

TERM OF COMMISSION: August Session of the August Adjourned Term

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

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

The meeting was called to order at 1:33 p.m.

Subject: Sheriff’s Department

Commissioner Stamper moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
2500-83922: Forfeitures (Forfeitures and Fines)	\$4,443.00
2530-09317: Block Grant (Other Funding Services)	\$4,443.00
2530-03411: Sheriff – Block Grant (Federal Grant Reimbursement)	\$2,252.00
2530-23850: Block Grant (Minor Equipment)	\$1,700.00
2530-91300: Block Grant (Equipment)	\$4,995.00

Said budget amendment is for the purchase of digital cameras for evidence and/or crime scenes from FY2000 to 2002 Local Law Enforcement Block Grant funds.

Commissioner Elkin seconded the motion.

Commissioner Stamper opened this floor for a public hearing.

There was no one wishing to speak on behalf of this item.

Commissioner Stamper closed the public hearing.

There was no discussion on this item.

The motion passed 3-0. **Order 360-2002**

Subject: Purchasing Department – Second Reading to Re-award Bid 37-08MAY02 (Lease of Track Hoe)

Marlene Ridgeway, Purchasing Department Buyer, was present on behalf of this item.

Marlene Ridgeway stated this is a recommendation to rescind Commission Order 231-2002 with Hertz Rental Corporation and re-award to Victor L. Phillips for a Track Hoe.

Commissioner Miller asked if Commission Order 231-2002 was rescinded the other day. The Deputy County Clerk stated that was correct, it was rescinded on August 8, 2002 (Commission Order 358-2002).

Commissioner Elkin moved to re-award bid 37-08MAY02 for the Lease of a Track Hoe to Victor L. Phillips.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 361-2002**

Subject: Public Works

**A. Second Reading and Approval of Missouri Highways and Transportation
Commission County Agreement**

David Nichols, Design and Construction Manager, was present on behalf of this item.

David Nichols stated this was presented as a first reading on August 8, 2002. This is an agreement for improvements on Route V by the Missouri Department of Transportation. This will impact Thomas Hill Road. This agreement allows MoDOT to make the County's road improvement as part of their bridge project.

Commissioner Stamper asked how much of Thomas Hill Road will be improved. Mr. Nichols stated he believes it is approximately 250 feet of a transition of the new grade.

Commissioner Stamper stated he received a telephone call about the conditions on Thomas Hill Road and asked Mr. Nichols to explain the type of traffic on this road. Mr. Nichols stated he was unsure of the type of traffic. Commissioner Stamper asked if there was any dump truck or concrete truck traffic that Mr. Nichols is aware of. Mr. Nichols stated that could be.

Commissioner Elkin stated this is a cut-through road between Highway 63 and Route V in Sturgeon and there is a dairy farm on that road that does have milk trucks.

Commissioner Miller moved to authorize the Presiding Commissioner to sign the

Missouri Highways and Transportation Commission County Agreement for improvements to Route V over Silver Fork Creek 3.5 miles south of Route CC.

Commission Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 362-2002**

B. First Reading of Consultant Services Agreement (Maupin Lane Bridge)

David Nichols stated this is a design agreement with Harrington and Cortelyou, Inc. Maupin Lane is a bridge on the County's inventory that borders Callaway County. Some of the past inspections reports have indicated that the bridge is continuing to move and the wing wall is going to need some repair. He believes there are two eight foot culverts that are incased in concrete.

The department is proposing to hire Harrington and Cortelyou, Inc. to replace this bridge and work on a cooperative agreement with Callaway County for another bridge on Dirk Road. The department is also proposing to have Boone County take Maupin Lane Bridge into our inventory and Callaway County take Dirk Road Bridge into their inventory. Mr. Nichols stated he has spoken with MoDOT about this issue and all this would require is having both County Commissions write a letter concurring that each one would take this arrangement. If this does happen, Dirk Lane Bridge would be removed from Boone County's inventory and given to Callaway County. The first step in this process is to get a consultant to look at the design and replacement for that bridge.

Commissioner Miller asked if John Patton, Boone County Counselor, has finished the contract that Boone County was going to send to Callaway County. Mr. Nichols stated he is not sure of the status of this contract. The last time he spoke with the liaison from MoDOT had not given him specific direction as to what was required for this.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

C. First Reading of Consultant Services Agreement (Brushwood Lake Road Bridge)

David Nichols stated this is a design agreement with Harrington and Cortelyou, Inc. Brushwood Lake is just off Scott Boulevard and believes it is over Mill Creek. Currently there are two six foot pipes that are under Brushwood Lake, both are severely under capacity and one is actually full. Because of this, there is a lot of damage to Brushwood Road due to run over of water and wash outs.

