-004L	
Nobilis Notebook Laptop Computer	N5020	TGBWX-RM2VT-CYMWR-Y2XHV-VJTQM

Any additional specialized equipment purchased by the CVB with the Advisory Board's approval during the term of this Contract shall upon the termination of this Contract be and remain the property of the County; provided, however, that during the term of this Contract the Chamber shall keep such equipment adequately insured.

10. Nondiscrimination. The parties hereto do comply and agree to comply with the Crawford County Equal Employment Opportunity Policy as follows:

It is the policy of Crawford County, Kansas that no person shall be denied employment by the County or any agency or department thereof, be excluded from participation in any program of the County or any agency or department thereof, be denied the benefit of any service provided by the County or any agency or department thereof, or be otherwise subjected to discrimination by

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the County or any agency or department thereof on the basis of race, creed, color, religion, age, sex, physical handicap unrelated to the person's ability to engage in the work, national origin, or ancestry, and the services of the CVB shall be available to all persons regardless of race, creed, color, religion, age, sex, physical handicap unrelated to the person's ability to engage in the activity, national origin, or ancestry, or membership in the Chamber.

11. Severability. The separate provisions of this Contract shall be severable and the invalidity of any one provision of this Contract shall not be deemed to invalidate the balance of this Contract.

12. Law Governing. This Contract is entered into under the laws of the State of Kansas and shall be governed, construed and interpreted in accordance with the laws of that State.

13. Binding Effect. This Contract shall be binding upon and inure to the benefits of the parties hereto and their respective heirs, representatives, successors and assigns.

14. Entire Agreement. This Contract constitutes the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersedes any and all prior agreements, negotiations and discussions pertaining thereto. This Contract may be executed in any number of copies, each of which shall be deemed an original of this Contract.

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IN WITNESS WHEREOF, the parties hereto have executed this Contract for
Services as of the date first written above.

County:

THE BOARD OF COUNTY COMMISSIONERS
OF CRAWFORD COUNTY, KANSAS

By: _____
Tom Moody, Chairman

ATTEST:

Don Pyle, County Clerk

Chamber:

PITTSBURG AREA CHAMBER OF COMMERCE

By: _____
Blake Benson, President

ATTEST:

Betty Harrison, Secretary

CVB:

CRAWFORD COUNTY CONVENTION AND
VISITORS BUREAU, INC.

By: _____
Dave Goble, President

ATTEST:

Sherri Stephens, Vice President

On motion (16-460) of Commissioner Wood and the second of Commissioner Murphy to approve the 2017 Contract for Services between Crawford County, Kansas, and the Crawford County Convention and Visitors Bureau and the Pittsburg Area Chamber of Commerce and authorize the Chairman to sign.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Mr. B. J. Harris, CVB Director, discussed the Museum Fund proposal. Mr. Harris explained how the funding works between the two museums in Crawford County and the criteria the museums had to meet to receive the funding which both the Crawford County Historical Museum and the Miners Hall Museum met.

Mr. Jason Russell, Miners Hall Museum, Operations Manager explained how the funding helps the museum and the projects the museum is working on. Commissioner Murphy

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asked about the museum personnel working with Mr. Harris to market the museums through the new casino. Mr. Jerry Lomshek, Chairman of the Board of the Miners Hall Museum stated that he met with casino personnel and discussed sharing artifacts for the restaurant at the casino which has a miners theme. Mr. Lomshek discussed some of the plans for 2017.

Mr. John Minton, Chairman of the Board of Directors of the Crawford County Historical Museum expressed gratitude to the Commission and to CVB for the assistance and support. He stated that the museum has had a great year. Mr. Minton said that the new roof is being put on the building and should be finished today and now will be able to work on updating the inside of the building . Mr. Minton explained that the funds for the roof were received through a Pritchett Trust Grant.

Mr. Harris stated that the recommendation of the CVB Advisory Board is to continue county funding for both museums at the current levels. He stated he will continue to work with both museums.

On motion (16-461) of Commissioner Wood and the second of Commissioner Moody to approve the 2017 Museum Grants Fund Proposal as presented.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. BJ Harris presented the 2017 CVB Budget proposal. Mr. Harris stated that he projected overall transient guest tax collections would be with the addition of the new hotel rooms coming in 2017. He explained how he calculated the projection of the collections. Mr. Harris also discussed events for 2017 and the projected income from these projects. Mr. Harris also spoke about the other items in the budget.

On motion (16-462) of Commissioner Wood and the second of Commissioner Moody to approve the 2017 Convention and Visitors Bureau proposed budget as presented.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Four: Mr. Harris updated the Commissioner on a marketing proposal for economic development. He stated that Limelight Marketing in collaboration with Commissioner Murphy and himself to utilize work they've done for Pittsburg for county tourism as well as commercial marketing. He said the cost to do this included in 2017 CVB budget and the CVB Advisory board has agreed to this cost. The Commissioners had some questions about this marketing proposal and felt that it was a good step forward for the CVB.

MESSAGES FROM ELECTED OFFICIALS

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Item One: Mr. Joe Grisolano, County Treasurer spoke about the Motor Vehicle Operation and the plans for the 2017 Motor Vehicle budget. He stated that he is not required to present the Motor Vehicle budget to the Commissioners nor does it require their approval. He explained that he is making some changes this year and he would like the Commissioners to be informed of these changes.

