



**Board of Riley County  
Commissioners  
Regular Meeting  
Agenda  
November 28, 2022**

115 North 4th Street  
Manhattan, KS 66502  
[www.rileycountyks.gov](http://www.rileycountyks.gov)

Cindy Kabriel  
785-565-6200

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**Commission Chambers**

**8:30 AM**

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[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

**8:30 AM**

**Call to Order**

**Pledge of Allegiance**

**Public Comment**

1. Public Comments

**Commission Comments**

2. Commission Comments

**Business Meeting**

3. 2023 Special Alcohol Fund Grant Agreement with the City of Manhattan for Riley County Court Services Probation
4. CY23 Adult and Juvenile City Alcohol Grants
5. 2021 Management Representation letter with James Gordon & Associates, CPA, PA

**Review Minutes**

6. Board of Riley County Commissioners - Regular Meeting - Nov 21, 2022 8:30 AM

**Press Conference Topics**

7. Discuss Press Conference

**Review Tentative Agenda**

8. Tentative Agenda

**9:00 AM**

**Clancy Holeman, Counselor/Director of Administrative Services**

9. Administrative Work Session
10. Pending County Projects County Counselor
11. Lease Renewal Agreement—RCPD Aggieville Substation
12. Draft Agenda for Riley County Legislative Conference

**9:15 AM**

**Lori Feldkamp, Big Lakes Developmental Center Director**

13. Big Lakes Developmental Center update

**9:30 AM**

**Press Conference**

- 9:35 AM Anna Burson, Appraiser**  
14. Tatarrax Lot 70 Information
- 9:50 AM Rich Vargo, County Clerk**  
15. Grant Township Clerk tie break
- 10:00 AM John Ellermann, Public Works Director/County Engineer**  
16. University Park Lagoons
- 12:00 PM Intergovernmental Luncheon**  
17. Intergovernmental Luncheon Agenda
- Adjournment**

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In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



**DISTRICT COURT**  
*Agreement*

**Lanna Nichols**  
Court Administrator  
100 Courthouse Plaza  
Manhattan, KS 66502  
Phone: 785-537-6364

## COMMISSION AGENDA REPORT

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**FROM:** Lanna Nichols, Court Administrator

**MEETING:** November 28, 2022

**SUBJECT:** 2023 Special Alcohol Fund Grant Agreement with the City of Manhattan for Riley County Court Services Probation

**PRESENTER:** Danielle Force, Court Services Officer

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### POSSIBLE MOTION(S)

Move to approve the 2023 Special Alcohol Fund Grant Agreement with the City of Manhattan for Riley County Court Services Probation.

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

#### Enclosures:

- 2023 SAF Grant Agreement-Riley County Court Services Probation (PDF)



**2023 Special Alcohol Fund  
Grant Agreement  
Riley County Court Services Probation**

**THIS AGREEMENT** is hereby entered into this 20<sup>th</sup> day of December, 2022, by and between the City of Manhattan, Kansas, a municipal corporation, (“City”), and **Riley County Court Services Probation** (“Recipient”).

**WHEREAS**, pursuant to K.S.A. 79-41a01, the City has certain funds available to it (“Funds”); and,

**WHEREAS**, pursuant to K.S.A. 79-41a04(d), a portion of the Funds shall be expended only for the purchase, establishment, maintenance, or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers (“Alcohol and Drug Services or Programs”); and,

**WHEREAS**, through the City’s Special Alcohol Fund Advisory Committee (“SAFAC”) and the City Commission, the City assesses the Alcohol and Drug Services or Programs needs of the City, evaluates agencies that provide programs and/or services that may meet those needs, and determines whether and how the City should provide funding to those agencies; and,

**WHEREAS**, the Recipient submitted a funding application proposal (“Agency Proposal”) for a 2023 SAFAC Funding, which was approved by the SAFAC; and,

**WHEREAS**, SAFAC and the City Commission have determined that Recipient provides Alcohol and Drug Services or Programs that are considered beneficial to the citizens of Manhattan; and,

**WHEREAS**, the City Commission has approved a grant to the Recipient in the amount of **\$3,000.00** to be used for Alcohol and Drug Services or Programs set forth in the Proposal, as approved, and to the extent modified by the City Commission (the “Approved Proposal”).

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:**

1. The term of this Agreement shall be from January 1, 2023, through December 31, 2023, unless terminated earlier.

2. The City agrees to provide funds to the Recipient in the amount of **\$3,000.00** (“Grant Funds”) from the 2023 Special Alcohol Fund, subject to the availability of Grant Funds as described in Section 9. The total amount will be paid in four equal installments of **\$ 750.00** each on or before March 15, June 15, September 15, and December 15, of 2023. The Recipient shall use the Grant Funds only for the Alcohol and Drug Services or Program(s), as described in Recipient’s Approved Proposal. The Grant Funds shall be released to the Recipient upon the approval of the City Commission. The failure or refusal of the City Commission to authorize the release of the Grant Funds shall not constitute a breach of this agreement, but shall merely indicate an intention on the part of the City to terminate the agreement. ***Recipient shall return any Grant Funds that are unused as of December 31, 2023, to the City by January 31, 2024, for the City to deposit to the special alcohol fund account.***

3. The Recipient agrees to use the Grant Funds consistent with the goals, objectives and activities as contained in the Approved Proposal and for no other purposes. The Recipient further agrees to use the Grant Funds for Alcohol and Drug Services or Programs, pursuant to the limitations as stated in K.S.A. 79-41a04(d). The Recipient acknowledges and understands that it is accountable to the City for using the Grant Funds pursuant to this agreement. Any deviation from the Approved Proposal or from the goals, objectives, activities, and budget submitted to the City must receive prior approval from the City.

4. The Recipient agrees to fully participate in at least one site per year to be scheduled and performed within 30 calendar days of the City’s request for the site visit no later than September 30. Prior to the site visit, the Agency must complete the City’s site visit form and return it to the City. Additional site visits may be requested at the discretion of the SAFAC.

5. The Recipient agrees to submit two Grant reports to the City’s Finance Department, by July 31, 2023 (for the period January 1, 2023, through June 30, 2023) and by January 31, 2024 (for the period July 1, 2023, through December 31, 2023). Each Grant report shall contain the following:

- a. A full and complete accounting and line-item budget of itemized program/services expenditures, incomes and cash balances; and,
- b. An update on the Agency’s progress toward achieving the goals, objectives and activities described in the Approved Proposal; and,
- c. An activity report showing how many individuals have been served, reached, and/or influenced through the Alcohol and Drug Services or Programs funded by the Grant; and,
- d. Financial or other data requested by the City that the City deems necessary to determine compliance with this agreement.

The Recipient understands and agrees that all reports submitted to the City may be a public record

subject to disclosure pursuant to the Kansas Open Records Act, K.S.A. 45-216 *et seq.*

6. If the Recipient fails to submit complete information or reports as required by this agreement by the relevant deadline, the City may refuse to pay any installment(s) due hereunder and/or the City may decline to provide Recipient with a grant from the Fund in future calendar years.

7. The Recipient further acknowledges and understands that the City has by Resolution No. 041994-B created and by Resolution No. 110414-B continued the establishment of a Committee which is charged with the responsibility of conducting a review of all proposals funded with funds from the Special Alcohol and Drug Programs Fund. The Committee has the responsibility to determine whether or not the Grant Funds are spent according to the Approved Proposal and to make an evaluation of the quality of the Alcohol and Drug Services or Programs provided. The Recipient hereby specifically agrees to comply with all requests and requirements of the Committee and the City Commission in order that the Committee might comply with its obligations as set forth in the resolution.

8. The Recipient agrees to appropriately identify that it receives, in part, funds from the City of Manhattan, as follows: the Recipient agrees to identify this funding on all of its official correspondence, reports, and other literature associated with its programs with the following statement: **"Funding in part provided by the City of Manhattan."**

9. The Recipient understands and agrees that the City's provision of any or all of the Grant Funds is based upon governing body approval, as described in Section 2, and the provision of such funds to the City by the State of Kansas. In the event that the State of Kansas does not provide the City with any, or all, funds as anticipated by the City, the City may, at its option, eliminate all or some of the Grant Funds due to the Recipient.

10. The Recipient agrees to comply with applicable federal, state, and local laws, regulations, and ordinances in its performance of the Alcohol and Drug Services or Programs.

11. The Recipient agrees to comply with federal, state, and local laws, regulations, and ordinances related to discrimination, including but not limited to the Kansas Act Against Discrimination, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and all guidelines and interpretations issued pursuant thereto, in all matters related to the Approved Proposal. The Recipient assures that it does not aid or perpetuate discrimination on the basis of disability in providing any aid, benefit, or service to its clientele and the Recipient assures that it has evaluated all of its programs and services, made any necessary non-structural modifications to accommodate the disabled and has developed a plan to address any necessary structural changes to facilities. This Assurance is binding on the Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below

are authorized to sign this Assurance on behalf of the Recipient.

12. The Recipient shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of this agreement because of age, race, religion, color, sex, disability, national origin or ancestry. In all solicitations or advertisements for employees, the Recipient shall include the phrase "equal opportunity employer," or a similar phrase to be approved by the Kansas Human Rights Commission ("KHRC"). If the Recipient fails to comply with the manner in which it reports to the KHRC in accordance with the provisions of K.S.A. 44-1031, the Recipient shall be deemed to have breached this agreement and it may be canceled, terminated or suspended, in whole or in part, by the City. If the Recipient is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the KHRC which has become final, it shall be deemed to have breached this agreement and it may be canceled, terminated or suspended, in whole, or in part, by the City. The Recipient shall include the provisions of this Section 12 in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor unless such subcontract is less than \$5,000 for a fiscal year or the subcontractor employs less than four (4) employees during the terms of the contract.

13. The Proposal and Approved Proposal are attached hereto and incorporated herein by reference.

14. This agreement may be terminated by either party upon thirty (30) days written notice to the other party.

**IN WITNESS WHEREOF**, the parties hereto have set their hands this 20<sup>th</sup> day of December 2022.

**City of Manhattan, KS**

**Riley County Court Services Probation**

By: \_\_\_\_\_  
Linda Morse, Mayor

By: \_\_\_\_\_  
**Dalanna Nichols, Director**

\_\_\_\_\_  
Greg McKinley, Riley County Commission  
Chair

Attest:

Attest:

\_\_\_\_\_  
Brenda K. Wolf, CMC, City Clerk

\_\_\_\_\_  
Rich Vargo, County Clerk





**COMMUNITY CORRECTIONS**  
*Grant*

**Shelly Williams**  
Community Corrections  
Director  
115 North 4th Street  
Manhattan, KS 66502  
Phone: 785-537-6380

## COMMISSION AGENDA REPORT

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**FROM:** Jessie Hubbard, Administrative Assistant II, Riley County Community Corrections

**MEETING:** November 28, 2022

**SUBJECT:** CY23 Adult and Juvenile City Alcohol Grants

**PRESENTER:** Shelly Williams, Director Riley County Community Corrections and/or Sandi Harper, Riley County Community Corrections

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### **BACKGROUND**

Riley County Community Corrections has received City Alcohol dollars since 2011. These dollars go to pay for direct drug and alcohol services for clients. We applied for and were awarded funds for 2023.

### **DISCUSSION**

We were awarded City Alcohol tax dollars for the following programs:

|                   |                                     |
|-------------------|-------------------------------------|
| Adult Services    | \$27,500.00 (three signature pages) |
| Juvenile Services | \$ 4,300.00 (three signature pages) |

Attached are the Grant Agreements for your review and signature.

### **FISCAL IMPACT**

Without these funds, we would not be able to assist our juvenile and adult clients with drug and alcohol services.

### **RECOMMENDATION(S)**

Approve both the Juvenile Services and Adult Services City Alcohol Grant Agreements.

**POSSIBLE MOTION(S)**

Move to approve

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

**Enclosures:**

- 2023 SAF Grant Agreement-RCCC Adult Services (PDF)
- 2023 SAF Grant Agreement-RCCC Juvenile Services (PDF)



**2023 Special Alcohol Fund  
Grant Agreement  
Riley County Community Corrections-Adult Services**

**THIS AGREEMENT** is hereby entered into this 20<sup>th</sup> day of December, 2022, by and between the City of Manhattan, Kansas, a municipal corporation, (“City”), and **Riley County Community Corrections-Adult Services** (“Recipient”).

**WHEREAS**, pursuant to K.S.A. 79-41a01, the City has certain funds available to it (“Funds”); and,

**WHEREAS**, pursuant to K.S.A. 79-41a04(d), a portion of the Funds shall be expended only for the purchase, establishment, maintenance, or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers (“Alcohol and Drug Services or Programs”); and,

**WHEREAS**, through the City’s Special Alcohol Fund Advisory Committee (“SAFAC”) and the City Commission, the City assesses the Alcohol and Drug Services or Programs needs of the City, evaluates agencies that provide programs and/or services that may meet those needs, and determines whether and how the City should provide funding to those agencies; and,

**WHEREAS**, the Recipient submitted a funding application proposal (“Agency Proposal”) for a 2023 SAFAC Funding, which was approved by the SAFAC; and,

**WHEREAS**, SAFAC and the City Commission have determined that Recipient provides Alcohol and Drug Services or Programs that are considered beneficial to the citizens of Manhattan; and,

**WHEREAS**, the City Commission has approved a grant to the Recipient in the amount of **\$27,500.00** to be used for Alcohol and Drug Services or Programs set forth in the Proposal, as approved, and to the extent modified by the City Commission (the “Approved Proposal”).

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:**

1. The term of this Agreement shall be from January 1, 2023, through December 31, 2023, unless terminated earlier.

2. The City agrees to provide funds to the Recipient in the amount of **\$27,500.00** (“Grant Funds”) from the 2023 Special Alcohol Fund, subject to the availability of Grant Funds as described in Section 9. The total amount will be paid in four equal installments of **\$6,875.00** each on or before March 15, June 15, September 15, and December 15, of 2023. The Recipient shall use the Grant Funds only for the Alcohol and Drug Services or Program(s), as described in Recipient’s Approved Proposal. The Grant Funds shall be released to the Recipient upon the approval of the City Commission. The failure or refusal of the City Commission to authorize the release of the Grant Funds shall not constitute a breach of this agreement, but shall merely indicate an intention on the part of the City to terminate the agreement. ***Recipient shall return any Grant Funds that are unused as of December 31, 2023, to the City by January 31, 2024, for the City to deposit to the special alcohol fund account.***

3. The Recipient agrees to use the Grant Funds consistent with the goals, objectives and activities as contained in the Approved Proposal and for no other purposes. The Recipient further agrees to use the Grant Funds for Alcohol and Drug Services or Programs, pursuant to the limitations as stated in K.S.A. 79-41a04(d). The Recipient acknowledges and understands that it is accountable to the City for using the Grant Funds pursuant to this agreement. Any deviation from the Approved Proposal or from the goals, objectives, activities, and budget submitted to the City must receive prior approval from the City.

4. The Recipient agrees to fully participate in at least one site per year to be scheduled and performed within 30 calendar days of the City’s request for the site visit no later than September 30. Prior to the site visit, the Agency must complete the City’s site visit form and return it to the City. Additional site visits may be requested at the discretion of the SAFAC.

5. The Recipient agrees to submit two Grant reports to the City’s Finance Department, by July 31, 2023 (for the period January 1, 2023, through June 30, 2023) and by January 31, 2024 (for the period July 1, 2023, through December 31, 2023). Each Grant report shall contain the following:

- a. A full and complete accounting and line-item budget of itemized program/services expenditures, incomes and cash balances; and,
- b. An update on the Agency’s progress toward achieving the goals, objectives and activities described in the Approved Proposal; and,
- c. An activity report showing how many individuals have been served, reached, and/or influenced through the Alcohol and Drug Services or Programs funded by the Grant; and,
- d. Financial or other data requested by the City that the City deems necessary to determine compliance with this agreement.

The Recipient understands and agrees that all reports submitted to the City may be a public record

subject to disclosure pursuant to the Kansas Open Records Act, K.S.A. 45-216 *et seq.*

6. If the Recipient fails to submit complete information or reports as required by this agreement by the relevant deadline, the City may refuse to pay any installment(s) due hereunder and/or the City may decline to provide Recipient with a grant from the Fund in future calendar years.

7. The Recipient further acknowledges and understands that the City has by Resolution No. 041994-B created and by Resolution No. 110414-B continued the establishment of a Committee which is charged with the responsibility of conducting a review of all proposals funded with funds from the Special Alcohol and Drug Programs Fund. The Committee has the responsibility to determine whether or not the Grant Funds are spent according to the Approved Proposal and to make an evaluation of the quality of the Alcohol and Drug Services or Programs provided. The Recipient hereby specifically agrees to comply with all requests and requirements of the Committee and the City Commission in order that the Committee might comply with its obligations as set forth in the resolution.

8. The Recipient agrees to appropriately identify that it receives, in part, funds from the City of Manhattan, as follows: the Recipient agrees to identify this funding on all of its official correspondence, reports, and other literature associated with its programs with the following statement: **"Funding in part provided by the City of Manhattan."**

9. The Recipient understands and agrees that the City's provision of any or all of the Grant Funds is based upon governing body approval, as described in Section 2, and the provision of such funds to the City by the State of Kansas. In the event that the State of Kansas does not provide the City with any, or all, funds as anticipated by the City, the City may, at its option, eliminate all or some of the Grant Funds due to the Recipient.

10. The Recipient agrees to comply with applicable federal, state, and local laws, regulations, and ordinances in its performance of the Alcohol and Drug Services or Programs.

11. The Recipient agrees to comply with federal, state, and local laws, regulations, and ordinances related to discrimination, including but not limited to the Kansas Act Against Discrimination, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and all guidelines and interpretations issued pursuant thereto, in all matters related to the Approved Proposal. The Recipient assures that it does not aid or perpetuate discrimination on the basis of disability in providing any aid, benefit, or service to its clientele and the Recipient assures that it has evaluated all of its programs and services, made any necessary non-structural modifications to accommodate the disabled and has developed a plan to address any necessary structural changes to facilities. This Assurance is binding on the Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below

are authorized to sign this Assurance on behalf of the Recipient.

12. The Recipient shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of this agreement because of age, race, religion, color, sex, disability, national origin or ancestry. In all solicitations or advertisements for employees, the Recipient shall include the phrase "equal opportunity employer," or a similar phrase to be approved by the Kansas Human Rights Commission ("KHRC"). If the Recipient fails to comply with the manner in which it reports to the KHRC in accordance with the provisions of K.S.A. 44-1031, the Recipient shall be deemed to have breached this agreement and it may be canceled, terminated or suspended, in whole or in part, by the City. If the Recipient is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the KHRC which has become final, it shall be deemed to have breached this agreement and it may be canceled, terminated or suspended, in whole, or in part, by the City. The Recipient shall include the provisions of this Section 12 in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor unless such subcontract is less than \$5,000 for a fiscal year or the subcontractor employs less than four (4) employees during the terms of the contract.

13. The Proposal and Approved Proposal are attached hereto and incorporated herein by reference.

14. This agreement may be terminated by either party upon thirty (30) days written notice to the other party.

**IN WITNESS WHEREOF**, the parties hereto have set their hands this 20<sup>th</sup> day of December 2022.

**City of Manhattan, KS**

**Riley County Community Corrections-  
Adult Services**

By: \_\_\_\_\_  
Linda Morse, Mayor

By: \_\_\_\_\_  
Shelly Williams, Director

\_\_\_\_\_  
Greg McKinley, Riley County Commission  
Chair

Attest:

Attest:

\_\_\_\_\_  
Brenda K. Wolf, CMC, City Clerk

\_\_\_\_\_  
Rich Vargo, County Clerk





**2023 Special Alcohol Fund  
Grant Agreement  
Riley County Community Corrections-Juvenile Services**

**THIS AGREEMENT** is hereby entered into this 20<sup>th</sup> day of December, 2022, by and between the City of Manhattan, Kansas, a municipal corporation, (“City”), and **Riley County Community Corrections-Juvenile Services** (“Recipient”).