The department is proposing to hire a consultant to design a replacement structure. The preliminary calculations predict a 13 foot tall by 25 foot long structure.

Commissioner Stamper asked for an approximate location of Brushwood Lake. Mr. Nichols stated it is located just before the intersection with Vawter School Road. He noted the department had looked at what it would take to control the water in the area, which is in a flood plain, and it is controlled by the back water of the Hinkson Creek. It would take a massive structure to get that road out of the flood plain.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

D. First Reading of Right-of-Use Permit (Lake Chaparral Homeowner's Association)

David Piest, Boone County Surveyor, was present on behalf of this item.

David Piest stated this is the second to last step in completing all the proper paper work for accepting the road for maintenance. This is a permit from the Lake Chaparral Homeowner's Association to the County after the roadway had been granted from various sources to the Homeowner's Association. The Association is now issuing this Right-of-Use permit to allow the County to maintain the road that is across the dam. If the Commission sees fit to accept this document, then the next step will be actually accepting the roadway.

Commissioner Stamper thanked the work Commissioner Elkin has done on this. He noted this issue has been going on for 12 years now, with cooperation from all sides of the issue; an agreement has finally been reached.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: First Reading of Boone County Government Credit Card Use Policy

Kay Murray, Boone County Treasurer, was present on behalf of this item.

Kay Murray stated this document has been approved by June Pitchford, Boone County Auditor, Captain Beverly Braun with the Sheriff's Department, and Melinda Bobbitt, Purchasing Department Director. She noted this is for business, travel, and conference registration.

Ms. Murray stated she, Mrs. Pitchford, Captain Braun, and Mrs. Bobbitt had also reviewed

purchasing cards to go along with this policy. After review, they decided purchasing cards would be a little more involved and this policy needed to be adopted so the transportation officers at the Sheriff's Department could use the credit card. The bank is in the process of changing the current credit card. This policy needed immediate attention for the employees at the Sheriff's Department.

Ms. Murray stated this policy is allowing the County to put more control on the credit cards. With the new company the County is using through the bank, the County now has the ability to block out businesses, limiting the user as to where they can use the credit card. The County will also be able to monitor the use of the card, through the Treasurer's Office.

She noted there is also a section in the policy for improper use of the credit card and the consequences that an employee will face if the card is not used properly.

Commissioner Miller asked if food purchases would be allowed under this policy. Ms. Murray stated that was correct. This will allow for anything that is not covered by conference registrations.

Commissioner Stamper stated the highest level of use of the credit cards is by the Sheriff's Department employees working on extraditions. Ms. Murray stated in the past she and her office have had to "bail out" the Sheriff's Department or Prosecuting Attorney's office employees when they have been on the road and needed funding to either bring prisoners back or get to a trial. Also, the transportation officers have to get prisoners back and forth. They have decided to incorporate travel with this credit card policy.

Commissioner Miller asked if the purchasing cards would be pre-paid. Mr. Murray stated no but she really does not understand how the purchasing cards work.

Commissioner Stamper stated he appreciated the work that has been done on formalizing a standard practice for the County.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: Personnel Advisory Committee

Betty Dickneite, Human Resources Director, was present on behalf of these items.

A. First Reading of Care Leave Policy

Betty Dickneite stated the Personnel Advisory Committee has discussed this issue at several meetings and reviewed different care leave policies. Care Leave policies are used

fairly frequently by various state agencies. They also reviewed the City of Columbia's policy and other entities. The Committee decided on Monday, August 12, 2002, to recommend the adoption of a Care Leave policy that would allow employees to donate their vacation time to another employee who has a serious health condition. The health conditions would have to be a terminal illness, for example, and the condition would have to qualify under the Family Medical Leave Act guidelines. The employee who has the health condition would have to have exhausted all of their own vacation and sick time but still need additional time off of work. Another employee could donate their vacation hours to the employee who is ill and this would allow for the employee with the illness to receive a paycheck.

Mrs. Dickneite read the following Care Leave policy:

“An employee may donate accrued vacation leave to another employee, provided that the employee receiving the donation is unable to work because of a Family and Medical Leave Act qualifying condition and has exhausted all eligible accrued leave.

Any transfer of leave under this policy shall be subject to the approval of the Administrative Authority for the employee donating the leave and the Administrative Authority for the employee receiving the leave. Each hour of donated leave shall be considered an hour of leave the employee receiving the donation has accrued and shall be accounted to the employee receiving the donation at the employee's rate of pay.

Each donation must be a minimum of 4 hours and any additional hours in one-hour increments. The request must be made on the approved forms that can be obtained from the Payroll Clerk.