Mr. Grisolano stated that he would like to place about \$35,000 in reserves over the next 3 years in order to pay for a remodeling project that would allow the motor vehicle operation in the courthouse to be moved into the Treasurer's Office. It was discussed that this would allow the operations to be run more efficiently and it would allow taxpayers to take of their needs in one office. Commissioner Wood stated that he is in favor of this and he would like to see it done as soon as possible. It was discussed that it will need to be studied and planned and it will be inconvenient when the work is being done. It was discussed that a reserve fund should be set up just for this project.

MESSAGES FROM APPOINTED OFFICIALS

Item One: Mr. Greg Hite addressed the updated bid sheets on the dump trucks. The commissioners stated that their Road Foremen thought that they had included the options that are needed for a good truck.

MESSAGES FROM THE PUBLIC PROCLAMATION AND ORDERS OF THE BOARD NEW BUSINESS

Item One: Commissioner Murphy regarding a conference in St Louis Feb 2-4, about Smartgrowth in St. Louis. Mr. Murphy stated that lots of topics that concern the Livewell Group will be addressed and that their grant will pay the expenses with no cost to county except maybe meals, Mr. Murphy stated that he plans to go to the conference along with Brad Stroud and Troy Graham and the other Commissioners thought that was a good idea.

Item Two: Commissioner Wood regarding an email about operations on oil wells in Crawford County that sounds a lot like fracking. Mr. Emerson stated that there was a publication in the paper that Charles See is doing work on oil wells. It was discussed that some rumors and opposition has arisen due to the possibility that this is fracking. It was discussed that an application has not yet been submitted to be able to do this work and that it will have to go through an approval process. The Commissioners asked Mr. Emerson to research this and bring this back at a later date.

Item Three: Commissioner Wood regarding the ditching machine that was approved for purchase. Mr. Wood was concerned that the credit application sent with the pricing information was with John Deere. Mr. Wood was going to contact the salesman to discuss this application and other details of this purchase.

UNDER THE HEADING OLD BUSINESS

Item One: Commissioner Wood regarding items sold on the Purple Wave website. Mr. Wood stated that he would like to transfer the funds from this sale into the equipment reserve fund to pay for the ditcher.

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On motion (16-463) of Commissioner Wood and the second of Commissioner Moody to Deposit the Funds from the sale of Equipment on the Purple Wave Website into the Equipment Reserve Fund to pay for a Ditching Machine.

Yeas: Commissioners Moody, Wood and Murphy

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

EXECUTIVE SESSION:

Item One: Commissioner Carl Wood requested an executive session for 15 minutes.

On motion (16-464) 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 than 15 minutes to discuss matters that would be Deemed Privileged in the Attorney-Client relationship 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 11:39 AM and reconvened the Open Session at 11:48 AM with no action taken except to go back into open session.

Item Two: Commissioner Carl Wood requested an executive session for a period of not more than 15 minutes to discuss matters on non-elected personnel.

On motion (16-465) of Commissioner Moody and the second of Commissioner Wood to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss matters involving Non-Elected Personnel and to include the Board of County Commissioners, Zoning Director Troy Graham, 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 11:49 AM and reconvened the Open Session at 12:03 PM with no action taken except to go back into open session.

Item Three: County Clerk Don Pyle requested an executive session for a period of not more than 15 minutes to discuss matters involving non-elected personnel.

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On motion (16-466) of Commissioner Moody and the second of Commissioner Wood to recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Clerk Don Pyle, 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 12:04 PM and reconvened the Open Session at 12:19 PM with no action taken except to go back into open session.

Item Four: Commissioner Carl Wood requested an executive session for a period of not more than 30 minutes to discuss non-elected personnel.

On motion (16-467) of Commissioner Moody and the second of Commissioner Wood to recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss matters involving Non-Elected Personnel and to include the Board of County Commissioners, County Counselor Jim Emerson and Road & Bridge Director Liz Hart.

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 12:20 PM and reconvened the Open Session at 12:45 PM with no action taken except to go back into open session.

Item Five: Commissioner Jeff Murphy requested an executive session for a period of not more than 5 minutes to discuss non-elected personnel.

On motion (16-468) of Commissioner Moody and the second of Commissioner Wood to recess this open session and go into a closed executive session for a period of not more than 30 minutes to discuss 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 12:45 PM and reconvened the Open Session at 12:50 PM with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

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FUTURE BUSINESS:

Item One: December 20, 2016 – Opening of Rock Bids.

Item Two: December 20, 2016 – Ms. Becky Gray, City of Pittsburg Director of Housing and Community Development, and Mr. Skip Motsenbocker with Pointe Royale Development regarding housing development.

ANNOUNCEMENTS:

Item One: Sunday, December 18, 2016 – All three Commissioners may be in attendance at Dr. Sullivan's Clinic Opening in Frontenac.

Item Two: Friday, December 23, 2016 – The Courthouse will be close at noon in observance of the Christmas holiday.

Item Three: Monday, December 26, 2016 – The Courthouse will be closed in observance of the Christmas holiday.

Item Four: Monday, January 2, 2017 – The Courthouse will be closed in observance of the New Year's Holiday.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Wood and the second of Commissioner Moody to adjourn the [December 16, 2016](#) meeting of the Board of Crawford County Commissioners at 12:52 PM 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

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This submission completed at the Crawford County Courthouse in Girard.

[Taken GRG 12/16/16/amended BKW 12/19/16 3:30 PM](#)