**WHEREAS**, pursuant to K.S.A. 79-41a01, the City has certain funds available to it (“Funds”); and,

**WHEREAS**, pursuant to K.S.A. 79-41a04(d), a portion of the Funds shall be expended only for the purchase, establishment, maintenance, or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers (“Alcohol and Drug Services or Programs”); and,

**WHEREAS**, through the City’s Special Alcohol Fund Advisory Committee (“SAFAC”) and the City Commission, the City assesses the Alcohol and Drug Services or Programs needs of the City, evaluates agencies that provide programs and/or services that may meet those needs, and determines whether and how the City should provide funding to those agencies; and,

**WHEREAS**, the Recipient submitted a funding application proposal (“Agency Proposal”) for a 2023 SAFAC Funding, which was approved by the SAFAC; and,

**WHEREAS**, SAFAC and the City Commission have determined that Recipient provides Alcohol and Drug Services or Programs that are considered beneficial to the citizens of Manhattan; and,

**WHEREAS**, the City Commission has approved a grant to the Recipient in the amount of **\$4,300.00** to be used for Alcohol and Drug Services or Programs set forth in the Proposal, as approved, and to the extent modified by the City Commission (the “Approved Proposal”).

**NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:**

1. The term of this Agreement shall be from January 1, 2023, through December 31, 2023, unless terminated earlier.

2. The City agrees to provide funds to the Recipient in the amount of **\$4,300.00** (“Grant Funds”) from the 2023 Special Alcohol Fund, subject to the availability of Grant Funds as described in Section 9. The total amount will be paid in four equal installments of **\$1,075.00** each on or before March 15, June 15, September 15, and December 15, of 2023. The Recipient shall use the Grant Funds only for the Alcohol and Drug Services or Program(s), as described in Recipient’s Approved Proposal. The Grant Funds shall be released to the Recipient upon the approval of the City Commission. The failure or refusal of the City Commission to authorize the release of the Grant Funds shall not constitute a breach of this agreement, but shall merely indicate an intention on the part of the City to terminate the agreement. ***Recipient shall return any Grant Funds that are unused as of December 31, 2023, to the City by January 31, 2024, for the City to deposit to the special alcohol fund account.***

3. The Recipient agrees to use the Grant Funds consistent with the goals, objectives and activities as contained in the Approved Proposal and for no other purposes. The Recipient further agrees to use the Grant Funds for Alcohol and Drug Services or Programs, pursuant to the limitations as stated in K.S.A. 79-41a04(d). The Recipient acknowledges and understands that it is accountable to the City for using the Grant Funds pursuant to this agreement. Any deviation from the Approved Proposal or from the goals, objectives, activities, and budget submitted to the City must receive prior approval from the City.

4. The Recipient agrees to fully participate in at least one site per year to be scheduled and performed within 30 calendar days of the City’s request for the site visit no later than September 30. Prior to the site visit, the Agency must complete the City’s site visit form and return it to the City. Additional site visits may be requested at the discretion of the SAFAC.

5. The Recipient agrees to submit two Grant reports to the City’s Finance Department, by July 31, 2023 (for the period January 1, 2023, through June 30, 2023) and by January 31, 2024 (for the period July 1, 2023, through December 31, 2023). Each Grant report shall contain the following:

- a. A full and complete accounting and line-item budget of itemized program/services expenditures, incomes and cash balances; and,
- b. An update on the Agency’s progress toward achieving the goals, objectives and activities described in the Approved Proposal; and,
- c. An activity report showing how many individuals have been served, reached, and/or influenced through the Alcohol and Drug Services or Programs funded by the Grant; and,
- d. Financial or other data requested by the City that the City deems necessary to determine compliance with this agreement.

The Recipient understands and agrees that all reports submitted to the City may be a public record

subject to disclosure pursuant to the Kansas Open Records Act, K.S.A. 45-216 *et seq.*

6. If the Recipient fails to submit complete information or reports as required by this agreement by the relevant deadline, the City may refuse to pay any installment(s) due hereunder and/or the City may decline to provide Recipient with a grant from the Fund in future calendar years.

7. The Recipient further acknowledges and understands that the City has by Resolution No. 041994-B created and by Resolution No. 110414-B continued the establishment of a Committee which is charged with the responsibility of conducting a review of all proposals funded with funds from the Special Alcohol and Drug Programs Fund. The Committee has the responsibility to determine whether or not the Grant Funds are spent according to the Approved Proposal and to make an evaluation of the quality of the Alcohol and Drug Services or Programs provided. The Recipient hereby specifically agrees to comply with all requests and requirements of the Committee and the City Commission in order that the Committee might comply with its obligations as set forth in the resolution.

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9. The Recipient understands and agrees that the City's provision of any or all of the Grant Funds is based upon governing body approval, as described in Section 2, and the provision of such funds to the City by the State of Kansas. In the event that the State of Kansas does not provide the City with any, or all, funds as anticipated by the City, the City may, at its option, eliminate all or some of the Grant Funds due to the Recipient.

10. The Recipient agrees to comply with applicable federal, state, and local laws, regulations, and ordinances in its performance of the Alcohol and Drug Services or Programs.

11. The Recipient agrees to comply with federal, state, and local laws, regulations, and ordinances related to discrimination, including but not limited to the Kansas Act Against Discrimination, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; and all guidelines and interpretations issued pursuant thereto, in all matters related to the Approved Proposal. The Recipient assures that it does not aid or perpetuate discrimination on the basis of disability in providing any aid, benefit, or service to its clientele and the Recipient assures that it has evaluated all of its programs and services, made any necessary non-structural modifications to accommodate the disabled and has developed a plan to address any necessary structural changes to facilities. This Assurance is binding on the Recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below

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13. The Proposal and Approved Proposal are attached hereto and incorporated herein by reference.

14. This agreement may be terminated by either party upon thirty (30) days written notice to the other party.

**IN WITNESS WHEREOF**, the parties hereto have set their hands this 20<sup>th</sup> day of December 2022.

**City of Manhattan, KS**

**Riley County Community Corrections-  
Juvenile Services**

By: \_\_\_\_\_  
Linda Morse, Mayor

By: \_\_\_\_\_  
Shelly Williams, Director

\_\_\_\_\_  
Greg McKinley, Riley County Commission  
Chair

Attest:

Attest:

\_\_\_\_\_  
Brenda K. Wolf, CMC, City Clerk

\_\_\_\_\_  
Rich Vargo, County Clerk





**COUNTY CLERK & ELECTIONS**  
*Letter*

**Rich Vargo**  
County Clerk  
110 Courthouse Plaza  
Manhattan, KS 66502  
Phone: 785-565-6200

## COMMISSION AGENDA REPORT

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**FROM:** Jacob Kujath, CPA, James Gordon & Associates, CPA, PA

**MEETING:** November 28, 2022

**SUBJECT:** 2021 Management Representation letter with James Gordon & Associates, CPA, PA

**PRESENTER:** Darell Edie, Budget & Finance Officer

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### POSSIBLE MOTION(S)

Move to sign the 2021 Management Representation Letter with James Gordon & Associates, CPA, PA.

**Enclosures:**

- 2021 Management Rep Ltr (DOCX)

James Gordon & Associates CPA, P.A.  
Commerce Bank Tower  
727 Poyntz Avenue  
Manhattan, Kansas 66502

This representation letter is provided in connection with your audit of the financial statement of Riley County, Kansas (the County), which comprises the Statement of Receipts, Expenditures, and Unencumbered Cash – Regulatory Basis as of December 31, 2021 and for the year then ended, and the related notes to the financial statement, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in conformity with a special purpose framework consistent with the basis of cash receipts and disbursements as adjusted, to show compliance with cash basis and budget laws of the State of Kansas, as regulated by the State in the Kansas Municipal Audit and Accounting Guide (KMAAG), which is a regulatory basis of accounting other than accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of the date of the independent auditor's report, the following representations made to you during your audit.

#### **Financial Statement**

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated October 25, 2021, including our responsibility for the preparation and fair presentation of the financial statement in conformity with KMAAG and for preparation of the required-supplementary information (RSI) in accordance with the applicable criteria.
- 2) The financial statement referred to above are fairly presented in conformity with a special purpose framework consistent with the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of the State of Kansas and include all properly classified funds and other financial information of the primary government required by the KMAAG to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.
- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.

- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- 6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with the KMAAG.
- 7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statement or in the schedule of findings and questioned costs.
- 8) We are in agreement with the adjusting journal entries you have proposed, and they have been posted to the accounts.
- 9) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with the KMAAG.
- 10) Guarantees, whether written or oral, under which the County is contingently liable, if any, have been properly recorded or disclosed.

### **Information Provided**

- 11) We have provided you with:
  - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statement, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.
  - b) Additional information that you have requested from us for the purpose of the audit.
  - c) Unrestricted access to persons within the County from whom you determined it necessary to obtain audit evidence.
  - d) Minutes of the meetings of the County or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 12) All material transactions have been recorded in the accounting records and are reflected in the financial statement and the schedule of expenditures of federal awards.
- 13) We have disclosed to you the results of our assessment of the risk that the financial statement may be materially misstated as a result of fraud.
- 14) We have no knowledge of any fraud or suspected fraud that affects the County and involves—
  - Management,
  - Employees who have significant roles in internal control, or
  - Others where the fraud could have a material effect on the financial statements.
- 15) We have no knowledge of any allegations of fraud or suspected fraud affecting the County's financial statement communicated by employees, former employees, regulators, or others.
- 16) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or waste or abuse, whose effects should be considered when preparing the financial statement.
- 17) We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statement.

- 18) We have disclosed to you the names of the County's related parties and all the related party relationships and transactions, including any side agreements.

**Government-specific**

- 19) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 20) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 21) The County has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources, and fund balance or net position.
- 22) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.
- 23) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statement or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
- 24) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- 25) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- 26) As part of your audit, you assisted with preparation of the financial statement, related notes, RRSI, and schedule of expenditures of federal awards. We acknowledge our responsibility as it relates to those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statement, related notes, RRSI, and schedule of expenditures of federal awards.
- 27) The County has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 28) The County has complied with all aspects of contractual agreements that would have a material effect on the financial statement in the event of noncompliance.
- 29) Expenditures have been appropriately classified in or allocated to functions and programs, and allocations have been made on a reasonable basis.
- 30) Receipts are appropriately classified.
- 31) Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.

32) Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed. Management has chosen to include the financial information for the following special districts in its financial statement:

- Fire District
- University Park Water and Sewer District
- Hunter's Island Water District
- Moehlman Bottoms Water District
- Terra Heights Sewer Maintenance District
- Valleywood Combined Operations District
- Konza Water District
- Deep Creek Sewer Fund
- Mertz/McGehee Drainage
- Carson Sewer Fund
- Lakeside Heights Sewer Fund

33) We acknowledge our responsibility for the regulatory-required supplementary information (RRSI). The RRSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RRSI.

34) With respect to the RRSI:

- a) We acknowledge our responsibility for presenting the RRSI in accordance with the KMAAG, and we believe the RRSI, including its form and content, is fairly presented in conformity with a special purpose framework consistent with the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of the State of Kansas. The methods of measurement and presentation of the RRSI have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.
- b) If the RRSI is not presented with the audited financial statement, we will make the audited financial statement readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.

35) With respect to federal award programs:

- a) We are responsible for understanding and complying with and have complied with, the requirements of Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), including requirements relating to preparation of the schedule of expenditures of federal awards.
- b) We acknowledge our responsibility for preparing and presenting the schedule of expenditures of federal awards (SEFA) and related disclosures in accordance with the requirements of the Uniform Guidance, and we believe the SEFA, including its form and content, is fairly presented in accordance with the Uniform Guidance. The methods of measurement or presentation of the SEFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement or presentation of the SEFA.
- c) If the SEFA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA no later than the date we issue the SEFA and the auditor's report thereon.

- d) We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance compliance audit, and have included in the SEFA, expenditures made during the audit period for all awards provided by federal agencies in the form of federal awards, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
- e) We are responsible for understanding and complying with, and have complied with, the requirements of federal statutes, regulations, and the terms and conditions of federal awards related to each of our federal programs and have identified and disclosed to you the requirements of federal statutes, regulations, and the terms and conditions of federal awards that are considered to have a direct and material effect on each major program.
- f) We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for federal programs that provides reasonable assurance that we are managing our federal awards in compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a material effect on our federal programs. We believe the internal control system is adequate and is functioning as intended.
- g) We have made available to you all federal awards (including amendments, if any) and any other correspondence with federal agencies or pass-through entities relevant to federal programs and related activities.
- h) We have received no requests from a federal agency to audit one or more specific programs as a major program.
- i) We have complied with the direct and material compliance requirements (except for noncompliance disclosed to you), including when applicable, those set forth in the *OMB Compliance Supplement*, relating to federal awards and confirm that there were no amounts questioned and no known noncompliance with the direct and material compliance requirements of federal awards.
- j) We have disclosed any communications from federal awarding agencies and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.
- k) We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.
- l) Amounts claimed or used for matching were determined in accordance with relevant guidelines in OMB's Uniform Guidance (2 CFR part 200, subpart E) [and OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, if applicable].
- m) We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- n) We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.

- o) We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- p) There are no such known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditor's report.
- q) No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies or material weaknesses in internal control over compliance, subsequent to the period covered by the auditor's report.
- r) Federal program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.
- s) The copies of federal program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal agency or pass-through entity, as applicable.
- t) We have charged costs to federal awards in accordance with applicable cost principles.
- u) We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance, and we have provided you with all information on the status of the follow-up on prior audit findings by federal awarding agencies and pass-through entities, including all management decisions.
- v) We are responsible for and have ensured the reporting package does not contain protected personally identifiable information.
- w) We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.
- x) We are responsible for taking corrective action on each audit finding of the compliance audit and have developed a corrective action plan that meets the requirements of the Uniform Guidance.
- y) We have disclosed to you all contracts or other agreements with service organizations, and we have disclosed to you all communications from the service organizations relating to noncompliance at the service organizations.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
OF RILEY COUNTY, KANSAS

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member



**Board of Riley County  
Commissioners  
Regular Meeting  
TENTATIVE Agenda  
December 01, 2022**

115 North 4th Street  
Manhattan, KS 66502  
[www.rileycountyks.gov](http://www.rileycountyks.gov)

Cindy Kabriel  
785-565-6200

**Commission Chambers**

**8:30 AM**

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

**8:30 AM**

**Call to Order**

**Pledge of Allegiance**

**Public Comment**

**Commission Comments**

**Business Meeting**

1. Approve payroll/accounts payables (when completed)

**Review Minutes**

**Review Tentative Agenda**

**Press Conference Topics**

**9:00 AM**

**Darell Edie, Budget and Finance Officer**

2. Final budget amendment approval

**9:15 AM**

**Michael Boller, Noxious Weed Director**

3. Staff update

**9:30 AM**

**Anna Burson, Appraiser**

4. Staff update

**9:45 AM**

**Break**

**10:00 AM**

**Amanda Webb, Planning/Special Projects Director**

5. Staff update

**10:15 AM**

**Clancy Holeman, Counselor/Director of Administrative Services**

6. Administrative Work Session

**10:35 AM**

**Clancy Holeman, Counselor/Director of Administrative Services**

7. Executive session to discuss a performance matter involving non-

Attachment: 12-01-22 tentative agenda (11715 : Tentative Agenda)

elected personnel

**11:50 AM      Lunch**

**1:15 PM      Executive Sessions to discuss department head evaluations**

8.      1:15 John Ellermann, Public Works Director/County Engineer
9.      1:35 Russel Stuke, Emergency Management Director
10.     1:55 Katharine Hensler, Museum Director
11.     2:15 Anna Burson, Appraiser
12.     2:35 Cory Meyer, IT/GIS Director
13.     2:55 Amanda Webb, Planning/Special Projects Director

**Adjournment**

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In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 12-01-22 tentative agenda (11715 : Tentative Agenda)



**Board of Riley County  
Commissioners  
Regular Meeting  
TENTATIVE Agenda  
December 05, 2022**

115 North 4th Street  
Manhattan, KS 66502  
[www.rileycountyks.gov](http://www.rileycountyks.gov)

Cindy Kabriel  
785-565-6200

**Commission Chambers**

**8:30 AM**

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

**8:30 AM**

**Call to Order**

**Pledge of Allegiance**

**Public Comment**

**Commission Comments**

**Business Meeting**

**Review Minutes**

**Review Tentative Agenda**

**Press Conference Topics**

**9:00 AM**

**Clancy Holeman, Counselor/Director of Administrative Services**

1. Administrative Work Session

**9:20 AM**

**Shilo Heger, Treasurer**

2. 2022 Accomplishments and 2023 Goals

**9:30 AM**

**Press Conference**

3. RCPD update - Captain Greg Steere (3-5 minutes)
4. Personal property proration changes for 2023 - Anna Burson (2-3 minutes)
5. Farm style building economic life updates for 2023 - Anna Burson (2-3 minutes)

**10:00 AM**

**Russel Stukey, Emergency Management Director**

6. Staff update

**10:15 AM**

**Clancy Holeman, Counselor/Director of Administrative Services**

7. Executive session to discuss a performance matter involving non-elected personnel

Attachment: 12-05-22 tentative agenda (11715 : Tentative Agenda)

**1:15 PM****Executive Sessions to discuss department head evaluations**

8. 1:15 Shelly Williams, Community Corrections Director
9. 1:35 Michael Boller, Noxious Weed Director
10. 1:55 Julie Gibbs, Health Department Director
11. 2:15 Clancy Holeman, Counselor/Director of Administrative Services
12. 2:35 David Adams, EMS/Ambulance Director

**Adjournment**

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In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 12-05-22 tentative agenda (11715 : Tentative Agenda)



**COUNTY  
COUNSELOR/ADMINISTRATIVE  
SERVICES**  
*Staff Update*

**Clancy Holeman**  
Counselor/Director of  
Administrative Services  
115 North 4th Street  
Manhattan, KS 66502  
Phone: 785-565-6844

## STAFF REPORT

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**FROM:** Clancy Holeman, Riley County Counselor

**MEETING:** November 28, 2022

**SUBJECT:** Pending County Projects County Counselor

**PRESENTER:** Clancy Holeman

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Enclosures:

- FINAL Commission List 11.28.2022 (DOCX)

**PENDING COUNTY PROJECTS • Beginning November 17, 2022 and through November 22, 2022**  
**Submitted by Clancy Holeman, Riley County Counselor**  
**Changes or additions from previous entries or in the items listed are shown in italics.**

**NOTE:** The below lists are not intended to be a comprehensive list of all “pending” Commission or projects of other County Departments underway. Instead, the below lists represent an ongoing “snapshot” of the current status of selected pending projects which have either consumed significant staff time or involve county issues of widespread significance. Additional entries show selected project work for individual county departments. The sequence of entries below is not intended to reflect the priority assigned to any work described.