This program is being established as a pilot program of the County of Boone subject to review within one calendar year. The Personnel Advisory Committee may recommend revisions or cancellation of this program at any time, subject to County Commission approval. This program shall comply with all requirements of the Health Insurance Portability and Accountability Act of 1996.”

Mrs. Dickneite stated the Personnel Advisory Committee requests adoption of this policy at the earliest possible time. There is an employee in the Court System that has a terminal illness and there is an employee would is willing to donate their vacation hours to the employee with the illness.

Mrs. Dickneite stated there was a lot of discussion on this issue. All members present at Monday's meeting were in favor of this policy. There was one member that would have preferred a different option but is supportive of Care Leave itself. She believes this is an important benefit to County employees. She stated there would be limited administrative costs to the County, which would be docking one employee's leave time and adding it to

another.

She noted there are also donation and request forms that are attached to the policy language. She believes there are enough safe guards to this policy so that it cannot be abused.

Commissioner Miller asked how employees would receive word that someone who has an illness has exhausted all their vacation and sick time and is still in need of time. Mrs. Dickneite stated an illness is confidential information but there could be notice given that there is an employee who has a serious illness and needs some additional vacation hours. The illness nor the employees name cannot be divulged by anyone except the employee themselves. Commissioner Stamper stated it would be a Health Insurance Portability and Accountability Act (HIPAA) violation for the employer to disclose that information.

Commissioner Miller stated she understands that but wanted to know what the mechanism is that would be used if someone came to their administrative authority needing additional time off when their own vacation and sick time have been exhausted.

Commissioner Stamper stated the PAC discussed three other options for this policy. This policy presented today is the one that was agreed upon. Another option was to allow employees to donate time to a pool and those who needed the time could have drawn from the pool. The option that was agreed upon by the PAC is an hour for hour donation.

Commissioner Elkin asked what would happen when someone who donates their time is at a higher pay rate than the person receiving the time. Mrs. Dickneite stated this policy is an hour for hour transfer. For example, if the person donating the time makes \$20 per hour and the person receiving the time makes \$10 per hour, the person receiving the time would be paid at their rate of pay, not at the rate of the person donating the time.

Mrs. Dickneite stated this is the option that was agreed upon by PAC and it is being done on a trial basis for a one-year period.

Commissioner Elkin asked if other entities were using Care Leave policies. Mrs. Dickneite stated this is a common policy for the State of Missouri, City of Columbia, and the University of Missouri.

Commissioner Elkin asked with the current system and someone has a terminal illness and all of their vacation and sick time have been used, how much time does an employee get when their leave has been exhausted. Mrs. Dickneite stated the employee can use their sick and vacation leave. The Family Medical Leave Act (FMLA) gives an employee 12 weeks off.

Commissioner Miller asked if those 12 weeks was without pay. Mrs. Dickneite stated that the 12 weeks could be with sick and or vacation leave pay but it could also be leave

without pay. An employee is guaranteed under FMLA 12 weeks. Commissioner Stamper noted that 12 weeks is more to hold the employer at bay and make no changes to the given position. It prevents an employer from terminating an employee who has a lengthy illness. There is also an option for the extension of the 12 weeks. This is a portion of the Employee Protection Act.

Commissioner Stamper reviewed what the Personnel Advisory Committee does and the members that make up the PAC.

Commissioner Stamper stated this comes forward with a recommendation for approval from PAC and also a recommendation to make this policy retroactive to August 12, 2002. He requested the Commission give consideration to first and second read this issue in the same meeting.

Commissioner Miller stated she understands making the policy retroactive to August 12, 2002 for payroll purposes. She believes this is a significant policy and does not believe there would be any opposition to approving this because it is a recommendation from PAC.

Commissioner Stamper stated that all members of PAC had their say in this policy and it took two meetings to resolve this issue. He believes there has been enough discussion on this policy and asked what is the pleasure of the Commission on moving forward with this issue.

Commissioner Elkin stated he understands that this has had a lot of debate and would feel comfortable moving forward with this issue today.

Commissioner Miller had no objections to moving forward with this policy today.

Commissioner Stamper moved to adopt the Care Leave Policy per the recommendation of the Personnel Advisory Committee. This policy is retroactive to August 12, 2002.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 363-2002**

B. First Reading of Revision to Section 5.2 of Personnel Policy Manual (Bereavement Leave)

Betty Dickneite stated at the August 12, 2002 Personnel Advisory Committee meeting, there was a recommendation that the word “grandparents” be added to the definition of immediate family for bereavement or funeral leave. The Committee discussed the request

and it was unanimously supported. This would allow an employee leave with pay not to exceed three days or five days for a hardship for bereavement leave. She believes it was an oversight that "grandparents" was not included originally. "Grandparents" is included in the Memorandum of Understanding for Public Works. PAC wanted this issue addressed immediately. This recommendation is being brought forward for the Commissions approval.