**COMMISSION LIST**

**American Rescue Plan:** Discussion with staff about possibly engaging consultant to assist County with federal/state requirements in future use of County’s \$14M allocation of ARPA funds. Similar concept to staff’s use of consultant with prior CARES funding. Unlike CARES funding, a primary focus of ARPA funding is infrastructure. (8-31-21) Discussions with staff and potential consultant. (9-17-21) Attend and participate in KAC webinar on ARPA and potential Health Department fund uses. (9-24-21) Communicate with consultant on agreed terms of service. (9-26-21) Finalize Professional Services Agreement with Consultant; draw Commission Agenda Report and submit for BOCC review and possible approval 9-30-21. (9-28-21) Obtain BOCC approval of Professional Services Agreement. (9-30-21) Staff meets with Consultant for first time regarding ARPA distribution rules. (9-30-21) Draft letter to congressional office (for discussion by BOCC in public meeting on 10-28-21) in support of S 3011—giving more flexibility to counties nationwide in their use of ARPA funds. (10-27-21)

**Board of Riley County Commissioners:** Attend BOCC regular public meetings 2-21-22; 2-24-22. Attend BOCC public Meeting & Intergovernmental Meeting. (2-28-22) Prepare for BOCC public meeting scheduled for 3-3-22. (3-2-22) Attend BOCC regular public meeting; Present draft agenda for follow up legislative conference scheduled to occur April 7, 2022. Agenda approved by BOCC, following discussion. (3-31-22). Attend regular public meeting. Participate in panel interviews of applicants for position of County Appraiser. (4-4-22) Attend BOCC public meeting. (4-14-22) Prepare for BOCC 4-18-22 meeting. (4-15-22) Attend BOCC public meeting. (4-18-22) Attend BOCC public meetings. (5-2-22; 5-5-22) Legal research on constitutional interpretation issue. (5-6-22;5-16-22;5-17- 22;5-18-22) Attend BOCC public meetings. (5-16-22;5-19-22) Discuss with outside counsel potential assistance on project. (5-20-22) Attend BOCC public meetings. (5-23-22; 5-26-22) Attend BOCC public meeting. (6-2-22; 6-6-22) Draw and submit commission agenda report for formal adoption of existing conduct rules for speakers and photographers/recorders during public meetings. (6-7-22) Attend BOCC public meeting; Presented CAR obtaining approval of ACH jail inmate medical care contract; Presented CAR obtaining approval of resolution adopting rules for public comments and recording during BOCC public meetings. (6-9-22) Attend BOCC public meetings. (6-13-22; 6-16-22; 6-23-22) Present to BOCC the Counselor’s office 2023 budget request. (6-16-22) Analyze legal issues surrounding budget appropriation requests (6-19-22; 6-20-22) Work with Chairman and legislator to schedule zoom discussion on possible state funding for disaster damage—and interaction of that goal with new state statute. (6-18-22;6-19-22;6-20-22; 6-21-22) Review applicable statutes and anticipate in immediately foregoing discussion. (6-22-22) Participate in executive session during public meeting. (6-23-22) Legal research question involving township process—provide answer. (6-23-22) Assist with executive session. (6-23-22) Analyze issues for county’s 2023 budget development. (6-25-22; 6-26-22;6-27-22;6-28-22) Attend BOCC public meeting. (6-27-22; 6-30-22) Confirm dates for meeting with outside counsel on pending litigation. (7-4-22) Attend BOCC public meetings. (7-7- 22; 7-11-22) Attend BOCC public meetings. (7-14-22; 7-18-22) Contact attorney for landowner. (7-18-22) Work on court appointments issue. (7-20-22) Attend BOCC public meetings. (7-21-22; 7-25-22) Obtain approval for BOCC legislative requests. Transmit approved legislative requests to KAC. (7-21-22) Additional work on court case appointments issue. (7-21-22; 7-23-22) Work on pending litigation. (7-23-22) Attend BOCC public meetings. (7- 28-22; 8-1-22) Initial meeting of CPE staff working group on CPE building security. (8-3-22) Consult with Craig on tax foreclosure issue. (8-5-22) Draw letters of support for TVT and WTC applications for state/federal funding. (8- 11-22) Zoom with staff working group on CPE security issues. (8-19-22) Participate in Executive Session appeal of disciplinary action. (8-22-22) Attend BOCC public meetings: (8-18-22; 8-22-22;8-26-22) Attend KAC legislative policy committee meeting. (8-31-22) Attend BOCC public meetings (9-1-22; 9-5-22; 9-8-22; 9-12-22) Work on contract issue. (9-13-22;9-14-22) Attend BOCC public meetings. (9-16-22;9-20-22) Work on contract issue (9-15-22;9-16-22; 9-19-22;9-20-22; 9-21-22) Assist with January 1, 2023 .20% countywide retailers’ sales tax approved by voters November, 2021. (9-19-22) Work on fence view request. (9-14-22;9-20-22) Work on multiple separate contract issues: (9-15-22; 9-16-22;9-19-22;9-20-22;9-21-22) Work on personnel matter for executive session. (10- 13-22) Work on resolution of support for riverbank development by private group. (10-13-22) Attend BOCC meetings. (10-21-22; 10-24-22) Work on personnel matter for upcoming executive session. (10-24-22;10-25-22; 10-26-22)

Attend BOCC meetings. (10-27-22; 10-31-22) Amend and upload resolution of support for Riverfront MHK. (10-27-22) Work with title company to finalize assembly of seller documents for closing on Leonardville site for ambulance station. (10-28-22) Work staff of Clerk's office to obtain potential dates for upcoming executive sessions. (10-27-22) Prepare for oral arguments in Lyon County District Court scheduled for 11-10-22; appeal regarding First Christian Church historical designation by state. (10-31-22; 11-1-22; 11-2-22) Attend District Court Case Management conference in Riley County District Court on pending appeal of County's approval of update to Prairiewood's preliminary and final plans. (11-1-22) Participate in BOCC public meetings. (11-3-22; 11-7-22; 11-10-22; 11-14-22; 11-17-22) Present closing documents for BOCC signature on purchase of Leonardville site of North County Ambulance station. (11-14-22) Deliver signed closing documents on same purchase to title company. (11-17-22) *Work on information for annual audit. (11-17-22) Attend regular BOCC public meeting. (11-21-22) Work on item for annual legislative conference and prepare to present it to BOCC during public meeting 11-28, 2022. (11-20-22; 11-22-22)*

**Budget and Planning Committee:** Attend meeting: 8-23-22; Prepare for meeting scheduled on 8-6-22. (8-2-22) Attend committee meetings. (9-13-22) Attend meeting. (10-25-22) *Work with B & P on development of contracts for transfers to small cities for loss of funds as countywide ½ cent sales tax sunsets 12/31/22. (11-15-22)*

**“Constitutional Protection of County Home Rule”:** Accepted KAC invitation to present to County Commissioners Association, KAC affiliate member, information on Home Rule, during final day of KAC annual meeting in Overland Park, October 20<sup>th</sup>. Accepted KAC invitation to work with KAC Executive Director on recording of KAC podcast on “Constitutional Protection of County Home Rule”; recording scheduled for September 10, 2021. Podcast recorded with KAC 9-10-21. Work on presentation to County Commissioners scheduled for 10-20-21 (10-15-21; 10-16-21; 10-17-21; 10-19-21) Convene presentation by Mike Heim on constitutional protection of county home rule during KAC annual meeting. (10-20-21) Presentation on constitutional protection of county home rule to County Commissioners Association of Kansas, during KAC annual meeting. (10-20-21)

**County Counselors Association of Kansas:** Assist with organization of the semi-annual CLE our statewide professional association will present to its members during the October 19, 2021, KAC annual meeting. Discuss with scheduled CLE presenter local experience on specific state statute related to soil investigation. (9-28-21) Assist with presentation of CLE to County Counselor's Association of Kansas during KAC annual meeting. Accept award as outgoing CCAK president (effective 1-1-22). Accept “Ed Randels” award for service to CCAK. (10-19-21) Work on scheduling next Board meeting of CCAK—set for Wednesday, 11-10-21.

**County Jail Inmate Medical Care:** Discussions have begun at the staff level, with the assistance of this department, regarding putting a renewal contract in place for this service. As this Board is aware, all medical expenses incurred by prisoners while in custody at the Riley County Law Enforcement Center's jail are the sole responsibility of Riley County—and not of the City of Manhattan or State of Kansas. Staff discussion scheduled for 8-27-21. Staff discussion rescheduled for 9-22-21. Staff discussion held—research history—recommendation accepted by staff. (9-22-21) Review state of current arrangement. (9-22-21) Send proposed inmate medical care contract to vendor. (5-28-22) Review and approve as to form final contract. Communicate with vendor; communicate with working group; notify working group of proposed presentation for agenda. (6-3-22); Schedule presentation of contract for signature during 6-9-22 BOCC public meeting. (6-5-22) Draw and submit CAR for final contract, to be presented to BOCC during June 9, 2022, public meeting. (6-7-22) Provide signed final contract to CEO of vendor, RCPD, County Clerk's office and working group members. (6-12-22)

**Countywide Emergency Radio Communications System Upgrade:** The upgrade is complete. But now the “program” phase has been completed, additional work from this department will be provided, as necessary, during the “maintenance” and “warranty” periods now underway. Discussion with contract administrator for vendor (L3Harris) scheduled for August 27, 2021. Discussion held with vendor contract administrator. Discussion with EM Director (8-30-21). Working toward final documents of “program” phase. Conversation with EM Director. (9-24-21) Conversation with L3Harris contract administrator, moving this matter toward likely resolution by the BOCC on 9-30-21. (9-24-21) Review appropriately continues among EM, KSU and Emergency Dispatch personnel regarding close out of this phase of the project. (9-24-21) Draw Commission Agenda Report and place on 9-30-21 agenda for BOCC review and approval of contract documents. (9-28-21) Discuss final contract documents for agenda separately with EM Director and L3Harris Contract Administrator. (9-29-21) Obtain BOCC approval of Amendment 1 to Master Service Agreement. (9-30-21)

**“Dark Store”:** Oral argument (1/2 day) scheduled to take place before BOTA August 26, 2021. Discuss with BOTA staff, and relay to City Commissioner Linda Morse info she requested during 8-23-21 Intergovernmental Luncheon

about BOTA 8-26-21 hearing time and whether hearing is open to public (8-23-21). Oral argument before BOTA conducted by counsel for both parties (8-26-21). Accept KAC invitation to be part of two-person panel discussion of “Dark Store,” to be held during KAC annual meeting, October 18-21, Overland Park; will take place in opening breakout session—first morning of the annual meeting. Call Kim Qualls, KAC Education & Communications Director, about breakout session. Accepted KAC invitation to work with KAC Executive Director on recording of KAC podcast on “Dark Store”; recording scheduled for September 17, 2021. Reschedule “Dark Store” podcast recording for 10-1-21. (9-24-21) Work with County Appraiser Greg McHenry to prepare for KAC podcast this Friday (10-1-21) and KAC Panel Discussion during annual meeting to be held 10-18-21. (9-28-21) Continue preparation for KAC annual meeting and panel discussion of “Dark Store.” (Week of 9-29-21) Work with KAC recording podcast on “Dark Store”. (10-1-21) Discuss KAC annual meeting (10-18-21) presentation with co- panelist Douglas County Appraiser, and Greg McHenry. (10-4-21) Further discussion with Greg McHenry on Dark Store issues for KAC annual meeting panel presentation. (10-6-21) Final discussion with Greg McHenry on Dark Store issues for KAC annual meeting presentation. (10-7-21) Work with Greg on same subject. (10-10-21) Work with Greg on same subject (10-15-21) Participate in panel discussion on “Dark Store” at KAC annual meeting. (10- 18-21) Receive notice from counsel BOTA has denied Riley County’s Petition for Reconsideration in Home Depot appeal. (11-18-21) Work with Appraiser on possible public statement on Johnson County “Wal Mart” Supreme Court decision on Dark Store—its potential impact on Riley County “Dark Store” BOTA cases. (7-15-22) Communicate with PIO on immediately preceding matter. (7-17-22)

**Department Head Committee:** Attend meeting regarding possible “Code of Conduct” required for state grant supporting businesses. (9-29-21) Obtain BOCC approval of “Code of Conduct.” Participate in 1 ½ hour DHC meeting. (4-20-22) Participate in 50-minute DHC meeting. (5-4-22) Attend DH Committee meeting. (6-1-22) Attend DH Committee meeting. (6-15-22)

**District Court:** Voicemail from Wareham manager on use of facility for jury trials. (8-8-22) Message left with Judge Bannister regarding foregoing matter. Provide cell number to court. (8-12-22) Phone call with owner regarding District Court fee for using Wareham between now and November 1, 2022. (8-31-22)

**Federal Rules on Vaccination Mandate:** Research applicability/non-applicability of CMS and OSHA vaccination mandates to be published this week. (11-4-21; 11-5-21) Discuss issues with BOCC during administrative time at public meeting. (11-8-21). Research legal issues. (11-10-21) Staff discussion of foregoing issues. (11-10-21) Legal research, attend webinars and discuss with staff possible employee vaccination policy if required by foregoing federal rules. (11-8; 11-12; 11-15; 11-16; 11-17; 11-18) Presented proposed draft vaccination policy to BOCC during public meeting November 22, 2021. BOCC decision is to not adopt. (11-22-21).

**First Christian Church:** Now this property is “listed” as a “historic site,” there are state law restrictions applicable whenever a “project” is undertaken involving potential repair, damage or destruction of the site or its structure. Asbestos removal is likely the next “project.” I will provide any necessary notice of that “project” to the State Preservation Officer. I presented a CAR to the Board 8/12/21 and discussed with the BOCC the primary controlling statute. Legal research 8-24-2021. BOCC decides during open meeting to cancel pending contract offer to remove asbestos from Church for approximately \$18,000. Majority of BOCC states premature to remove asbestos before later decision by BOCC what is planned for Church now it’s “listed.” Gary Rosewicz, Assistant County Engineer, will notify the company offering to remove asbestos of this cancellation. (8-30-21) Confirmed with Gary Rosewicz, he notified company. (9-1-21). I filed petition for judicial review, in Riley County District Court, of state Historic Sites Board of Review designation of the First Christian Church as a historic site. (9-3-21). Contacting attorney for Historic Sites Board of Review. (9-19-21) Discussion with attorney for Historic Sites Board of Review. (9-23-21) Conduct legal research related to pending issues. (9-24-21) Received entry of appearance from Topeka law firm representing defendants. (9-24-21) Received District Court Clerk’s extension of time to file answer to County’s petition for judicial review, at Defendants’ request. Granted as a matter of right by state statute. Deadline for Defendants to answer is extended to October 12, 2021. Legal research. (9-24-21) Advise Public Works on question regarding asbestos removal. (9-26-21) Agree to Defendant’s attorney’s request for additional time to submit record of hearing to Court. (Week of 9-29-2021) Case management order filed. County’s brief in support of appeal due March 31, 2022. Riley County District Court Judges recuse themselves from case and transfer to Lyon County District Court. (1-25-22) Work with Clerk of the Riley County District Court and Lyon County District Court to process my unopposed motion for extension of time to file County’s initial brief. Motion granted and new deadline to file County’s initial brief is April 29, 2022. (3-18-22;3-21-22;3-25-22;3-28-22;3-29-22) Legal research for County’s appeal brief due in district court April 29, 2022. (4-15-22;4-18-22; 4-19-22) Legal research and prepare county brief on appeal. (4-20-22; 4-21-22;4-22-22; 4-25-22;4-26-22-4-27-22;4-28-22-4-29-22) File County brief electronically with District Court. (4-29-22) Contact opposing counsel on pending appeal. (5-31-22) Work on aspect of pending appeal. (6-5-22) Contacted by

opposing counsel for continuance of Respondents' deadline to file their responsive brief—I do not oppose. (6-15-22) Respondents' unopposed motion for continuance of their deadline to file brief until August 1, 2022, filed with Court. (6-16-22) Work with District Court Judge's staff on scheduling of status conference. (7-14-22) Schedule status conference at request of District Court judge—will occur July 19, 2022. (7-15-22) Participate in status conference with opposing counsel and District Court Judge assigned this Riley County's Appeal. Opposing counsel believes her responsive brief will be provided by August 1, 2022. At that time, Court will review Riley County's Petition and opposing counsel's response. Then Court will schedule zoom oral schedule oral arguments. In the meantime, I will provide Court by mail a thumb drive "Attachment H," which is a video of the hearing by the Historic Sites Board of Review listing the property as historic. I cite that "Attachment H" throughout my brief in support of the county's petition. (7-19-22) Respondent's brief filed in District Court. (8-1-22) Prepare to possibly file Reply brief by review of video of hearing before HSB. (8-5-22) Mail Court portion of record on appeal. (8-12-22) Legal research for reply brief. (8-14-22; 8-15-22; 8-16-22; 8-17-22) Legal research for reply brief. (8-18-22; 8-19-22; 8-20-22; 8-21-22; 8-22-22) File reply brief with District Court. (8-22-22) Work with opposing counsel and Court to schedule oral arguments by counsel. (8-30-22; 8-31-22) *Oral argument of counsel before Lyon County District Court. (11-10-22) Lyon County District Court announces its decision by zoom. Court vacates placement of 1<sup>st</sup> Christian Church on Kansas Register of Historic Places as illegal act; But because Church was validly placed on National Register of Historic Places, and state law requires all properties on National Register are placed on Kansas Register, the Church remains on the Kansas Register of Historic Places. (11-15-22)*

**Human Resources:** Finalize contract with East Coast Risk Management and place on 10-4-21 agenda for BOCC review and approval. Company will consolidate current Personnel Policies and Guidelines with separate resolutions amending those policies over the past years. (10-1-21) Contract with East Coast Risk Management approved by BOCC. (10-4-21) Assist HR with personnel issues involving different departments. (11-22; 11-23) Advise on applicant issue. (4-3-22) Zoom meeting with county staff and potential vendor on software project. (4-19-22) Work on software project. (4-20-22) Assist with project. (5-20-22) Request Helpdesk schedule zoom meeting on pending HR issue for 6-8-22. (6-5-22) Participate in immediately prior zoom discussion. (6-8-22) Zoom discussion with HR on different matter. (6-9-22) Discussion with HR. (6-15-22) Zoom Discussion with HR and Department Head. (6-17-22)

**Indigent Defense Panel:** Discuss at staff level potential 2022 contract. (9-21-21) Separate issue: Discuss with county and District Court staff coding of interpreter expense. (9-21-21) Panel member contracts for 2022 were created and emailed to current members. (11-3-21) Notice to Riley County Bar Association of at least one panel vacancy effective January 1, 2022. (11-4-21) Proposed 2022 contracts have been provided to all current panel members. None returned as of 11-23-21. No panel contracts are in place for calendar year 2022. Discuss draft request for proposal with Chairman. (2-22-22)

**Intergovernmental Luncheon Meeting:** Attend and discuss two pending legislative items with attendees: "Dark Store" and Request to resume LAVTR payments to counties statewide. Forward to Ron Fehr, at his invitation, electronic copies of the KAC "Legislative Request Forms" which Riley County has submitted to the KAC Legislative Policy Committee. Ron will have City staff forward to attendees at today's meeting. (7-25-22)

**KAC Annual Meeting (October 19, 2021):** Accepted invitation to participate on panel discussion before the general KAC membership regarding "Dark Store" and Riley County's experience on the issue. Prepare for panel discussion. (9-29-21) Review and work on presentation of power point for presentation scheduled for 10-18-21. (10-16-21; 10-17-21) Participated in panel discussion during KAC annual meeting. (10-18-21)

**KAC Annual Meeting (October 17, 2022):** Request registration for 2022 annual meeting. (6-3-22)

**Legislation:** Work on HCR 5022; prepare for legislative hearing scheduled for 1-20-22. (1-16-22; 1-17-22; 1-18-22). Prepare CAR for BOCC meeting 1-20-22. (1-18-22) Legal research regarding law board. (1-18-21) Testify before House Federal and State Affairs Committee on HCR 5022. (1-20-22) Evaluate possible ROW legislation. (1-21-22) Evaluate different possible legislation affecting two county departments. (1-21-22) Present BOCC work session on SB 325 regarding solar and wind energy facilities only on parcels zoned for industrial uses. (1-27-22) Submit neutral written testimony to House Agriculture Secretary on HB 2531 for hearing scheduled for February 9, 2022. (February 8, 2022) Contract lobbyist advises hearing has been continued to Monday, 2-14-22. (February 9, 2022) Review, analyze and discuss SB 119 pending in House; with member of legislative delegation; contract lobbyist; Riley County Appraiser. (2-7-22; 2-8-22; 2-9-22; 2-10-22). Watch portion of House floor debate on HCR 5022. Discussion with contract lobbyist. (2-22-22) Discuss with contract lobbyist potential in-session annual legislative conference update. (2-25-22) Discuss with member of delegation SB 119 as it stands in House. (2-25-22) Determine if members of delegation are available for follow up zoom legislative conference April 4 or April 7, 2022. (2-28-22) Review SB 538

at request of contract lobbyist. (3-2-22) Schedule follow up zoom only legislative conference for April 7, 2022. (3-2-22) CAR and agenda for April 7, 2022, follow up legislative conference provided delegation. (3-31-22) Review KAC legislative update. (4-5-22) Prepare for April 7, 2022, follow up legislative conference. Assist with presentation to BOCC of follow up legislative conference—1 delegation member present in BOCC chambers and 2 delegation members present by zoom. (4-7-22) Work with Treasurer on legislative issue. (5-10-22; 5-11-22; 5-12-22) Present during public meeting CAR on letter of support for motor vehicle registration and title bill available for action when legislature returns May 23-2022. (5-16-22) Email support letter to individual members of Senate Leadership. (5-18-22) Communicate with delegation member. (7-4-22) Prepare legislative requests for upcoming KAC legislative policy committee meetings. (7-18-22; 7-19-22) Schedule potential appearances before KAC legislative policy committee for 2023 legislative session requests. (7-23-22) Present 4 county legislative requests to the KAC legislative policy committee, via zoom. (7-27-22) Work on dates for Annual Legislative Conference—invitation emailed delegation asking their preference between Monday, December 5<sup>th</sup> and Thursday, December 8<sup>th</sup>, noon to 2 pm—lunch provided. (10-26-22)

**Leonardville North County EMS Station:** Work on proposed project. (7-24-22) Call and leave message for City of Leonardville's attorney. (9-14-22) Assist EMS with project. (9-19-22)

**National Opioid Litigation Settlement:** Successfully register on behalf of Riley County at national website. Will ensure we receive settlement documents when they are available, for review and possible signature. (11-24-21) All appropriate documents were signed and filed with Kansas Attorney General and National Settlement Administrator; and courtesy copies provided KAC before the January 1, 2022, deadline. Kansas Attorney General requires multiple counties (including Riley County) to alter their participation resolution by adding averment of at least \$500 in costs incurred due to the national opioid epidemic. (1-21-22) Revise resolution and prepare CAR for BOCC meeting of 1-31, 2022. (1-27-22) Present CAR and obtain BOCC approval of revised national opioid settlement participation resolution. (1-31-22); Provide revised pdf of signed resolution to A.G. and KAC. (2-7-22) Confirm with A.G.'s office revised pdf filed was acceptable. Advised by Assistant A.G. in next couple of months information should be available on grant program for applications for funds from counties across the state. (2-22-22) Discuss with County Treasurer Shilo Heger receipt of settlement payment check. (7-8-22)

**Nextgen 911:** Meeting as member of Nextgen 911 staff committee to review potential upcoming renumbering/renaming projects. (9-21-21) Communicate with fellow members of staff committee on pending project. (9-23-21) Communicate with fellow members of staff committee on different pending project. (9-24-21) Attend initial committee meeting on potential private road issue. (7-13-22)

**NG-911 Committee (Road naming)** Participate in discussion of proposed road name. (5-10-22)

**Proposed Construction of EMS/EM/RCFD Emergency Services Headquarters:** Analyze legal issue. Advise staff working group. (3-31-22)

**Riley County Annual Legislative Conference:** Confirm with BOCC during public meeting 9-9-21 following available dates for annual meeting with county's legislative delegation: November 1, 4 and 18, 2021. (Date of 11-18 removed because it conflicts with county official's luncheon; Date of 11-15 removed because it conflicts with Law Board meeting.) Legislative Conference has been scheduled for Thursday, November 4, 2021. (9-17-21) All delegation members were notified of the date and time of the legislative conference. Work on agenda for legislative conference. (10-14-21; 10-15-21) Present draft agenda for legislative conference to BOCC and obtain approval of final draft. (10-21-21) Work with staff on discussion of revised spreadsheet for use as attachment to conference agenda. (10-27-21) Cancel November 4, 2021, legislative conference and reschedule to December 2, 2021, following individual discussions with BOCC members, members of legislative delegation and county officials participating in presentation. (11-3-21; 11-4-21)

**Riley County Employee Day:** Intermittent work on employee day: Discussions with potential lunch ½ hour vendors; discussion with planning committee, with keynote speaker and Elizabeth Ward, H.R. Manager. (9-16-21; 9-17-21) Contact moderator for morning virtual sessions offering potential meeting for Monday, September 27, 2021, with Elizabeth Ward and this office to answer any Employee Day questions. (9-24-21) Meet with prospective food truck vendor at Riley County Health Department. (9-27-21) (Agreements signed with 2 vendors—arrange to meet final vendor Saturday morning for signature of contract.) (10-1-21) Agreement signed Saturday, October 2, 2021, with final of the 3 vendors. Pick up tickets from 2 vendors representing meals served to employees during Employee Day (10-12-21; Third vendor hand-delivers tickets to this office (10-13-21); conduct final ticket count; submit information on ticket count with payment due vendors to Budget and Finance Officer and email each vendor same information. (10-

15-21) Review with HR and Training Committee on outcomes from Employee Day. (10-25-22) Participate in proposed scheduling of initial staff planning committee meeting for 2022 Riley County Employee Day. (6-3-22) Tour with members of staff committee proposed venue for event. (9-14-22)

**Rural Economic Development Advisory Board:** Discuss with staff. (9-21-21) Staff discussion scheduled for 10- 1-21. Circulate among staff working group draft of REDAB resolution—to include changes to resolution proposed by BOCC. (11-24-21) Revise original resolution to correct term limitations. 1-21-22. BOCC approves revised resolution. (1-27-22)

**Staff Budget and Planning Committee:** Attend committee meeting. (1-18-22) Attend meeting. (5-24-22) Attend committee meeting. (6-7-22) Participate in online meeting between staff and ARPA consultant. (7-12-22) Participate in committee meeting to review proposed county budget. (7-12-22) Participate in committee meeting. (9-13-22)

**White Canyon Benefit District:** White Canyon benefit district's residents' request, made during this date's public commission meeting, asking whether Riley County willing to supplement the cost of the benefit district's proposed private road improvement project. No dollar figure provided by benefit district residents. County staff instructed to provide BOCC at upcoming meeting most recent Riley County Public Works' "estimate" of "northern route" as an option to current benefit district project proposed. (8-30-21)

## DEPARTMENTAL LIST

**Administrative Matters:** Review 2022 and 2023 departmental budget information provided by Budget and Finance Officer. (5-25-22;5-26-22) Request to IT to provide additional computer camera for Deputy's continued participation in zoom or team apps. (5-27-22)

**Riley County Appraiser's Office:** Voicemail to Department head requesting call back on signed appointing resolution. (5-26-22) Forward to Department head copy of signed resolution appointing her. (5-27-22) Deputy County Counselor Craig Cox and I have an initial meeting with Department Head. (5-31-22) Work to schedule discussion of Johnson County "Walmart" opinion between Department Head and Mike Montoya (BOTA) counsel. 7-10-22) Schedule zoom for 7-14-22 with Anna Burson, Steve Schurle, Mike Montoya. (7-12-22) Attend zoom with Anna Burson, Steve Schurle, Mike Montoya. (7-13-22) Assist with proposed public statement on property tax matter. (7-14-22) Assist with proposed KORA statement on damage estimates. (7-14-22;7-15-22) Review and approve as to form Appraiser's Office web agreement with customer. 7-20-22) Answer Dept. Head inquiry on exemption process. (8-5-22) Conversation with Department Head on issue. (8-23-22). Work with Department head on legal issue. (9-14-22) *Work on 2 separate issues involving property tax liability. (11-17-22;11-18-22)*

**Riley County Attorney:** Assist with contract issue. (4-26-22;4-27-22; 4-28-22; 5-2-22; 5-3-22; 5-4-22;5-5-22) Assist with contract issue (5-6-22; 5-9-22) Assist with contract issue. (5-23-22) Discussion with counsel for vendor. (5-23-22) Assist with contract issue. (5-24-22; 5-31-22) Discuss with working group members potential agreed termination of contract. (6-3-22) Assist with contract issue. (6-7-22; 6-8-22) Discussion with County Attorney on contract issue. (6-12-22) Assist with contract issue. (6-14-22; 6-15-22) Complete contract issue. (6-15-22) Draft cover letter for final payment terminating contract for convenience—check to be available 6-17-22. (6-16-22) Mail cover letter, with final payment, terminating contract for convenience. (6-17-22) Advised by County Attorney staff invoice has been received for additional maintenance; I advise no payment should be made and I'll confirm with vendor contract is terminated and no additional payment is due—then will inform County Attorney; Communicate this fact to vendor's lawyer and request confirmation no further payment is due. (6-24-22) Confirmation this matter is now resolved to satisfaction of Riley County. (7-4-22)

**Riley County Clerk:** Advise on .02 countywide retailers' sales tax election project (8-24-21). Legal research on project involving sign. (9-20-21) On same issue discussion with Planning and Development staff. (9-21-21) Work with county staff and PIO on separate project involving potential vendor of software. Contact potential vendor. (9-20-21) Review documents for BOCC signature on totaled Noxious Weed Vehicle. Scheduled for presentation to BOCC during 2-24-22 meeting. (2-22-22) Vehicle documents signed by BOCC during public meeting. (2-24-22) Zoom discussion with Clerk and Budget and Finance Officer to obtain their input on several unrelated matters involving 2023 county budget. (6-13-22) Review information forwarded on electioneering monitoring project of ACLU. (7-13-22) Assist staff with licensing issue and 2022 legislative amendments. (8-22-22; 8-23-22; 8-24-22;8-25-22; 8-26-22) Assist on KORA issues. (8-25-22;8-26-22;8-28-22;8-29-22;8-30-22) Participate in zoom with Clerk and staff on KORA issues. (8-31-22) Work on KORA issues. (9-1-22; 9-2-22;9-5-22;9-6-22;9-7-22)(9-8-22;9-9-22)

Advise staff on abandoned vehicle in RCOB lot. (9-9-22) Assist with KORA issue. (9-16-22) Assist with KORA issue. (10-14-22; 10-18-22)

**Riley County Community Corrections:** Discuss with Director Shelly Williams potential contract with Clay County Sheriff's Office for testing of Community Corrections' clients. (10-26-21) Work with Director Shelly Williams on Drug Court structure. (2-24-22) Review RCCC "FY 2023 Adult Comprehensive Plan Grant Signatory Approval Form. (4-19-22) Review RCCC "FY 2023 Juvenile Comprehensive Plan Grant Signatory Approval Form". Work with Department Head on "Drug Court" project. (5-6-22) Work with Director by zoom on Drug Court project. (5-25-22) Communication with Department Head on Drug Court project. (5-26-22) (Schedule with IT zoom discussion with Director and staff on Drug Court project for 6-8-22. (6-5-22) Zoom discussion with Director on Drug Court project. (6-8-22) Discuss with Dept. Head scheduling zoom on Drug Court possible documents. Schedule zoom for 7-20-22. (7-18-22) Communicate with Department head and reschedule zoom at her request. (7- 19-22) Zoom discussion with Department Head on possible drug court documents. (7-22-22) Finalize Drug Court documents with Department Head. (11-4-22)

**Riley County Emergency Management:** Provide legal advice on 1 project. Advise on open record issue. (1-18-22) Prepare Local Emergency Declaration; obtain approval of Declaration from Department Head; Obtain BOCC Chairman's signature; email final signed declaration to BOCC and PIO. (6-12-22) Meet with Department Head to discuss development of request for proposal documents. (7-8-22) Respond to question from Department Head on previous meeting. (7-10-22) \_Work on countywide radio system question. (7-22-22) Zoom with Department Head and Department Head of Public Works and PW supervisor on road maintenance issue. Communicate with landowner following zoom. (7- 28-22) Advise EM and HR on discovery matter in pending litigation involving third party defendant (not Riley County). Communicate with outside law firm about their request. Draft Response to their subpoena. (8-2-22) Advise EM Director on road access issue raised by Everygy. Contact landowner. Relay to EM Director: landowner grants access conditional permission for Everygy to EM Director (gate must be closed by Everygy upon entering and leaving site. (Cattle on site.) (8-2-22) Work on radio tower access site and possible existing easement across adjoining property line. Assisted by Craig and Vaughn Colbert. (8-3-22) Respond to opportunity to tour CPE with RCPD on CPE security issues. (8-5-22) Advise EM and RCPW finished reviewing easement issue and advise on contacting landowners. (8-5-22) Tour CPE building with RCPD to review possible building security issues. (8-8-22)

**Riley County Emergency Medical Services:** Will provide legal advice. (8-20-21) Conversation with Ambulance Service management, staff working group and Human Resources Manager regarding internal policy matter on education/training benefit. (2-23-22) Discuss legal issue with Department Head. (6-8-22) Assist staff working group with ambulance project. (6-24-22) Assist with plan to purchase lot and place Ambulance Station in Leonardville. (8-28-22)

**Riley County Extension:** Discuss matter with Extension Director. (5-26-22) Assist Director with Kaw Valley Rodeo planning for Riley County Fair. (6-13-22; 6-15-22) Prepare updated document. (6-16-22) Touch base with Director on status of document; discuss unique statutory framework for BOCC consideration of Extension's upcoming 2023 budget request. (6-24-22) Confirm certificate of insurance satisfactory for KAW Valley Rodeo. Notify all interested parties. (7-18-22)

**Riley County Fire District No. 1:** Work with Budget and Finance Officer on District budget approval. (8-23-21) Receive request for volunteer training dates. (6-24-22) Communicate with RCFD leadership regarding schedule of calendar dates for HR and Legal training of RCFD volunteers in February 2023. (7-19-20; 7-20-22)

**Riley County GIS:** Zoom discussion with county staff about intellectual property issue. (6-23-22) Advise GIS staff on question raised. (6-24-22) Letter to Verisk, company raising intellectual property issue. (6-24-22) Respond to GIS on question about Leonardville annexation. Additional info from GIS. (7-18-22) Call Verisk to follow up to intellectual property contact from us to the company on June 24, 2022. (7-18-22) (Left message with City Attorney for Leonardville—status of 2022 annexation by Leonardville. Email provided Leonardville with copy of ordinance and its published notice. (7-19-22) Notice received from City Attorney they will provide statute-required copies of annexation ordinance to County Clerk; Register of Deeds—solving issue for GIS. Notify staff of departments involved. (7-19-22)

**Riley County Health Department:** Provide legal advice on projects. Zoom meeting with Julie Gibbs and Debbie Nuss regarding request from Flint Hills Wellness Coalition to place walk-in cooler/freezer on grounds of Family and Child Resource Center. Draw and submit Commission Agenda Report reflecting request—scheduled for 9-30-21

BOCC meeting. (9-28-21) Obtain BOCC approval of Flint Hills Wellness Coalition agreement in principle, presented at 9-30-21 public meeting, for future license agreement and pouring of concrete as base for outdoor “walk-in cooler/freezer at RCHD’s Family and Child Resource Center. (9-30-21) Finalize and place on BOCC agenda for 10-14-21 license agreement with FHWC. (10-5-21) Present to and obtain approval from BOCC license agreement with FHWC. (10-14-21) Discuss concept of assistance from Envisage Consulting, Inc., for Community Health Improvement Plan. (10-21-21) Review vaccination matter. (10-27-21) Work on location of site for COVID testing by KDHE. (1-12-22; 1-13-22) Advise RCHD staff on licensed day care issue. (1-14-22). Work on licensed child care inspection issue. (1-21-22; 1-23-22; 1-25-22) Work on lease for KDHE COVID testing. (1-25; 1-26) RCHD presents completed lease to BOCC and obtains approval. (1-27-22) Advise RCHD on legal matter involving department vehicle. (3-25-22) Advise Director on medical record issue. (4-5-22) Review planned “no smoking” signage for county parks (and existing resolution authorizing this) and communicate with proponent and RCHD regarding process for its approval by BOCC. (6-3-22) Assist Department Head with question on legal issue. (6-7-22) Schedule zoom conversation for this p.m. on issue. (6-15-22) Respond to question from Department Head. (6-24-21) Assist with legal matter. (7-4-22) Review matter at request of Department Head. (7-5-22) Assist RCHD staff with legal matter. (7-6-22) Provide copy of formation document creating Food and Fam Council, at request of Assistant Sedgwick County Counselor. (7-13-22) Work with Department Head and RCHD on employment issue. (8-1-22) Provide comments to county staff working group on proposed alterations to county policy guidance. (8-1- 22; 8-2-22) Advise Department head after reviewing proposed grant agreement. (8-5-22) Assist staff with KSU internship process. (9-2-22)

**Riley County Historical Museum:** Provide legal advice. Prepare for BOCC candidate interview Director/Curator position. (11-7-21) Discuss with staff potential use of museum as part of background in tv series production. (5-27-22) Further analysis of immediately preceding production. (6-24-22) Discuss preceding issue with Department Head. (6-25-22) Discuss preceding issue with Department Head. (7-13-22)

**Riley County Human Resources:** Provide requested legal advice on multiple issues related to pandemic; zoom meeting on federal contract requirement. Work on separate project involving proposed vendor and personnel policies. (9-22-21). Review legal parameters of “long-COVID” disability as viewed by the Equal Opportunity Commission; information provided by H.R. (9-24-21) Discuss potential personnel policy change with staff working group. Scheduled for presentation to BOCC during 2-24-22 public meeting. (2-18-22;2-22-22) Discuss potential personnel manual change with staff working group. (2-22-22) Conversation with Human Resource Manager about accommodation request. (2-23-22) Conversation with Human Resource Manager about personnel policy issue. (2- 23-22) Such personnel policy presented to BOCC during public meeting 2-24-22. Discuss background check issue with Human Resource Manager. Participate in discussion with H.R. and employee. (3-1-22) Participate in staff working group on personnel policy issue. (3-1-22) Assist with interview. (3-28-22) Participate in staff working group on personnel policy issue. (3-29-22) Assist with interview. (3-30-22) Prepare for panel interviews of applicants for Department Head position. (3-29-22; 3-30-22) Prepare for panel interviews for Department Head position. (4-1-22) Participate in panel interviews for Department Head position. (4-4-22) (4-7-22) Participate in panel interview for vacant Department Head position. (4-14-22) Review proposed Contract for unrelated internal system matter. (4-14-22) Participate in staff working group on project. (4-19-22) Participate in staff working group on project. (6-1-22) Assist with contract issue. (6-1-22) Assist with contract issue. (6-2-22) Assist with contract issue. (6-10-22; 6-13-22) Advise on release of information requested. (6-14-22) Work on pending employment issue. (6-14-22) Assist with contract issue. (6-15-22) Assist HR and Department with employment issue. (6-16- 22;6-17-22) Assist HR with employment issue. (7-1-22) Review matter at request of HR. (7-5-22) Review matter at request of Department Head. (7-5-22) Assist HR on separate matter. (7-6-22) Participate in staff working group on development of employee training/recognition day. (7-12-22) Assist with employment issue. (7-15-22) Discuss with HR employment law issue. (7-20-22) Assist HR and other department with employment law issue. (7-21-22) Assist HR Manager with pending employment law litigation issue. (7-23-22) Work on separate employment issue. (7-25-22) Work with HR Manager on building security issue and begin scheduling staff meeting within CPE. (7-26-22) Communicate with staff of CPE and begin rescheduling staff meeting on building security issue. (7-27-22) Work with HR and Department head on legal issue. (7-27-22) Provide comments to county staff working group on proposed alterations to county policy guidance. (8-1-22; 8-2-22) Work with Department Head and RCHD on employment issue. (8-1-22) Advise HR and EM on discovery matter in pending litigation involving third party plaintiff (not Riley County). Communicate with outside law firm about their request. (8-2-22) Review organizational chart for department. (8-5-22) Participate in staff discussion regarding possible location for employee training day in October. (8-12-22) Participate in scheduling of staff working group discussion on existing personnel guidance. (8-12-22) Two Zooms with staff on pending Disciplinary Action Review. (8-19-22) Conversation with two department heads and HR on employment issue. (8-23-22) Late join of scheduled zoom by staff planning employee recognition/training day. (8-23-22) Work with HR and Department Head on employment law issue. (9-14-22) Work on employment law issue. (9-20-22) Assist with employment law issue. (10-18-22) Attend meeting of planning committee for discussion about completed event for

2022. (10-25-22) *Work on agenda documentation issue. (11-18-22)*

**Riley County Information Technology/GIS:** Request for estimate (submitted to this office 8-20-21). Discuss technology issue with I.T. interim director. (10-21-21) Prepare for BOCC candidate interview IT/GIS Director. Review potential claim for Zoom subscribers in settled class action—not eligible as government subscriber. (3-1-22) Assist GIS with scheduling discussion on legal issue. (6-15-22) Reschedule immediately preceding discussion to 6-23-22. (6-20-22)

**Riley County Planning & Development:** Provide legal advice on 2 projects. Advise P & D Director on development of “Code of Conduct” necessary for grant close-out. (9-29-21) Discuss with P & D and H.R. departments “Code of Conduct” Commission Agenda Report to be presented by P & D 10-7-21. (10-4-21; 10-5-21) Discuss separate regulatory issue with P& D. (10-5-21) Advise department on development of contract. (1-14-22). Advise P& D staff on licensed day care issue. (1-14-22). Work on sanitary system inspection issue. (1-21-22; 1-23-22; 1-25-22) Complete contract between GovBuilt and County; submit to P & D; sign off on presentation of contract documents to BOCC for 2-14-22 public meeting. (2-9-22; 2-10-22) Discuss with P & D Director proposed separate contract for online payment of fees; and county proposed requirements for any such contract. (2-18-22; 2-22-22) Conversation with Deputy County Counselor about private wastewater system issue. (2-22-22; 2-23-22) Work on private wastewater system issue. (4-1-22; 4-3-22) Represent Planning and Development in support of variance application at evening hearing before hearing officer. (4-4-22) Prepare for RC P&D’s scheduled 4-21-22 presentation to BOCC. (4-19-22) Assist P & D with pending matter. (5-12-22) Assist P & D with temporary hire. (5-16-22; 5-17-22) Advise on pending matter. (5-19-22; 5-20-22) Discuss with Department Head pending matter. (5-20-22) Discuss with Department head pending matter. (5-23-22). Discuss with staff working group, by evening zoom, pending matter. (5-24-22) Advise Department Head on pending matter. (5-26-22) Discussion with Department Head on pending matter. (5-27-22) Provide Department Head approval of INK contract. (5-28-22) Discussion with Department head and staff on pending matter. (5-31-22; 6-1-22) Assist with orderly public meeting on pending application for approval of preliminary and final development plan. (6-2-22) Assist P & D staff with question proposed on pending matter. (6-6-22) Review and approve “as to form” Planning and Development’s minute track resolution adopting Food and Farm Council “Master Plan”. Scheduled for P & D presentation to BOCC during June 9, 2022, public meeting. (6-7-22) Assist Department in arranging zoom conversation with staff and GIS. (6-15-22) Reply to attorney for recent applicant. (6-27-22) Analyze ongoing project issue. (7-1-22; 7-4-22) Review scheduled CAR. (7-6-22) Work with Department Head on possible request to landowner involving existing benefit district. (7-12-22) Schedule zoom at Department Head’s request for 7-22-22. (7-19-22) Confirm date/time for immediately preceding zoom. (7-20-22) Meet with Department Head on regulatory issue. Request record search by P& D staff. Record search by this Department’s staff completed. (7-20-22) Zoom with Dept head and Craig, discussion of possible contract issue. Work on contract issue. (7-22-22; 7-23-22) Discuss possible contract issue with Department Head and Craig. (7-27-22) Sign approval of 2 plats previously approved by BOCC and other county officials. (8-2-22) Work on Department contract issue. (8-7-22; 8-8-22) Answer P&D staff question about benefit district issue. (8-12-22) Respond to Director on pending contractual issue this office is assisting Department with. (8-12-22) Assist staff by review of pending different matter. Provide advice. (8-12-22) Approve plat. (8-12-22) Discuss contract issue with Department Head. (8-12-22) Discuss software project with Department Head. (8-23-22) Prairiewood, District Court Appeal of Liquid Art Winery BOCC approved preliminary and final development plans. Case management conference (11-1-22) Work on Record on Appeal for preceding litigation. (11-2-22; 11-3-22; 11-15-22; 11-17-22) *Phone conversation with USDA contact about possible funding for a project. (11-18-22) Work on Record on Appeal for District Court, as required by statute in foregoing Prairiewood matter. (11-20-22; 11-22-22)*

**Riley County Public Information Officer:** Finalize contract for Archive Social. Will present to BOCC for review and possible approval at public meeting on 11-29. Contract approved by BOCC. Zoom discussion with PIO, RCHD staff and Deputy County Counselor upcoming RCHD event and proper means of consent for photographing public participants. (5-13-22) Discuss by zoom with PIO and HR Manager social media issue. (5-25-22) Conversation from HR regarding the foregoing social media issue. (5-26-22) Discuss with PIO Riley County rules of conduct for those attending County public meetings. (5-26-22; 5-27-22) Provide fireworks resolution. (6-15-22)

**Riley County Public Works:** Provide legal advice on project. Review and approve “as to form” KDOT Local Road Safety Plan Agreement. (9-24-21) Answer question on project. (10-21-21) Review and approve as to form Transfer Station scales repair contract. (10-25-21) Review “Force Account Construction Engineering Inspection Services Agreement” for replacement of Bridge over Swede Creek. (11-2-21) Discuss with USDA final documents for Fairmont Heights closing and construction. (11-2-21) Complete review of “Force Account Construction Engineering Inspection Services Agreement” for replacement of Bridge over Swede Creek. (11-7-21) Calendar March 9, 2022, Township Officials meeting. (1-31-22) Assist with benefit district project staff discussion. (3-29-22) Participate in discussion

with outside regulatory authority. (4-1-22) Prepare CAR for EPA consent order on University Park wastewater treatment facility. (4-14-22) Review consultant agreement for University Park Wastewater project under consent order—prepare contractual provisions attachment for consulting firm’s review and approval. (4-19-22) Assist with pending EPA matter on University Park Benefit District. (5-20-22) Discuss EPA matter on University Park Benefit District with EPA counsel. (5-20-22) Schedule discussion with Dept. Head on immediately foregoing matter. (5-20-22) Discuss University Park Benefit District and EPA with Department Head. (5-24-22) Review matter involving bridge. (5-26-22) Discussion by Department Head of KDOT use of “speed trailers.” (5-26-22) Analyze potential contract. (5-28-22) Discussion with EPA counsel setting Friday, June 3, 2022, as date for my update to her on University Park “ability to pay” forms and final form of consent order. I am reviewing wing final form of consent order and have previously advised other county staff of their role in completing “ability to pay” information. I will check on progress of those items tomorrow. (5-31-22) Work on other and unrelated pending litigation. (5-31-22) Conversation with Department Head regarding unrelated proposed easements. (5-31-22) Assist with pending litigation matter. (6-1-22) Scheduled through I.T. zoom discussion on 6-10-22 with Department Head and staff. (6-5-22) Zoom discussion with Department Head and staff regarding transfer station operation. (6-10-22) Microsoft Teams Meetings discussion with and Deputy County Counselor on potential project. (6-13-22) Communication from state on potential project. (6-24-22) Analyze KDHE communication on county property. Reach out to Department Head. (6-26-22) Work on transfer station project. (6-30-22). Assist with transfer station project. (7-6-22) Zoom with Department Head, Supervisor and HR Manager, HR Staff. (7-12-22) Work on Transfer Station issue. (7-17-22) Investigate title on county property for possible KDHE project. Work to schedule zoom with Department Head and KDHE staff. Schedule zoom for 7-19-22. (7-18-22) Contact Department Head and Budget and Finance Officer about different benefit district matter. Discuss with outside agency counsel. (7-18-22) Assist staff and Department Head with pending construction project. Communicate with project architect (7-18-22) Prepare for zoom with Department Head and KDHE staff. (7-19-22) Forward finance information on County and University Park Benefit District to EPA counsel as required for possible reduction of EPA administrative penalty. (7-19-22) Communicate with staff of RCPW, Clerk, P & D regarding preceding finance information. (7-20-22) Participate in 2-hour zoom meeting with Department Head and staff on potential contract discussion. Schedule additional zoom for potential contract discussion with Department Head and staff. (7-20-22) Work on transfer station issue. Participate in zoom with Dept. on transfer station issue. (7-22-22) Discuss with Department Head access road issue. (7-22-22) Work on transfer station issue. (7-24-22) Review allowance policy provided for review. (7-25-22) Work with Department Head on benefit district issue. (7-27-22) Zoom with Department Head and PW Supervisor, along with EM Department head on road maintenance issue. Communicate with landowner afterward. (7-28-22) Zoom with Department Head and Department Staff on transfer station issue. (7-29-22) Prepare CAR for Department on pending KDHE request for evaluation of 2 sites in Fairmont Park. Work with Department Head on appropriate signature block. (8-2-22) Discuss with Assistant County Engineer status of compliance plan emailed to EPA by consultant. (8-3-22) EPA advises did not receive Compliance plan emailed to them by our consultant Monday, August 1, 2022. Assist Department with documenting timely provision of Compliance Plan August 1, 2022, by email from our consultant. Phone call exchange with consultant. Forward EPA attorney consultant email of Compliance Plan and email documentation to consultant of receipt. (8-3-22) Advise RCPW and EM I’ve finished reviewing easement issue and advice on contacting landowners. (8-5-22) Work on EPA issue involving benefit district. (8-5-22; 8-8-22; 8-9-22) Work on University Park Benefit District EPA issues. (8-14-22; 8-15-22; 8-16-22; 8-17-22; 8-18-22) Work on access agreements for KDHE in Fairmont Park. (8-15-22; 8-17-22; 8-29-22; 8-30-22) Discussion with Department Head on upcoming construction project. (8-1-22) Work on same upcoming construction project. (8-2-22) Assist with contract issue on one project. (9-19-22) Assist with contract different project. (9-19-22) Discussion with Department Head and staff to finalize our proposed changes to transfer station agreement with operator. (11-7-22) Work with Department on placing evaluation of RFQ responses before BOCC as “Construction Management at Risk” for 11-17-22 public meeting. (11-15-22) *Work on litigation issue.* (11-17-22) *Work on KORA issue.* (11-17-22; 11-18-22) *Advise Department Head on CMAR process.* (11-18-22) *Review potential dates for CMAR phase.* (11-18-22)

**Riley County Register of Deeds:** Provide legal advice. Conversation with ROD (8-2021). Conversation about county termination of contract. (9-22-21) Discussion with other party to contract. I can confirm contract will terminate as required by County. (9-22-21) Advise on departmental project. Discuss with ROD. (1-14-22) Assist Department Head with anticipated new project. (3-28-22; 3-29-22) Assist with project. (5-29-22) Complete negotiation of KanPay contract and provide advice to Department Head. (6-9-22) *Review information on recording fee.* (11-18-22)

**Riley County Treasurer:** Advise on property tax issue. (10-6-21) Participate with this office’s staff in 2022 delinquent real property tax sale. (7-8-22) Meet with Department Head on National Opioid Settlement payment process. (7-8-22)

**RILEY COUNTY POLICE DEPARTMENT—Administered by Law Enforcement Agency (“Law Board”)**

*Prepare 2023 proposed lease on “Aggieville Substation” for consideration by BOCC at upcoming public meeting. (11-18-21; 11-22-22)*

**PROFESSIONAL ASSOCIATION & CLE MATTERS:**

**Continuing Legal Education:** Attended, in lieu of lunch hour, 1 hour CLE webinar on elimination of gender bias in legal practice. University of Missouri Kansas City School of Law. (6-6-22)

**County Counselor Association of Kansas:** Arrange for Continuing Legal Education seminar speaker to present at June 17, 2022, mid-year CLE of the County Counselors Association of Kansas. (4-1-22) Participate in Board meeting of CCAK. (4-20-22) Attend summer CLE webinar from office. (6-17-22) Attend semiannual CLE program during KAC annual meeting. ( 10-18-22)

**Kansas Association of Counties:** KAC Annual Meeting (**October 19, 2021**): Accepted invitation to participate on panel discussion before the general KAC membership regarding “Dark Store” and Riley County’s experience on the issue. Prepare for panel discussion. (9-29-21) Review and work on presentation of power point for presentation scheduled for 10-18-21. (10-16-21; 10-17-21) Participated in panel discussion during KAC annual meeting. (10- 18-21) Attend annual meeting. (10-17-22 to 10-19-22).



**COUNTY  
COUNSELOR/ADMINISTRATIVE  
SERVICES**  
*Agreement*

**Clancy Holeman**  
Counselor/Director of  
Administrative Services  
115 North 4th Street  
Manhattan, KS 66502  
Phone: 785-565-6844

## COMMISSION AGENDA REPORT

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**FROM:** Clancy Holeman, Riley County Counselor

**MEETING:** November 28, 2022

**SUBJECT:** Lease Renewal Agreement—RCPD Aggieville Substation

**PRESENTER:** Clancy Holeman

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### **BACKGROUND**

This Board funds the annual lease of the “Aggieville Substation” used by the Riley County Police Department (RCPD). This Board does so because state law makes it solely responsible to provide facilities for RCPD (every RCPD building or “structure,” from the jail to the firing range).

The proposed 2023 lease renewal on that building is before you today for approval (See attached).

### **DISCUSSION**

Mr. Gwyn Riffel, owner of the “substation” building, makes it available to Riley County as a public service, therefore at stable, below market rental rates. He has done so for many years, on an annual basis. Mr. Riffel has continued that practice for 2023, the term of the proposed lease renewal. He has also left in place a term the parties added for 2022-allowing the County to terminate this proposed lease renewal on 30 days \notice.

### **FISCAL IMPACT**

The **proposed lease renewal for 2023** is \$900/month, representing an annual expense to Riley County of \$10,800. (The currently in place **2022** lease renewal was at a monthly and annual rate of \$875, and \$10,500, respectively.)

### **RECOMMENDATION(S)**

I recommend the Board approve the lease as presented.

**POSSIBLE MOTION(S)**

- A. “I move the Board authorize the Chairman to sign the lease as presented.”
- B. “I move the Board authorize the Chairman to sign the lease with the following changes... .”
- C. “I move the Board **not** authorize the Chairman to sign the lease.

**Enclosures:**

- Lease Agreement (PDF)

## LEASE RENEWAL AGREEMENT

This agreement, made this 22<sup>nd</sup> day of November, 2022 by and between GJL Real Estate Limited Partnership (Lessor) and Riley County (Lessee).

The parties do hereby agree and stipulate that they have previously entered into a lease agreement dated the 22<sup>nd</sup> of September, 1993 for the property describe as follows:

Approximately 612 +/- square feet of space (the leased premises) comprising a portion of the premises commonly known as 1113 Moro Street, Manhattan, Kansas 66502 and herein by reference (the premises).

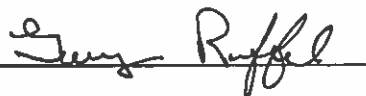
The parties do hereby mutually covenant and agree that the term of the lease described above is hereby extended for the period of one (1) year, said extension to commence the 1<sup>st</sup> day of January, 2023 and shall terminate on the 31<sup>st</sup> day of December, 2023. Lessee shall have the right to terminate the lease by providing a written 30 day notice to Lessor of said intent to terminate the lease. This extension shall be subject to all the terms, conditions, covenants, restrictions and agreements of the original lease fully repeated herein.

Exceptions to original terms:

- The rental amount for the year of the extension will be Ten Thousand Eight Hundred Dollars and 00/100 (\$10,800.00) with equal monthly installments of Nine Hundred Dollars and 00/100 (\$900.00).
- The original Lessor under the Lease was GJL Real Estate, a Kansas general partnership. On December 29, 1999 the general partnership was converted to a limited partnership under the name and style of GJL Real Estate Limited Partnership, a Kansas limited partnership.

**LESSOR:**

**GJL Real Estate Limited Partnership**

By:   
Date: 11/22/22

**LESSEE:**

**Board of Commissioners of  
Riley County, Kansas**

By: \_\_\_\_\_  
Date: \_\_\_\_\_

Attachment: Lease Agreement (13004 : Lease Renewal)



**COUNTY  
COUNSELOR/ADMINISTRATIVE  
SERVICES**  
*Luncheon Agenda*

**Clancy Holeman**  
Counselor/Director of  
Administrative Services  
115 North 4th Street  
Manhattan, KS 66502  
Phone: 785-565-6844

## COMMISSION AGENDA REPORT

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**FROM:** Clancy Holeman, Riley County Counselor

**MEETING:** November 28, 2022

**SUBJECT:** Draft Agenda for Riley County Legislative Conference

**PRESENTER:** Clancy Holeman

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### **BACKGROUND**

The annual Riley County legislative conference is scheduled for December 12, 2022, from noon to 2 p.m., in BOCC chambers.

As you are aware, this is an opportunity for a dialogue between the board and our sitting state legislative delegation members regarding the Riley County state legislative platform for 2023.

Attached for your review and approval is a draft agenda for this year's conference.

### **DISCUSSION**

The draft agenda identifies the 4 legislative items you have identified as significant to Riley County in the 2023 state legislative session.

Because we have several new members of our delegation, I've attached to the agenda the 2023 legislative request forms submitted previously, on your behalf, to the Kansas Association of Counties (KAC). In those forms are the primary justifications we used to garner KAC lobbying support during the 2023 session. And based upon the KAC 2023 state legislative statement passed during the 2022 annual membership meeting, I believe all 4 of these Riley County items should be able to garner lobbying support from KAC in the 2023 session, provided they are introduced by Riley County, worked by a committee, then make it to the floor of either chamber for open debate. (The "nuisance abatement" and "LAVTR" issues will require draft of proposed legislation; The "Dark Store" and "Constitutional Protection of Home Rule" items are already in draft form, but "died in legislative committees at the end of the 2022 legislative session.)

But whether a Riley County legislative issue requires the draft of new language or reintroduction of the “dead” bill, we will need delegation support to move issues forward. This conference is an excellent opportunity to reach out for that support.

**FISCAL IMPACT**

N/A

**RECOMMENDATION(S)**

I recommend the Board approve the draft agenda or advise of any changes required. When the draft is in final form, I will provide it to delegation members prior to the December 12, 2022, conference.

**POSSIBLE MOTION(S)**

- A. “I move the Board approve the agenda as presented.”
- B. “I move the Board approve the agenda with the following with the following changes... .”
- C. “I move the Board **not** approve the agenda.

**Enclosures:**

- Legislative Conference Agenda 2022 (PDF)
- Exhibit 1 (PDF)
- Exhibit 2 (PDF)
- Exhibit 3 (PDF)
- Exhibit 4 (PDF)



## RILEY COUNTY LEGISLATIVE CONFERENCE AGENDA

Monday, December 12, 2022  
12:00 p.m. - 2:00 p.m.  
County Commission Meeting Room  
115 North Fourth Street - First Floor

### THE 2023 LEGISLATIVE SESSION RILEY COUNTY PRIORITIES

**12:00 p.m.      Catered Lunch**

**12:30 p.m.      Welcome and Introductions**

Greg McKinley, Chairman  
Kathryn Focke, Vice Chair  
John Ford, Member

**12:35 p.m.  
The Priorities**

Clancy Holeman, Riley County Counselor

A. Riley County Priorities are Supported Statewide by the Kansas Association of Counties

1. Elimination Statewide of “Dark Store” Hypothetical-Based Property Tax Appraisals of Real Property (See attached Exhibit 1)
  - a. The Statewide Problem
  - b. The Legislative Solution (SB 222)
  - c. Discussion by Commissioners and Delegation

**12:55 p.m.**

2. Constitutional Protection Statewide of Existing County Home Rule (See attached Exhibit 2)
  - a. The Statewide Problem
  - b. The Legislative Solution (SCR No. 1606)
  - c. Discussion by Commissioners and Delegation

**1:10 p.m.**

3. County Nuisance Abatement Authority Statewide (See attached Exhibit 3)
  - a. The Statewide Problem
  - b. The Legislative Solution (SB 52)
  - c. Discussion by Commissioners and Delegation

Attachment: Legislative Conference Agenda 2022 (13007 : Draft Agenda)

1: 25 p.m.

4. Missing Demand Transfers to Counties Statewide (See attached Exhibit 4)
  - a. The Statewide Problem
  - b. The Legislative Solution

1:40 p.m.

- B. Long Term Negative Impact on Riley County of State Legislative Action
  1. Loss of the Mortgage Registration Fee
  2. Impact on Riley County
- C. Potential Long Term Positive Impact on Riley County of Treasurer Motor Vehicle Bill
  1. Fee Increase
  2. Benefit to Riley County Property Taxpayers
- D. General Discussion by Commissioners and Delegation.

2.p.m.

Closing Remarks

Board of Riley County Commissioners

**ADJOURNMENT**

Attachment: Legislative Conference Agenda 2022 (13007 : Draft Agenda)



## KANSAS ASSOCIATION OF COUNTIES

### Legislative Request Form | 2023 Legislative Session

**Instructions:** Three entities are eligible to submit a policy request. They are: (1) a member county, (2) a KAC affiliate organization, or (3) a KAC associate organization. Any county official submitting a request must have support from the official's respective county or affiliate/associate organization before submission. It is preferred that all requests also include a prior discussion with a Kansas legislator before submission. Please submit requests typed on this form. Do not submit handwritten forms. Deadline for submitting this request form: **Friday, July 22, 2022.**

#### 1. Contact Information

|                   |                            |
|-------------------|----------------------------|
| <b>Name:</b>      | Clancy Holeman             |
| <b>Title:</b>     | County Counselor           |
| <b>Entity:</b>    | Riley County               |
| <b>Telephone:</b> | 785-317-3733               |
| <b>Email:</b>     | choleman@rileycountyks.gov |

#### 2. Describe the legislative issue.

"Dark Store" real property tax appraisals presented to BOTA rely upon a "hypothetical leased fee" in order to determine "fair market value." Riley County's SB 222 (Attachment A) clarifies the current statutory definition of "fair market value" by stating a nationally accepted mass appraisal principle: a hypothetical value is not lawfully part of any real property's "fair market value."

#### 3. Describe any history on the issue.

SB 222 died in committee at the end of the 2022 legislative session. Most recently, it had been introduced in the 2021 legislative session.

#### 4. Why does the issue need legislative resolution?

BOTA is required to follow the statutory definition of "fair market value." Passage of SB 222 would mean no "Dark Store" appraisal could lawfully be used by BOTA to determine any real property's "fair market value."

Legislation is essential, because the "Dark Store" argument for "hypothetical" valuation of real property has begun to spread beyond commercial "big box" retail businesses.

5. Who will support the legislation? Who will oppose it?

The Kansas Chamber of Commerce will likely oppose SB 222. (Over the years this issue has been in play, their representatives have occasionally stated privately that they “support” SB 222. But they have made no effort to do so.) Local Chambers of Commerce, like ours, support the goal of SB 222. That is because local chambers realize the primary users of “Dark Store” principles are national retail chain stores. So those local chambers understand the “Dark Store” approach operates to the property tax value disadvantage of local “mom and pop” retailers, with their significantly reduced wholesale buying power.

6. Do other counties support or oppose the legislation? Why or why not?

Riley County held a “legislative summit” in 2019, attended by several other counties. Some of those counties voiced their support of this type of legislation. Other counties have, in the past, argued it is a better tactic to rely upon litigating “Dark Store” county losses on appeal. The goal of that latter tactic is to allow the appellate courts in Kansas to “correct” adverse BOTA “Dark Store” decisions.

A good faith argument can be made in favor of both of the above approaches. But why not pursue both?

Johnson County achieved a major victory in the Kansas Supreme Court, recently winning its appeal of its own “Dark Store” loss at BOTA. The Kansas Supreme Court reversed the long-standing “Prieb” decision (often used at BOTA by “Dark Store” proponents), and sent the case back to BOTA for further consideration.

And Riley County is currently appealing to the Kansas Court of Appeals its own “Dark Store” BOTA loss involving a national “big box” retailer.

Support of SB 222 does not prevent any county from litigating its own appeals of adverse BOTA decisions. Even if both Johnson County and Riley County each win final victories in the above two cases, those victories do not clarify the current statutory definition of “fair market value.” SB 222 accomplishes that and lays the legal groundwork for all counties to possibly succeed **before BOTA** when facing a “Dark Store” value argument.

7. Does this issue or problem have statewide effects and why?

Property tax value reductions based the “Dark Store” theory may spread across the state’s property tax base. That can result in a significant difference statewide between those properties with an artificially low appraised value, based upon a hypothetical, and those similar un-appealed properties which have an appraised value determined according to the local market. That distinction in values of similar properties could lead to a non-uniform and unequal rate of assessment. If that happens, the statewide reappraisal of all real property, such as last occurred in 1989, could be required. And that will be, as it was in 1989 a tremendous drain on county resources across the state.

8. Has this legislation had previous introductions at the Legislature? If so, when?

Introduced during the 2021 legislative session, SB 222 (Attachment A) was accompanied by Riley County's HB 2402. No hearing was held on either bill in either 2021 or 2022.

As in the past, further education of all legislators, and of the general public, is necessary to push passage of SB 222 (Attachment A). A joint effort of counties to do so stands the best chance of success.

9. Which legislator did you approach and what was the response? Who will champion this bill during the legislative session?

Our Senator Tom Hawk introduced SB 222 (Attachment A). We believe our delegation will support the bill again. We will confirm that fact during Riley County's annual Fall legislative conference with our delegation.

10. When (specific date) did your county, affiliate, or associate approve this proposal?

The Board of Riley County Commissioners approve this proposal during its July 21, 2022 public meeting.

11. Will you be present at the KAC Annual Conference during the legislative policy discussion to advocate for, and answer questions relating to, this legislation?

Yes.

12. Attach any helpful documentation.

See Attachment A.

**PLEASE ANSWER ALL QUESTIONS TO ENSURE THAT THE COMMITTEE GIVES  
THOROUGH CONSIDERATION OF YOUR REQUEST**

Please return to: Jay Hall, KAC Deputy Director and General Counsel  
[hall@kansascounties.org](mailto:hall@kansascounties.org)

Kansas Association of Counties, 715 SW 10th Avenue, Topeka, Kansas 66612

**Deadline for Submission: July 22, 2022**

Session of 2021

## SENATE BILL No. 222

By Committee on Ways and Means

2-11

1 AN ACT concerning property taxation; relating to valuation of property;  
2 excluding hypothetical leased fee in the determination of fair market  
3 value; amending K.S.A. 79-503a and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-503a is hereby amended to read as follows: 79-  
7 503a. "Fair market value" means the amount in terms of money that a well  
8 informed buyer is justified in paying and a well informed seller is justified  
9 in accepting for property in an open and competitive market, assuming that  
10 the parties are acting without undue compulsion. *A hypothetical leased fee*  
11 *shall not be included in the determination of fair market value of any*  
12 *property.* In the determination of fair market value of any real property  
13 *which that* is subject to any special assessment, such value shall not be  
14 determined by adding the present value of the special assessment to the  
15 sales price. For the purposes of this definition it will be assumed that  
16 consummation of a sale occurs as of January 1.

17 Sales in and of themselves shall not be the sole criteria of fair market  
18 value but shall be used in connection with cost, income and other factors  
19 including, but not by way of exclusion:

- 20 (a) The proper classification of lands and improvements;
- 21 (b) the size thereof;
- 22 (c) the effect of location on value;
- 23 (d) depreciation, including physical deterioration or functional,  
24 economic or social obsolescence;
- 25 (e) cost of reproduction of improvements;
- 26 (f) productivity taking into account all restrictions imposed by the  
27 state or federal government and local governing bodies, including, but not  
28 limited to, restrictions on property rented or leased to low income  
29 individuals and families as authorized by section 42 of the federal internal  
30 revenue code of 1986, as amended;
- 31 (g) earning capacity as indicated by lease price, by capitalization of  
32 net income or by absorption or sell-out period;
- 33 (h) rental or reasonable rental values or rental values restricted by the  
34 state or federal government or local governing bodies, including, but not  
35 limited to, restrictions on property rented or leased to low income  
36 individuals and families, as authorized by section 42 of the federal internal

ATTACHMENT A

Attachment: Exhibit 1 (13007 : Draft Agenda)

SB 222

2

1 revenue code of 1986, as amended;

2 (i) sale value on open market with due allowance to abnormal  
3 inflationary factors influencing such values;

4 (j) restrictions or requirements imposed upon the use of real estate by  
5 the state or federal government or local governing bodies, including  
6 zoning and planning boards or commissions, and including, but not limited  
7 to, restrictions or requirements imposed upon the use of real estate rented  
8 or leased to low income individuals and families, as authorized by section  
9 42 of the federal internal revenue code of 1986, as amended; and

10 (k) comparison with values of other property of known or recognized  
11 value. The assessment-sales ratio study shall not be used as an appraisal  
12 for appraisal purposes.

13 *Fair market value pursuant to this section does not apply to land*  
14 *devoted to agricultural use.*

15 The appraisal process utilized in the valuation of all real and tangible  
16 personal property for ad valorem tax purposes shall conform to generally  
17 accepted appraisal procedures and standards which are consistent with the  
18 definition of fair market value unless otherwise specified by law.

19 Sec. 2. K.S.A. 79-503a is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its  
21 publication in the statute book.



## KANSAS ASSOCIATION OF COUNTIES

### Legislative Request Form | 2023 Legislative Session

**Instructions:** Three entities are eligible to submit a policy request. They are: (1) a member county, (2) a KAC affiliate organization, or (3) a KAC associate organization. Any county official submitting a request must have support from the official's respective county or affiliate/associate organization before submission. It is preferred that all requests also include a prior discussion with a Kansas legislator before submission. Please submit requests typed on this form. Do not submit handwritten forms. Deadline for submitting this request form: **Friday, July 22, 2022.**

#### 1. Contact Information

|                   |                            |
|-------------------|----------------------------|
| <b>Name:</b>      | Clancy Holeman             |
| <b>Title:</b>     | County Counselor           |
| <b>Entity:</b>    | Riley County               |
| <b>Telephone:</b> | 785-317-3733               |
| <b>Email:</b>     | choleman@rileycountyks.gov |

#### 2. Describe the legislative issue.

All counties have had **statutory** home rule since 1974.

All Cities have had **constitutionally protected** home rule since 1960.

The sole purpose of SCR 1606 (Attachment A) is to provide counties **constitutionally protected** home rule—no more and no less home rule than all counties already have. It provides all Kansas counties the same **constitutionally protected** home rule Kansas cities have enjoyed for the past 60 years.

Kansas Counties have had their home rule authority increasingly limited by the legislature since 1974. That has been easy for the legislature to do. The legislature simply amends the county home rule statute during any legislative session. The legislature has done so nearly 40 times since 1974.

Kansas Cities have not had their home rule authority limited by the legislature even once, since 1960. The legislature is powerless to do so, unless a constitutional amendment is placed on a statewide ballot, then passed by a majority of Kansas citizens.

## EXHIBIT 2

3. Describe any history on the issue.

Riley County introduced House Concurrent Resolutions (then with text virtually identical to current SCR 1606) in the 2017 and 2019 legislative sessions. But those HCRs were not worked in their respective committees.

Riley County introduced SCR 1606 (Attachment A) during the 2021 legislative session. A hearing was held on SCR 1606 during that session, and a unanimous Riley County Commission testified in support by both zoom and in writing (Attachments B, C & D). See also testimony in support from KAC. (Attachment E)

4. Why does the issue need legislative resolution?

Without constitutional protection of county home rule, all counties can lose all their current home rule authority during any legislative session. It could be accomplished by a simple majority vote in each chamber to repeal the county home rule statute, followed by the governor's signature, or the legislature's override of the governor's veto of that repeal.

5. Who will support the legislation? Who will oppose it?

In the past, this legislation has been opposed by KLA, KFB and the Pork Producers. It can be argued their opposition is short-sighted. The population of Kansas is becoming increasingly urban. So, it is generally accepted that urban interests will eventually have a significant numbers advantage in both the Kansas House and Senate.

If that trending shift of legislative power continues, rural voices will likely have a reduced ability to pass legislation important to rural Kansas.

6. Do other counties support or oppose the legislation? Why or why not?

During the Riley County 2019 legislative summit, several counties in this region supported **constitutional protection** of county home rule. They agreed that the Kansas population shift may provide a limited window of opportunity to provide **constitutional protection** to any county's ability to legislate locally on local issues.

7. Does this issue or problem have statewide effects and why?

The current absence of **constitutional protection** of county home rule has allowed the legislature to consistently restrict local authority since the 1974 statutory grant. Initially, county legislative authority passed with only 8 statutory exceptions to local legislative power. There are now 38 such restrictions.

8. Has this legislation had previous introductions at the Legislature? If so, when?

This legislation has been introduced by Riley County in the 2017, 2019 and 2021 legislative sessions. It died in committee at the end of the 2022 legislative session.

9. Which legislator did you approach and what was the response? Who will champion this bill during the legislative session?

We have not yet discussed this legislation with our delegation. We expect to confirm their support during Riley County's annual Fall legislative conference.

10. When (specific date) did your county, affiliate, or associate approve this proposal?

The Board of Riley County Commissioners approved this proposal during its public meeting of July 21, 2022.

11. Will you be present at the KAC Annual Conference during the legislative policy discussion to advocate for, and answer questions relating to, this legislation?

Yes.

12. Attach any helpful documentation.

See Attachments A—E.

**PLEASE ANSWER ALL QUESTIONS TO ENSURE THAT THE COMMITTEE GIVES  
THOROUGH CONSIDERATION OF YOUR REQUEST**

**Please return to: Jay Hall, KAC Deputy Director and General Counsel**

**[hall@kansascounties.org](mailto:hall@kansascounties.org)**

**Kansas Association of Counties, 715 SW 10th Avenue, Topeka, Kansas 66612**

**Deadline for Submission: July 22, 2022**

Session of 2021

## Senate Concurrent Resolution No. 1606

By Committee on Local Government

2-4

1 A PROPOSITION to amend article 9 of the constitution of the state of  
2 Kansas by adding a new section thereto; concerning home rule for  
3 counties.

4  
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*  
6 *members elected (or appointed) and qualified to the Senate and two-*  
7 *thirds of the members elected (or appointed) and qualified to the*  
8 *House of Representatives concurring therein.*

9 Section 1. The following proposition to amend the constitution of  
10 the state of Kansas shall be submitted to the qualified electors of the state  
11 for their approval or rejection: Article 9 of the constitution of the state of  
12 Kansas is hereby amended by adding a new section to read as follows:

13 "§ 6. Counties' power of home rule. (a) Counties are  
14 hereby empowered to determine their local affairs and  
15 government including the levying of taxes, excises, fees,  
16 charges and other exactions, except when and as the levying of  
17 any tax, excise, fee, charge or other exaction is limited or  
18 prohibited by enactment of the legislature applicable uniformly  
19 to all counties of the same class. The legislature may establish  
20 not to exceed four classes of counties for the purpose of  
21 imposing all such limitations or prohibitions. Counties shall  
22 exercise such determination by resolution passed by the  
23 governing body with referendums only in such cases as  
24 prescribed by the legislature, subject only to enactments of the  
25 legislature of statewide concern applicable uniformly to all  
26 counties, to other enactments of the legislature applicable  
27 uniformly to all counties, to enactments of the legislature  
28 applicable uniformly to all counties of the same class limiting or  
29 prohibiting the levying of any tax, excise, fee, charge or other  
30 exaction and to enactments of the legislature prescribing limits  
31 of indebtedness. All enactments relating to counties now in  
32 effect or hereafter enacted and as later amended and until  
33 repealed shall govern counties, except as counties shall exempt  
34 themselves by charter resolutions as herein provided for in  
35 subsection (b).

36 (b) (1) Any county may by charter resolution elect in the

Attachment: Exhibit 2 (13007 : Draft Agenda)

ATTACHMENT A

SCR 1606

2

1 manner prescribed in this section that the whole or any part of  
2 any enactment of the legislature applying to such county, other  
3 than enactments of statewide concern applicable uniformly to  
4 all counties, other enactments applicable uniformly to all  
5 counties, and enactments prescribing limits of indebtedness,  
6 shall not apply to such county.

7 (2) A charter resolution is a resolution which exempts a  
8 county from the whole or any part of any enactment of the  
9 legislature as referred to in this section and which may provide  
10 substitute and additional provisions on the same subject. Such  
11 charter resolution shall be so titled, shall designate specifically  
12 the enactment of the legislature or part thereof made  
13 inapplicable to such county by the adoption of such resolution  
14 and contain the substitute and additional provisions, if any, and  
15 shall require a two-thirds vote of the members-elect of the  
16 governing body of such county. Every charter resolution shall  
17 be published once each week for two consecutive weeks in the  
18 official county newspaper or, if there is none, in a newspaper of  
19 general circulation in the county.

20 (3) No charter resolution shall take effect until 60 days  
21 after its final publication. If, within 60 days of its final  
22 publication, a petition signed by a number of electors of the  
23 county equal to not less than 10% of the number of electors who  
24 voted at the last preceding regular county election shall be filed  
25 in the office of the clerk of such county demanding that such  
26 resolution be submitted to a vote of the electors, it shall not take  
27 effect until submitted to a referendum and approved by a  
28 majority of the electors voting thereon. An election, if called,  
29 shall be called within 30 days and held within 90 days after the  
30 filing of the petition. The governing body shall pass a resolution  
31 calling the election and fixing the date, which resolution shall  
32 be published once each week for three consecutive weeks in the  
33 official county newspaper or, if there be none, in a newspaper of  
34 general circulation in the county, and the election shall be  
35 conducted as elections for officers and by the officers handling  
36 such elections. The proposition shall be: "Shall charter  
37 resolution No. \_\_\_\_\_, entitled (title of resolution) take  
38 effect?" The governing body may submit any charter resolution  
39 to a referendum without petition by the same publication of the  
40 charter resolution, and the same publication of the resolution  
41 calling the election as for resolutions upon petition and such  
42 charter resolution shall then become effective when approved  
43 by a majority of the electors voting thereon. Each charter

SCR 1606

3

1 resolution becoming effective shall be recorded by the county  
2 clerk in a book maintained for that purpose with a statement of  
3 the manner of adoption, and a certified copy shall be filed with  
4 the secretary of state, who shall keep an index of the same.

5 (4) Each charter resolution enacted shall control and  
6 prevail over any prior or subsequent act of the governing body  
7 of the county, and may be repealed or amended only by charter  
8 resolution or by enactments of the legislature applicable to all  
9 counties.

10 (c) Powers and authority granted to counties pursuant to  
11 this section shall be liberally construed for the purpose of giving  
12 to counties the largest measure of self-government.

13 (d) This amendment shall be effective on and after July 1,  
14 2023."

15 Sec. 2. The following statement shall be printed on the ballot with  
16 the amendment as a whole:

17 "*Explanatory statement.* This amendment would provide a  
18 constitutional basis for county home rule. A county could  
19 enact a charter resolution to exempt itself from non-uniform  
20 state laws that apply to the county and provide substitute or  
21 additional provisions to that law. The legislature could  
22 preempt counties from exercising home rule powers by the  
23 passage of uniform state laws that apply to all counties in the  
24 exact same manner. Counties could pass home rule  
25 resolutions to legislate locally on matters not covered by  
26 state law.

27 "A vote for this proposition would empower counties to  
28 determine their local affairs and government with a  
29 constitutional grant of power that could only be preempted  
30 by enactments of the legislature that apply uniformly to all  
31 counties in the exact same way.

32 "A vote against this proposition would retain the present law  
33 granting counties home rule power and other both uniform  
34 and non-uniform laws pertaining to counties that can be  
35 readily amended by the legislature to restrict home rule  
36 powers by statute."

37 Sec. 3. This resolution, if approved by two-thirds of the members  
38 elected (or appointed) and qualified to the Senate and two-thirds of the  
39 members elected (or appointed) and qualified to the House of  
40 Representatives, shall be entered on the journals, together with the yeas  
41 and nays. The secretary of state shall cause this resolution to be published  
42 as provided by law and shall cause the proposed amendment to be  
43 submitted to the electors of the state at the general election in November

Attachment: Exhibit 2 (13007 : Draft Agenda)

SCR 1606

4

- 1 in the year 2022, unless a special election is called at a sooner date by
- 2 concurrent resolution of the legislature, in which case it shall be
- 3 submitted to the electors of the state at the special election.



BOARD OF COMMISSIONERS

115 N. 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
 Manhattan, Kansas 66502  
 Phone: 785-565-6844  
 Fax: 785-565-6847  
 Email: boccc@rileycountyks.gov

February 16, 2021

Carolyn McGinn, Chair  
 Senate Local Government Committee  
 State Capitol, Room 142-S  
 Topeka, KS 66612

Re: Written Testimony in Support of SCR 1606  
 John Ford, Riley County Commission Chairman

Dear Chair McGinn and Members of the Committee:

The Board of Riley County Commissioners has introduced SCR 1606.

The goal of SCR 1606 is to provide constitutional protection to the home rule authority all Kansas counties currently have. This is, first, a matter of simple fairness to county commissions across Kansas. Home rule is the authority to legislate locally. Counties use their legislative authority every day to address local demands for service quickly and efficiently. That happens whenever county roads and bridges must be constructed or maintained; when ambulance service is provided; when the county health department distributes COVID-19 vaccine; when emergency management takes action to protect life and property during a flood or tornado; when volunteer firefighters respond to a call. But unlike cities, county authority to make legislative decisions about providing and funding these critical local services is not protected by our Kansas constitution. That is unfair.

Without constitutional protection of county home rule, it can end during any legislative session by repeal of the county home rule statute. In contrast, city home rule cannot end without a constitutional amendment. But the current constitutional protection of city home rule does not grant cities unlimited legislative authority. Cities remain subject to all state law which applies uniformly throughout Kansas. And SCR 1606 reads identically to the constitutional grant of home rule authority given cities. So passage of SCR 1606 does not expand the legislative authority of counties. Counties, like cities, would remain subject to all uniform state laws passed by the legislature.

Riley County trusts the voters of Kansas will, if given the opportunity, grant counties the same constitutional protection of local legislative authority which cities now have. We encourage this committee to give Kansas voters that opportunity.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Ford", is written over a horizontal line.

John Ford, Chairman  
 Board of Riley County Commissioners

ATTACHMENT B

Attachment: Exhibit 2 (13007 : Draft Agenda)



# BOARD OF COMMISSIONERS

115 N. 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
 Manhattan, Kansas 66502  
 Phone: 785-565-6844  
 Fax: 785-565-6847  
 Email: bocc@rileycountyks.gov

February 23, 2021

Carolyn McGinn, Chair  
 Senate Local Government Committee  
 State Capitol, Room 142-S  
 Topeka, KS 66612

Re: Written Testimony in Support of SCR 1606  
 Kathryn Focke, Riley County Commissioner

Dear Chair McGinn and Members of the Committee:

The Riley County Commission unanimously believes county home rule deserves constitutional protection.

The governing body closest to local issues is uniquely suited to respond immediately, creatively and effectively to citizens. The ongoing pandemic and the local public health response to it, provide excellent examples.

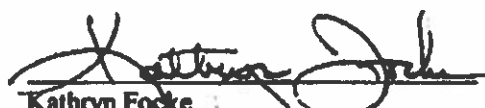
When some local businesses told this Board they believed our Board of Health and Local Health Officer COVID-19 restrictions were too strict, the Riley County Commission took action. Now a formalized advisory group made up of business representatives provides input for consideration by our Local Health Officer. This benefits both business and public health.

When the state of Kansas passed along CARES funding to Riley County, with a mandate to fairly address local COVID-19 needs, the Riley County Commission was not overwhelmed by the task. Instead, the County quickly created a staff committee to develop fair grant application standards and to review the requests from small businesses for COVID-19 assistance. Thereafter, the County Commissioners authorized distribution of grants to small businesses totaling \$2,589,055.24. Those grants provided essential assistance to 186 struggling local small businesses.

Without the local authority of home rule, the Riley County Commission would not have been able to take either of the foregoing actions without first obtaining legislative approval. That would have slowed local response in both of the above situations. That kind of delay would have reduced this County's ability to quickly meet the critical local needs of its citizens.

This kind of local authority deserves constitutional protection—the identical constitutional protection Kansas cities already have for their home rule authority.

Sincerely,

  
 Kathryn Focke  
 Riley County Commissioner

ATTACHMENT C

Attachment: Exhibit 2 (13007 : Draft Agenda)



# BOARD OF COMMISSIONERS

115 N. 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
 Manhattan, Kansas 66502  
 Phone: 785-565-6844  
 Fax: 785-565-6847  
 Email: boc@rileycountyks.gov

February 16, 2021

Carolyn McGinn, Chair  
 Senate Local Government Committee  
 State Capitol, Room 142-S  
 Topeka, KS 66612

Re: Oral Testimony in Support of SCR 1606  
 Greg McKinley, Riley County Commission Vice Chairman

Dear Chair McGinn and Members of the Committee:

The Board of Riley County Commissioners has introduced SCR 1606.

Home rule is necessary for counties. It allows county commissions to react quickly and effectively to local events and conditions. For example, the extreme cold affecting Kansas in the past week has disrupted some portion of the COVID-19 testing taking place in Riley County. Riley County had made available one of its outdoor facilities (normally used during the county fair) as a testing site. The private company providing this testing is under a contract with the State of Kansas. But the cold weather has made it impossible for the company's staff to continue their work outdoors. It is important such testing continue. Good data helps the Riley County Health Department accurately determine the rate of COVID-19 infections in our community. Knowing the rate of infection helps our local health officer and our Board make health policy decisions which protect our citizens and businesses.

Our County Commission had already leased a building from a local church. We will use that building as an "Alternate Care Site" for COVID-19 patient treatment, if it becomes necessary. During a commission meeting last week, we quickly approved staff's development of an amendment to the existing lease. We took legislative action in that public meeting to authorize our Chairman to sign such an amendment, once it's prepared, without waiting for our next regular public meeting. If that amendment is acceptable to the owner, the testing company and this Board, our hope is to have free and warm indoor space available to the company this week. Then testing will continue.

This kind of quick response by our Board to a local problem is possible because we have lawful authority to take quick legislative action and alter our existing contract. Home rule gives Riley County that authority.

SCR 1606 protects existing Riley County home rule. It gives constitutional protection to our ability to solve local problems, at the local level.

Thank you for allowing our Board to ask your support of SCR 1606.

Sincerely,

  
 Greg McKinley, Vice Chairman  
 Board of Riley County Commissioners

ATTACHMENT D

Attachment: Exhibit 2 (13007 : Draft Agenda)



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

715 SW 10th Avenue • Topeka, KS 66612  
785-272-2585 • [www.kansascounties.org](http://www.kansascounties.org)

**Senate Local Government Committee  
February 16, 2021  
SCR 1606**

**Kansas Association of Counties  
Proponent Testimony**

**Chairwoman McGinn and members of the Committee:**

**Thank you for allowing the Kansas Association of Counties to offer testimony in support of SCR 1606, which would grant constitutional protection for county home rule authority.**

**Home rule is an important to KAC and its member counties. Home rule is limited autonomy of self government authority for local governmental units. Cities in Kansas have enjoyed constitutionally protected home rule since 1961. While counties in Kansas have home rule authority, it is statutory authority only.**

**County home rule is self-executing in the same manner as city home rule. Counties do not need to adopt any special resolution or charter to have home rule authority. The power is there for all 105 counties to use. The major difference is that county home rule can change at any given time during the legislative session because it is statutory and therefore subject to legislative change. This introduces a level of uncertainty for counties, and the residents and businesses that make up those communities.**

**It is important to remember that without home rule, counties would have to come to the legislature for every issue of local importance. This is incredibly inefficient for both counties and the legislature, as it slows down the legislative process here, and is often too slow to react to be beneficial to local communities in our 105 counties. Home rule is a necessary policy. Without it, the legislature would be overrun with local issues, rather than matters of statewide concern. The necessity of home rule as a policy argues strongly in favor of that policy being enshrined in the Kansas constitution.**

**Let us also remember that home rule, whether constitutional or statutory, is not absolute. Any statute that is uniform is not subject to home rule authority. This means that statutes that apply equally across all 105 counties cannot be chartered out of. They are binding upon all counties. When necessary, the state has established rules for matters of statewide concern. In those instances, legislative authority would override county home rule whether constitutional or statutory.**

**It has been recognized, particularly recently, that one size does not fit all here in Kansas. There are certainly some areas where a uniform policy is necessary, and those are the matters that the legislature should focus their efforts on. Local matters, however, often get lost in the legislative process, as lawmakers from across the state find it difficult to focus attention on issues that may only affect one county, or even one small portion of a county.**

Remember, also, that the decision of this Senate committee does not grant constitutional protection for county home rule authority immediately. Because this is a constitutional amendment, it requires a two thirds majority in both the Senate and House, as well as a majority vote in a popular vote. Even if the legislature were to grant constitutional protections unanimously, counties would still need to make their case to their constituents across the state before county home rule enjoyed constitutional protection.

Thank you for the opportunity to provide this information to the committee. KAC stands ready to answer questions at the appropriate time.

Jay Hall  
Legislative Policy Director and General Counsel  
Kansas Association of Counties  
[hall@kansascounties.org](mailto:hall@kansascounties.org)  
(785)272-2585, Ext. 307



## KANSAS ASSOCIATION OF COUNTIES

### Legislative Request Form | 2023 Legislative Session

**Instructions:** Three entities are eligible to submit a policy request. They are: (1) a member county, (2) a KAC affiliate organization, or (3) a KAC associate organization. Any county official submitting a request must have support from the official's respective county or affiliate/associate organization before submission. It is preferred that all requests also include a prior discussion with a Kansas legislator before submission. Please submit requests typed on this form. Do not submit handwritten forms. Deadline for submitting this request form: **Friday, July 22, 2022.**

#### 1. Contact Information

|                   |                            |
|-------------------|----------------------------|
| <b>Name:</b>      | Clancy Holeman             |
| <b>Title:</b>     | County Counselor           |
| <b>Entity:</b>    | Riley County               |
| <b>Telephone:</b> | 785-317-3733               |
| <b>Email:</b>     | choleman@rileycountyks.gov |

#### 2. Describe the legislative issue.

Kansas case law prohibits counties from abating public nuisance properties by cleaning them up and imposing those costs on the property owner. But doing so may be the best way to achieve nuisance abatement. (Unlike counties, cities have authority to do such nuisance abatements and cost recovery.)

#### 3. Describe any history on the issue.

Sedgwick County successfully obtained passage of SB No. 52 during the 2021 legislative session. It is titled the "Sedgwick County **Urban Area** Nuisance Abatement Act." (Attachment A)

#### 4. Why does the issue need legislative resolution?

There are nuisance properties within the **unincorporated area** of Riley County. Our experience has been the abatement tools currently available to counties are ineffective.

5. Who will support the legislation? Who will oppose it?

Any county with nuisance properties should support this concept. They, like Riley County, may have found that fines, and even district court injunctive actions, can be unsuccessful in solving nuisances on some nuisance properties.

Opposition is possible from those who do not believe agricultural properties are exempt from this proposed legislation. Agricultural properties are exempt from this legislation.

6. Do other counties support or oppose the legislation? Why or why not?

We are confident most counties will be open to this type of expanded authority to resolve nuisances in their unincorporated area. Currently, the appellate courts have determined that only fines and/or jail time are available remedies, pursuant to the "Code for Enforcement of County Resolutions."

7. Does this issue or problem have statewide effects and why?

These nuisances have been a statewide problem, according to comments from various counties in past KAC annual conferences.

8. Has this legislation had previous introductions at the Legislature? If so, when?

This proposal has not been introduced in the legislature previously.

9. Which legislator did you approach and what was the response? Who will champion this bill during the legislative session?

We have not yet discussed this legislation with our delegation. We expect to confirm their support during Riley County's annual Fall legislative conference.

10. When (specific date) did your county, affiliate, or associate approve this proposal?

The Board of Riley County Commissioners approved this proposal during its public meeting of July 21, 2022.

11. Will you be present at the KAC Annual Conference during the legislative policy discussion to advocate for, and answer questions relating to, this legislation?

Yes.

**12. Attach any helpful documentation.**

**See Attachments A and B.**

**Attachment: Exhibit 3 (13007 : Draft Agenda)**

**PLEASE ANSWER ALL QUESTIONS TO ENSURE THAT THE COMMITTEE GIVES  
THOROUGH CONSIDERATION OF YOUR REQUEST**

**Please return to: Jay Hall, KAC Deputy Director and General Counsel  
[hall@kansascounties.org](mailto:hall@kansascounties.org)**

**Kansas Association of Counties, 715 SW 10th Avenue, Topeka, Kansas 66612**

**Deadline for Submission: July 22, 2022**

## **SEDGWICK COUNTY URBAN AREA NUISANCE ABATEMENT ACT**

SENATE BILL No. 52 AN ACT establishing the Sedgwick county urban area nuisance abatement act. Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Sedgwick county urban area nuisance abatement act. (b) Sedgwick county has been declared an urban area under K.S.A. 19-2654, and amendments thereto, as permitted by section 17 of article 2 of the constitution of the state of Kansas. (c) Before any nuisance abatement process shall be commenced under this act, Sedgwick county first shall have obtained a conviction for a county code violation resulting from such nuisance within the 12-month period prior to the issuance of any order as provided in section 2, and amendments thereto. (d) (1) The board of county commissioners may order the removal or abatement of any nuisance from any lot or parcel of ground within the unincorporated area of the county. The board may order the repair or demolition of any structure, or the removal or abatement of any other type of nuisance. (2) The order shall provide that all costs associated with the abatement shall be paid by the owner of the property on which the nuisance is located.

Section 2. (a) Whenever the board of county commissioners or other agency designated by the board files with the Sedgwick county clerk a statement in writing describing a nuisance and declaring that such nuisance is a menace and dangerous to the health of the inhabitants of the county, the board of county commissioners, by resolution, may make such determination and issue an order requiring the nuisance be removed or abated. (b) Except as provided by subsection (c), the board of county commissioners shall order the owner of the property to remove and abate the nuisance within not less than 10 days, to be specified in the order. The board or its designated representative may grant extensions of the time period indicated in the order. The order shall state that before the expiration of the waiting period or any extension, the recipient may request a hearing before the board or its designated representative. The order shall be served on the owner by personal service in accordance with K.S.A. 60-303, and amendments thereto. (c) If the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the board of county commissioners may provide notice of the issuance of any further orders to abate or remove a nuisance from the property in the manner provided by subsection (d) or as provided in this subsection. The board may provide notice of the order by such methods including, but not limited to, door hangers conspicuously posting notice of the order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (d) If the owner of the property fails to comply with the order for a period longer than that named in the order or any extensions of such time period, the board of county commissioners may proceed to order the repair or demolition of any structure and have the items described in the order removed and abated from the lot or parcel of ground. If the county abates or removes the nuisance, the county shall give notice to the owner by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the county. The notice also shall state that payment of the cost is due and payable within 60 days

### **ATTACHMENT A**

following the mailing of the notice. SENATE BILL No. 52—page 2 (e) If the cost of the removal or abatement is not paid within the 60-day period, the cost shall be assessed and charged against the lot or parcel of land on which the nuisance was located. If the cost is to be assessed, the county clerk, at the time of certifying other county taxes, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of land. Such cost shall be collected by the county treasurer. (f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the removal or abatement incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the board or its designated representative prior to the 60 days following receipt of notice of costs due and payable under subsection (d). (g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner. (h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.

Section 3. Sedgwick county may remove and abate from property, other than public property or property open to the use by the public, a motor vehicle determined to be a nuisance. Disposition of such vehicles shall be in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2), and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle. If a public auction is conducted, but no responsible bid is received, the county may file proof with the division of vehicles, and the division shall issue a certificate of title of the motor vehicle to the county. Any person whose motor vehicle has been disposed of pursuant to this section shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of the refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

Section 4. The board of county commissioners may adopt a resolution to establish any policies, procedures, designated body or other related matters for hearings that property owners or their agents may request pursuant to this act.

Section 5. Nothing in the Sedgwick county urban area nuisance abatement act shall apply to land, structures, machinery and equipment or motor vehicles used for an agricultural activity. For purposes of this section, the term "agricultural activity" means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

Section 6. The Sedgwick county urban area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2024.

## **RILEY COUNTY UNINCORPORATED AREA NUISANCE ABATEMENT ACT**

Be it enacted by the Legislature of the State of Kansas:

**Section 1.** (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Riley county unincorporated area nuisance abatement act. (b) Before any nuisance abatement process shall be commenced under this act, Riley county first shall have obtained a conviction for a county code violation resulting from such nuisance within the 12-month period prior to the issuance of any order as provided in section 2, and amendments thereto. (d) (1) The board of county commissioners may order the removal or abatement of any nuisance from any lot or parcel of ground within the unincorporated area of the county. The board may order the repair or demolition of any structure, or the removal or abatement of any other type of nuisance. (2) The order shall provide that all costs associated with the abatement shall be paid by the owner of the property on which the nuisance is located.

**Section 2.** (a) Whenever the board of county commissioners or other agency designated by the board files with the Riley county clerk a statement in writing describing a nuisance and declaring that such nuisance is a menace and dangerous to the health of the inhabitants of the county, the board of county commissioners, by resolution, may make such determination and issue an order requiring the nuisance be removed or abated. (b) Except as provided by subsection (c), the board of county commissioners shall order the owner of the property to remove and abate the nuisance within not less than 10 days, to be specified in the order. The board or its designated representative may grant extensions of the time period indicated in the order. The order shall state that before the expiration of the waiting period or any extension, the recipient may request a hearing before the board or its designated representative. The order shall be served on the owner by personal service in accordance with K.S.A. 60-303, and amendments thereto. (c) If the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the board of county commissioners may provide notice of the issuance of any further orders to abate or remove a nuisance from the property in the manner provided by subsection (d) or as provided in this subsection. The board may provide notice of the order by such methods including, but not limited to, door hangers conspicuously posting notice of the order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (d) If the owner of the property fails to comply with the order for a period longer than that named in the order or any extensions of such time period, the board of county commissioners may proceed to order the repair or demolition of any structure and have the items described in the order removed and abated from the lot or parcel of ground. If the county abates or removes the nuisance, the county shall give notice to the owner by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the county. The notice also shall state that payment of the cost is due and payable within 60 days following the mailing of the notice. (e) If the cost of the removal or abatement is not paid within the 60-day period, the cost shall be assessed and charged against the lot or parcel of land on which the nuisance

### **ATTACHMENT B**

was located. If the cost is to be assessed, the county clerk, at the time of certifying other county taxes, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of land. Such cost shall be collected by the county treasurer. (f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the removal or abatement incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the board or its designated representative prior to the 60 days following receipt of notice of costs due and payable under subsection (d). (g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner. (h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.

Section 3. Riley county may remove and abate from property, other than public property or property open to the use by the public, a motor vehicle determined to be a nuisance. Disposition of such vehicles shall be in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2), and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle. If a public auction is conducted, but no responsible bid is received, the county may file proof with the division of vehicles, and the division shall issue a certificate of title of the motor vehicle to the county. Any person whose motor vehicle has been disposed of pursuant to this section shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of the refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

Section 4. The board of county commissioners may adopt a resolution to establish any policies, procedures, designated body or other related matters for hearings that property owners or their agents may request pursuant to this act.

Section 5. Nothing in the Riley county unincorporated area nuisance abatement act shall apply to land, structures, machinery and equipment or motor vehicles used for an agricultural activity. For purposes of this section, the term "agricultural activity" means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

Section 6. The Riley county unincorporated area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2025.



## KANSAS ASSOCIATION OF COUNTIES

### Legislative Request Form | 2023 Legislative Session

**Instructions:** Three entities are eligible to submit a policy request. They are: (1) a member county, (2) a KAC affiliate organization, or (3) a KAC associate organization. Any county official submitting a request must have support from the official's respective county or affiliate/associate organization before submission. It is preferred that all requests also include a prior discussion with a Kansas legislator before submission. Please submit requests typed on this form. Do not submit handwritten forms. Deadline for submitting this request form: **Friday, July 22, 2022.**

#### 1. Contact Information

|                   |                            |
|-------------------|----------------------------|
| <b>Name:</b>      | Clancy Holeman             |
| <b>Title:</b>     | County Counselor           |
| <b>Entity:</b>    | Riley County               |
| <b>Telephone:</b> | 785-317-3733               |
| <b>Email:</b>     | choleman@rileycountyks.gov |

#### 2. Describe the legislative issue.

In December, 2018 an article appeared in the Kansas Government Journal titled "The Impact of Demand Transfer Losses." It described revenue losses to Kansas counties and cities resulting from the state's failure to fund for distribution the following 3 demand transfer sources: Local Ad Valorem Tax Reduction Fund (LAVTRF); County City Revenue Sharing (CCRS); and Special City-County Highway Fund (SCCHF).

According to the above article, through state fiscal year 2018, losses to counties and cities from the above missing promised dollars totaled over \$2.5 billion dollars.

#### 3. Describe any history on the issue.

None of the above funding sources have returned to cities and counties since the above article was written.

#### 4. Why does the issue need legislative resolution?

The above-described "demand transfer funds" represent legislative promises to Kansas citizens the that the state would support county operating costs in order to help keep property taxes low.

5. Who will support the legislation? Who will oppose it?

We know from experience that some legislators are comfortable leaving these statutes unfunded.

6. Do other counties support or oppose the legislation? Why or why not?

We believe counties will generally support any effort for the resumption of state demand transfers. That is based upon feedback Riley County received from other counties during its 2019 legislative summit.

7. Does this issue or problem have statewide effects and why?

This issue has statewide effects because the state continues to place unfunded mandates upon counties, while at the same time claiming counties are not financially responsible.

8. Has this legislation had previous introductions at the Legislature? If so, when?

Riley County has not introduced such legislation.

9. Which legislator did you approach and what was the response? Who will champion this bill during the legislative session?

We believe our delegation will approve this proposal. We will confirm that fact during Riley County's annual Fall legislative conference.

10. When (specific date) did your county, affiliate, or associate approve this proposal?

The Board of Riley County Commissioners approved this proposal during its public meeting of July 21, 2022.

11. Will you be present at the KAC Annual Conference during the legislative policy discussion to advocate for, and answer questions relating to, this legislation?

Yes.

12. Attach any helpful documentation.

N/A

PLEASE ANSWER ALL QUESTIONS TO ENSURE THAT THE COMMITTEE GIVES  
THOROUGH CONSIDERATION OF YOUR REQUEST

Please return to: Jay Hall, KAC Deputy Director and General Counsel

[hall@kansascounties.org](mailto:hall@kansascounties.org)

Kansas Association of Counties, 715 SW 10th Avenue, Topeka, Kansas 66612

**Deadline for Submission: July 22, 2022**



**COUNTY APPRAISER'S OFFICE**  
*Presentation*

**Anna Burson**  
County Appraiser  
110 Courthouse Plaza  
Manhattan, KS 66502  
Phone: 785-537-6310

## COMMISSION AGENDA REPORT

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**FROM:** Anna Burson  
**MEETING:** November 28, 2022  
**SUBJECT:** Tatarrax Lot 70 Information  
**PRESENTER:** Anna Burson

---

### POSSIBLE MOTION(S)

Move to approve

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

**Enclosures:**

- Tatarrax Presentation (PPTX)



# Tatarrax Lot 70

ANNA BURSON

## Agenda



Tatarrax Lot 70

- The Deed
- County Exemption
- Historic Image & Current Image
- The Original Tatarrax Plat
- Facts & Taxes

2022

2

CORPORATION QUIT CLAIM DEED (Following Kansas Statutory Form)

BOOK 678 PAGE 98

Entered in Transfer Record in my office this  
11 day of June, A.D. 1995  
William H. Schmid  
County Clerk.

**Tatarrax, Inc.**  
A corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at Manhattan County of Riley, in the State of Kansas.

QUIT CLAIMS TO Board of Commissioners of Riley County, Kansas  
all the following described REAL ESTATE in the County of Riley  
and the State of Kansas, to-wit:  
Lots 69 and 70 of Tatarrax Hills Subdivision, Unit One (1), Riley County, Kansas

for the sum of **GIFT**  
Exempt from filing real estate Sales Validation questionnaire pursuant to K.S.A. 79-1437(c) (4)

(Corporate Seal)

STATE OF Kansas, Riley COUNTY, ss.  
BE IT REMEMBERED, That on this 22 day of November, A.D. 1994, before me, the undersigned,  
a Notary Public in and for the county and State  
aforesaid came LAWRENCE A. SCHMID President of  
Tatarrax, Inc. a corporation  
duly organized, incorporated and existing under and by virtue of  
the laws of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said corporation, and

REGISTER OF DEEDS  
\$ 6.00 DEED  
6 JUN 95 10:11 A.M. RECEIPT# 1588  
STATE OF KANSAS RILEY COUNTY  
RECORDED BOOK 678 PAGE 98  
M. CHARLOTTE SHAWVER, REGISTER OF DEEDS

STATE OF \_\_\_\_\_ } ss.  
County, }

This instrument was filed for record on the

## The Deed

Lot's 69 & 70 were deeded to Riley County on 11/22/1994 by Tatarrax for the purpose of a water treatment facility for an improvement district that was going to continually occur.

Attachment: Tatarrax Presentation (13003 : Tatarrax Information)

2022

3

# County Exemption

WATER TREATMENT FACILITY

Tatarrax Lot 70

RECEIVED  
DEC 27 1995

BEFORE THE BOARD OF TAX APPEALS OF THE STATE OF KANSAS

IN THE MATTER OF THE APPLICATION  
OF BOARD OF CO. COMMISSIONERS/RILEY COUNTY  
FOR EXEMPTION FROM AD VALOREM  
TAXATION IN RILEY COUNTY, KANSAS

cc: Schmidt  
Morgan  
Commissioners  
Colbert  
King  
McIntosh

Cowan  
Campbell

Docket No. 95-11291-TX

## ORDER

Now, on this 20th day of December, 1995, the above captioned matter comes on for consideration and decision by the Board of Tax Appeals of the State of Kansas.

The Board, being duly advised in the premises, finds and concludes as follows:

1. The Board has jurisdiction of the subject matter and the parties hereto, an application for exemption having been filed pursuant to K.S.A. 79-213.
2. The subject matter of this tax exemption is described as follows:

Real Estate & Improvements known as Parcel  
ID# 081-117-35-0-40-07-016.00-0.

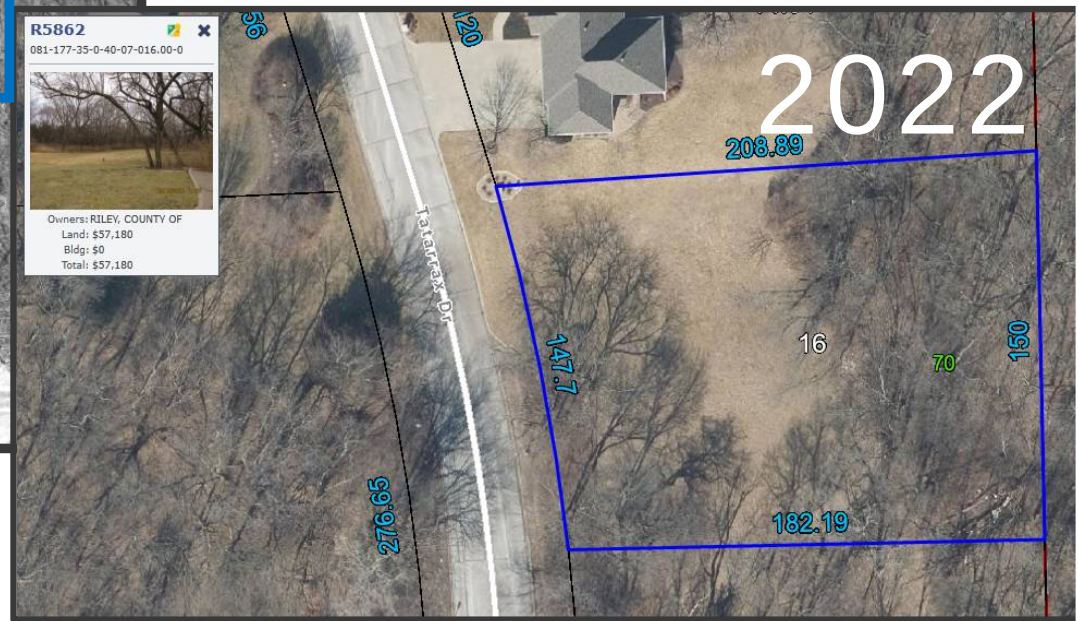
The Board finds that the above described property is a water treatment facility.

The Board further finds that said property should be exempted from taxation under the provisions of Article 11, Section 1 of the State Constitution and K.S.A. 79-201a Second.

IT IS, THEREFORE, BY THE BOARD OF TAX APPEALS OF THE STATE OF KANSAS, CONSIDERED AND ORDERED that the taxes levied on the described property for the period beginning November 22, 1994 through December 31, 1995, together with any interest and penalties charged thereon, be abated and that said property be exempted from taxation so long as it is owned by the applicant herein and used exclusively for municipal purposes.

If any party to this appeal feels aggrieved by this decision, they may file a written petition for reconsideration with this Board. The written petition for reconsideration shall set forth specifically and in adequate detail the particular and specific respects in which it is alleged that the Board's order is unlawful, unreasonable, capricious, improper or unfair. A copy of the petition, together with all documents submitted therewith, shall be mailed to the opposing party at the same time the petition is mailed to the Board. Failure to notify the opposing party shall render any subsequent order voidable. The written petition must be received by the Board

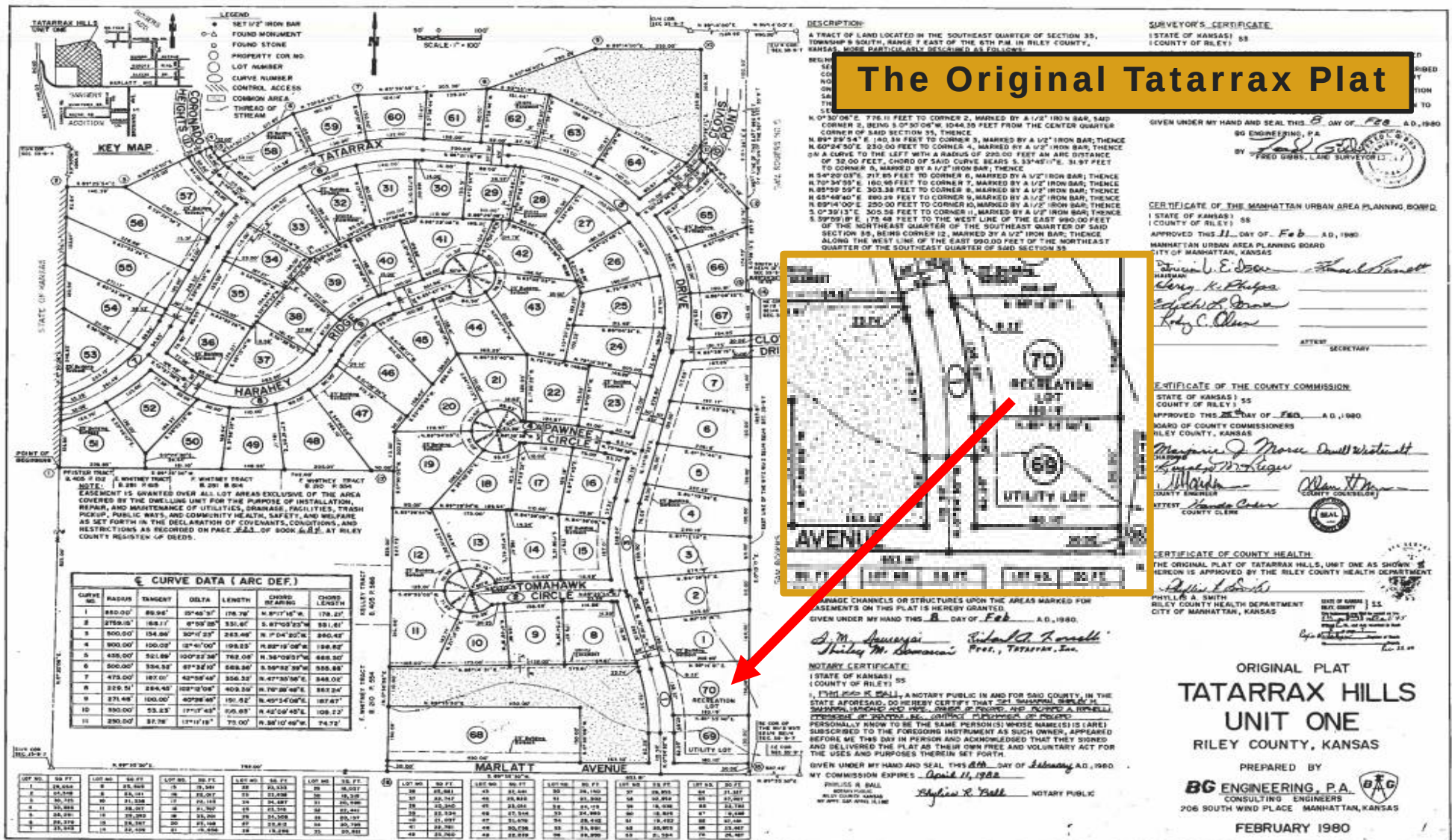
# Historic Imagery & Current Imagery 2022



Tarrax Lot 70

2022

5



# The Original Tattarrax Plat

# Facts & Taxes

- Lot 70 will be listed as taxable for 2023 regardless of ownership.
- The use changed from a water treatment facility to vacant land that is not being used for municipal purposes therefore no longer qualifies for the existing exemption.
- Values for 2023 will not be set until January 1<sup>st</sup>, 2023. In 2022 lot 70 is listed in a Commercial neighborhood because it is currently listed as Exempt. For 2023 this will change to residential and not exempt.
- If estimating taxes off of the projected but not yet finalized land value in 2023 for lot 70 the appraised value=\$43,630\*\*
- Assessed Value at 12% on Vacant land = \$5236\*\*
- Approximate Taxes with 2022 Mill levy @ 156.469= \$820\*\*

*\*\* only an estimate value will not be finalized until January 1<sup>st</sup> 2023, and the mill levy will not be set until October 2023\*\**

2022

Tatarrax Lot 70



**Information to consider:**

- Based on information provided by a representative of Tattarax they will not qualify for a property tax exemption.
- The lot will be taxable if deeded back to Tattarax. In the original plat filed in 1980 with the homeowner's association documents the lot is listed as a recreational lot and not part of the Association's commons area. Currently all area's listed as common's area are zero valued due to the value of the lots being absorbed in the value of the properties existing within Tattarax.

# Thank you



**COUNTY CLERK & ELECTIONS**  
*Election*

**Rich Vargo**  
County Clerk  
110 Courthouse Plaza  
Manhattan, KS 66502  
Phone: 785-565-6200

## COMMISSION AGENDA REPORT

---

**FROM:** Rich Vargo, Riley County Clerk  
**MEETING:** November 28, 2022  
**SUBJECT:** Grant Township Clerk tie break  
**PRESENTER:** Rich Vargo, Riley County Clerk

---

In the General Election on Tuesday, November 8, 2022, we currently have a tie for the position of Grant Township Clerk. Larry Noble and Travis Shanahan both received 19 votes. The tie will be decided by the flip of the coin held before the county board of commissioner on Monday, November 28, 2022 at 9:50 a.m. in the County Commissioners Chambers. Per K.S.A.25-3108.

**Enclosures:**

- 2012 Ks Statutes for tie break (PDF)

**2012 Kansas Statutes**

**25-3108. Tie votes in elections of local officers.** (a) In any election for which the county board of canvassers makes the final canvass, if any two or more persons have a tie vote, such board shall determine by lot which person is nominated or elected, as the case may be. Reasonable notice shall be given to such persons of the time when such determination by lot will be made; if such persons or either of them shall fail to appear in accordance with such notice, the county board of canvassers shall proceed to make such determination in the absence of such persons.

(b) A tie vote shall have occurred in the following cases:

(1) In a primary election for any county or township office, if any two or more persons have an equal number of votes and more than any other person for the same office as candidate for the same party.

(2) In a general election for any county or township office, if any two or more persons have an equal number of votes and more than any other person for the same office.

(3) In the case of election to any city office determination of whether a tie has occurred shall be made by the county board of canvassers, and such determination shall be based upon statutes applicable to the particular city election and the number of votes received by the candidates.

(4) In the case of election to any school office, determination of whether a tie has occurred shall be made by the county board of canvassers, and such determination shall be based upon statutes applicable to the particular school election and the number of votes received by the candidates.

(5) In the case of a question submitted election a tie shall never be deemed to have occurred, and if there are the same number of "yes" votes and "no" votes, the "no" vote shall have prevailed unless otherwise provided by law.

**History:** L. 1968, ch. 406, § 47; L. 1973, ch. 172, § 1; April 6.



**PUBLIC WORKS**  
*Presentation*

**John Ellermann**  
Public Works  
Director/County Engineer  
6215 Tuttle Creek Blvd  
Manhattan, KS 66503  
Phone: 785-537-6330

## COMMISSION AGENDA REPORT

---

**FROM:** John Ellermann, PE, Public Works Director

**MEETING:** November 28, 2022

**SUBJECT:** University Park Lagoons

**PRESENTER:** Evan McMillan, Assistant Public Works Director

---

### **BACKGROUND**

The Board recently signed an agreement with SMH Consulting to provide design services for a wastewater treatment facility for University Park Sewer Benefit District. The lagoons are needed to satisfy the EPA's Clean Water Act and KDHE's treatment plant permit requirements.

Generally, temporary financing is secured to fund the design and construction of the project. Funding opportunities are currently being investigated, and could take up to 3 months to obtain. This leaves a period where there are no funds available to finance the expenses associated with the project. Funds must be available in order to pay the engineering costs associated with designing the lagoon facility.

We recently received our first bill for design for \$2,552.00. In the past, the Commission allowed the District to borrow funds from the General Fund at a rate of 6%.

Typically, borrowing such a small amount of money now is more cost effective than acquiring the entire temporary financing and paying interest on the larger amount over a longer period of time. Granting a loan of \$10,000.00 now would allow us to hold off on acquiring a temporary note for the time being, potentially reducing the interest generated on the temporary funding.

To be able to pay the expenses prior to temporary financing and to keep the project moving forward, the District is requesting permission to borrow from the General Fund. Once temporary funding is secured, the general fund can be repaid.

**DISCUSSION**

Riley County Policy allows for up to \$10,000 to be borrowed from the general fund at a 6% interest rate.

**FISCAL IMPACT**

All costs associated with the District are the responsibility of the landowners within the District. The District will be responsible for the principle and interest of this loan.

**RECOMMENDATION(S)**

In order to pay the immediate and future bills incurred until temporary financing is available, staff would recommend that the Commission approve the District borrowing \$10,000 from the General Fund.

**POSSIBLE MOTION(S)**

Move to approve the University Park Sewer Benefit District borrow \$10,000 at 6% interest from the Riley County General Fund for the lagoon project.

Move to deny the University Park Sewer Benefit District borrow \$10,000 at 6% interest from the Riley County General Fund for the lagoon project.

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:



## INTERGOVERNMENTAL LUNCHEON

November 28, 2022

12:00 p.m. (Noon)

Excel Room, Bluemont Hotel

1212 Bluemont Avenue,

Manhattan, KS

## A G E N D A

- I. Gather and Luncheon (11:30-12:00)
- II. Convene and Introductions
- III. Agenda Topics
  - a. Common Legislative Items of Interest
  - b. Entity General Updates
- IV. Miscellaneous Updates and Announcements and Possible Future Items
- V. Next Meeting Date: January 23, 2022 (2023 Meetings will be hosted by USD 383)
- VI. Adjournment

**For those who have RSVP'd for lunch, food will be served starting at 11:30AM.**  
**Payment will be collected on site, cash or credit card are the preferred methods of payment.**



This meeting is being held in the Excel Room at Bluemont Hotel, 1212 Bluemont Avenue. In accordance with provisions of the ADA, every attempt will be made to accommodate the needs of persons with disabilities. Please contact the Human Resources Department (587-2443) for assistance.