Commissioner Miller stated she agrees that this had to have been an oversight. She believes "Grandparent" is as immediate as "In-Law".

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: First Reading of Child Advocacy Grant

Commissioner Stamper stated the County has been notified by the State of their intent to renew an agreement between the Division of Family Services and the County for the Child Assessment Center. This Assessment Center is affiliated with Rainbow House. The County serves as a pass-through on this grant to Rainbow House. This contract is for \$191,551.00 to be used for consultation review, equipment and training of those how have been effected by child abuse and neglect. The State's portion of this contract is approximately \$111,740.00.

There was no discussion on this issue.

Commissioner Stamper stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: Accept Certification of Primary Election Results (Proposition L)

Commissioner Stamper moved to accept the certification of the August 6, 2002 election for Proposition L.

Commissioner Elkin seconded the motion.

Commissioner Stamper noted the certification reads as follows:

I, Wendy S. Noren, Clerk of the County Commission and Election Authority in and for the County of Boone, State of Missouri, do hereby certify that at the election held in the County of Boone, State of Missouri, on Tuesday, August 6, 2002, there were cast by the qualified voters of said County the following votes:

Proposition L

Shall the County of Boone impose a countywide law enforcement sales tax of 1/8 of 1% (one eighth of one percent) for the purpose of funding law enforcement services?

Yes	14,389
No	10,640

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County of Boone, done at office in Columbia, Missouri, this 9th day of August, 2002.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 364-2002**

Subject: Authorize Use of Commission Chambers (Memory Makers Club)

Commissioner Stamper moved to authorize the use of the Roger B. Wilson Boone County Government Center on September 7, 2002 from 1:00 to 7:00 p.m. for the Memory Makers Club.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 365-2002**

Commissioner Reports

Commissioner Stamper

Boone Electric Cooperative C.A.S.H. Program

Commissioner Stamper stated the beginning balance for the C.A.S.H. program on July 1, 2002 was \$68,034.04, donations were \$2,028.01, and disbursements were \$885.47. The balance remaining was \$69,176.58. The balance for the H.E.L.P. program on July 1, 2002 was \$20,451.61, donations were \$1,526.51, and disbursements were \$2,158.03. The balance remaining was \$19,820.09.

Notice of Voluntary Annexation

Commissioner Stamper stated the County has been notified of a voluntary annexation of approximately 11.10 acres of land owned by Mark K. and Debbie A. Swanson, located on

the south side of Highlands Court, west of Bentpath Drive.

JCIC User Agency Billing Report

Commissioner Stamper stated the County has received the quarterly billing report from JCIC User Agencies. This document was submitted to the Public Record.

Resolution from Curators of the University of Missouri

Commissioner Stamper stated the Commission has received notice from Chris Koukola of the University Affairs Office at the University of Missouri-Columbia. They are requesting the County generate a letter of support for the "Resolution in Support of State Funding for Higher Education" as passed by the Board of Curators on July 19, 2002. Any letters of support should be received by the University by September 1, 2002.

Tabletop Discussion for EOC

Commissioner Stamper stated he attended a tabletop discussion of the Emergency Operations Center last week. This was held in the basement of the Armory. June Pitchford, Boone County Auditor, David Nichols, Public Works, and Melinda Bobbitt, Purchasing Department Director, also attended the meeting.

Liddell Lane Surface Upgrade Request

Commissioner Stamper stated he received a request from Liddell Lane residents for a roadway surface upgrade. This request has been forwarded to the Public Works Department.

Application Report for July 2002

Commissioner Stamper stated there were 102 applications submitted in July to the Human Resources Department.

Memo from Department of Natural Resources

Commissioner Stamper stated the County has received the County Surveyor Cooperative Agreement Contract between the County and the Missouri Department of Natural Resources. This document is submitted to the Public Record and will also be filed with Commission Order 328-2002, which authorized the Presiding Commissioner to sign the letter to the Missouri Department of Natural Resources regarding Boone County's participation in the County Surveyor Cooperation Remonumentation Program for FY2003.

Commissioner Stamper noted that John Patton, Boone County Counselor, has been in Kansas City for the Appeal Hearing on Windy Point. There was a three judge panel and

Mr. Patton did not have any idea about the judges' feelings on the case. This was a learning experience for the County because the judges' pointed out areas of the County's Zoning Regulations that need attention. Mr. Patton believed both sides made a good case. Commissioner Stamper is unsure when there will be a ruling but believes it could be 30 to 45 days.

Commissioner Miller

None to report at this time.

Commissioner Elkin

None to report at this time.

There was no public comment.

The meeting was adjourned at 2:12 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner