

CHARTER COMMISSION AGENDA
Johnson County Administrative Bldg.
111 S Cherry, Olathe, Room 200/201
And
VIRTUAL MEETING
WEDNESDAY, NOVEMBER 17, 2021
4:00 PM

CALL TO ORDER

1. Roll call and Quorum

APPROVALS

1. Consider the Approval of the November 17, 2021 Agenda.
2. Consider the Approval of the November 8, 2021 Minutes.

OLD BUSINESS

NEW BUSINESS

1. First reading (Con't) - Consideration of the Proposed Amendments to the Home Rule Charter (requires nine (9) Affirmative votes to move to second reading for full consideration.) (see attachment for order of consideration.)

NEXT MEETING AGENDA (Monday, December 6, 2021 at: 4:00 p.m.)

KU Edwards Campus BEST Conference Center– In Person and Virtual

- a. Continued consideration of proposed amendments.

ADJOURNMENT

Proposal packets on Charter Website at: <https://charter.jocogov.org/current-charter-resources>

11/17/2021 Meeting list Proposed Home Rule Charter Amendments 2021

Public Health

(Resubmitted One in place of the two proposed originally.)

- In times of emergency, the Board of County Commissioners shall form a Health and Safety Advisory Council which shall provide guidance when the BOCC acts as the Board of Health or exercises other emergency powers. The Health Advisory Council shall be composed of representatives of interested groups and parties as determined by the BOCC, including but not limited to, physicians, patients, caregivers, pharmacies, hospitals, schools, religious organizations, first responders, _____, and the general public.
- ~~Create a public health and safety governing board to provide oversight for the public health department and county sheriff's department.~~
- ~~The Board of County Commissioners shall form a Health Advisory Council which shall provide guidance when the BOCC acts as the Public Health Board. The Health Advisory Council shall be composed of representatives of interested groups and parties, including but not limited to, physicians, patients, caregivers, pharmacies, hospitals, and the general public.~~

Board of County Commissioners

(Resubmitted new description for the first proposal under Board of County Commissioners topic.)

- Delete all text from Section 2.05 ("Compensation") and replace with the following: *"Each Commissioner and the Chair shall receive an annual salary set at the 2021 salary amount, subject to annual adjustment of [3% or Consumer Price Index] starting in 2022. They shall receive non-cash employee benefits commensurate with those offered to County management employees."*
~~Add the following sentence at the end of Section 2.05: "Increases in compensation and benefits that exceed the increase in the Consumer Price Index over the time period since the last compensation or benefits increase shall require approval by the voters."~~
- At Section 2.02, the fourth sentence shall be deleted and replaced with the following: *"Six Commissioners shall continue to be elected to four-year terms consistent with past practice. The Seventh District Commissioner elected in November 2022 shall be elected to a five-year term, after which term the Seventh District Commissioner shall thereafter be elected to four-year terms beginning in November 2027."*
- BOCC are to approve new hires or reappointments of department directors or division heads.

Partisan/Nonpartisan

- Change election status of the sheriff’s position to a nonpartisan race.

- Change the format of all county elections to partisan.

- Modify Article V as follows:
 1. Modify Section 5.02, bullet 1, sentence 2 to read as follow: “Except as provided by law or this Charter, the County Manager shall appoint, suspend, or dismiss all non-elected department directors and division heads, including the County Clerk, the Register of Deeds, and the County Treasurer.”
 2. Modify Section 5.05 by deleting bullets, 1, 2, 3, and redraft the remaining provisions to read as follows: “The District Attorney and the Sheriff shall be selected by popular vote in a nonpartisan election held every 4 years. The Commissioners shall review and approve the budgets for each elected office. Each elected office is subject to the personnel policies and procedures established by the BOCC and all other administrative policies adopted by Commission to the extent not inconsistent with law.”

Clean-up

- Delete the current Section 2.08 and renumber the current Section 2.09 as Section 2.08.

- Delete the text of the current Section 6.03. Insert the text of the current Section 6.04.
Eliminate the heading of the current Section 6.04.
Modify bullet one of the new text of Sec. 6.03 to add the parenthetical (second Thursday of January 2001) after the word “Charter.” The bullet now reads: “A Charter Commission, composed and appointed provided by statute, shall be created within 30 days of a date which follows 10 years after the effective date of this Charter (the second Thursday of January 2001), and at least every 10 years thereafter.”
Delete all of Article VII.

Misc. (If any withdrawn brought back with clarification for reconsideration.)

2021 JOHNSON COUNTY CHARTER COMMISSION

15th Regular Meeting Minutes -

Monday November 8, 2021

CALL TO ORDER

The fifteenth regular meeting of the 2021 Johnson County Charter Commission convened on Monday, November 8, 2021 at 4:02 p.m. via In-Person Johnson County Administrative Building and Zoom (virtual). Greg Musil, Chairman of the Charter Commission called the meeting to order and asked the Clerk to call the roll.

1. Roll Call

The roll being called, it was found the following Members were present and participated in the meeting, to wit:

Officers:

Greg Musil, Chairman

Dawn Rattan, Vice-Chair

Ed Peterson, Secretary

Members:

Wendy Bingesser

Mike Boehm

Karin Brownlee

Vicki Charlesworth

Jim Denning

Jane Dirks

Jimmy Gaona

Tedrick Housh

Randy Hutchins

Chris Iliff

Joy Koesten

Brent McCune

Eric Mikkelson

Leslee Rivarola

Don Roberts

Kyle Russell

Paula Schwach

Brenda Sharpe

Greg Shelton

Greg Smith

Zach Thomas

Members Absent:

Laura Klingensmith (Entered meeting at 4:09 p.m.)

Also present were Cindy Dunham, Deputy Director of Legal Services; Lynda Sader, Deputy County Clerk; Maury Thompson, Deputy County Manager.

APPROVAL OF MINUTES

1. Consider the Approval of November 8, 2021 Agenda.

Ed Peterson moved to *Approve* the November 8, 2021 agenda as presented. Kyle Russell seconded the motion. The motion carried unanimously. (24-0 with No objections)

2. Consider the Approval of the October 27, 2021 Minutes.

Mike Boehm moved to *Approve* the October 27, 2021 Minutes as presented. Tedrick Housh seconded the motion. The motion carried unanimously. (24-0 with No objections)

OLD BUSINESS

[None]

NEW BUSINESS

[Clerk note: at 4:09 p.m. Charter member Laura Klingensmith entered the meeting.]

Chairman Musil welcomed the Charter Commission Members and the public and made a statement pertaining to the meeting and the process for the consideration of the Proposed Amendments to the Home Rule Charter.

1. First reading - Consideration of the Proposed Amendments to the Home Rule Charter (requires nine (9) Affirmative votes to move to second reading for full consideration.) (see attachment for order of consideration.)

Proposed Home Rule Charter Amendments 2021
(see the following pages)

Elected Positions

- Change the positions of County Clerk, Register of Deeds, and County Treasurer to elected positions from their current status as appointed positions.

Wendy Bingesser presented this item and the Commission discussed the proposal.

Wendy Bingesser moved to *Approve* for this item, “Change the positions of County Clerk, Register of Deeds, and County Treasurer to elected positions from their current status as appointed positions” to move forward for Full Consideration. Greg Smith seconded the motion.

Bingesser – Yes
Boehm – No
Brownlee – Yes
Charlesworth – No
Denning - Yes
Dirks – Yes
Gaona – No
Housh – No
Hutchins – Yes
Iliff – No
Klingensmith – Yes
Koesten – No
McCune – No
Mikkelson – No
Peterson – No
Rattan – No
Rivarola – No
Roberts – No
Russell – No
Schwach – No
Sharpe – No
Shelton – No
Smith – Yes
Thomas – No
Chairman Musil – Yes

With the vote - 8 Yes and 17 No, proposal is not moved forward and Failed.

- Establishment of “*Johnson County Unincorporated Trustee*” Position Elected by the Unincorporated Citizens of Johnson County.

Randy Hutchins presented this item with a slide presentation and the Commission discussed the proposal.

Randy Hutchins moved to *Approve* for this item, “Establishment of “*Johnson County Unincorporated Trustee*” Position Elected by the Unincorporated Citizens of Johnson County” to move forward for Full Consideration. Laura Klingensmith seconded the motion.

Bingesser – Yes
Boehm – No
Brownlee – Yes
Charlesworth – No
Denning - Yes
Dirks – Yes
Gaona – No
Housh – No
Hutchins – Yes
Iliff – No
Klingensmith – Yes
Koesten – No
McCune – No
Mikkelson – Yes
Peterson – No
Rattan – No
Rivarola – No
Roberts – No
Russell – No
Schwach – No
Sharpe – No
Shelton – No
Smith – Yes
Thomas – Yes
Chairman Musil – No

With the vote 9 Yes and 16 No, proposal is moved forward and Passed to Full consideration.

- Change the Head of the Johnson County Appraisal Office to an elected position.

Randy Hutchins presented this item and the Commission discussed the proposal.

Randy Hutchins asked for this item to move as a “Proposed Recommendation to Board of County Commissioners” and be considered during that process.

Public Health

- Create a public health and safety governing board to provide oversight for the public health department and county sheriff’s department.
- The Board of County Commissioners shall form a Health Advisory Council which shall provide guidance when the BOCC acts as the Public Health Board. The Health Advisory Council shall be composed of representatives of interested groups and parties, including but not limited to, physicians, patients, caregivers, pharmacies, hospitals, and the general public.

Ed Peterson and Joy Koesten requested for these two items be postponed until the next meeting and they will evaluate and combined these into one item, and resubmit a new proposal to be considered at the next meeting. Therefore, with no objections, they will proceed in that fashion.

Governing Boards

- The directors and members of the governing boards of Johnson County Library System, Parks and Recreation District, Mental Health Center, Developmental Supports, and the Airport Commission shall be appointed by the Board of County Commissioners, based on education and experience for the position appointed to. ALL appointees shall maintain residency within Johnson County and be a qualified elector.

Greg Smith presented this item and the Commission discussed the proposal.

Greg Smith withdrew this item. (Per the Chairman, with an opportunity to resubmit with clarification if so chosen.)

Board of County Commissioners

- All vacancies on the Board of County Commissioners should be filled by special election unless the next scheduled election is within 90 days of the position becoming vacant.

Greg Smith presented this item and the Commission discussed the proposal.

Greg Smith moved to *Approve* for this item, “All vacancies on the Board of County Commissioners should be filled by ~~special~~ an election unless the next scheduled election is within 90 days of the position becoming vacant.” to move forward for Full Consideration. Wendy Bingesser seconded the motion.

Bingesser – Yes
 Boehm – No
 Brownlee – Yes
 Charlesworth – No
 Denning - Yes
 Dirks – Yes
 Gaona – Yes
 Housh – No
 Hutchins – Yes
 Iliff – Absent
 Klingensmith – Yes
 Koesten – No
 McCune – No
 Mikkelson – No
 Peterson – No
 Rattan – No
 Rivarola – Yes
 Roberts – Yes
 Russell – No
 Schwach – No
 Sharpe – No
 Shelton – No
 Smith – Yes
 Thomas – No
 Chairman Musil – No

With the vote 10 Yes and 14 No, (with 1 Absent) proposal is moved forward and Passed to Full consideration.

- *[Clerk note: Charter member Chriss Iliff lost his Zoom connection before the vote of the first item under the topic of Board of County Commissioners – (All vacancies on the Board of County Commissioners should be filled by special election unless the next scheduled election is within 90 days of the position becoming vacant.)*

NEXT MEETING AGENDA (Wednesday, November 17, 2021 at: 4:00 p.m.)

JOCO Administration Bldg.– In Person and Virtual

- a. Continued consideration of proposed amendments.

ADJOURNMENT

Jimmy Gaona moved to *Adjourn* the meeting and Dawn Rattan seconded the motion. The motion carried unanimously. (24-0 with No objections)

The meeting was adjourned at 6:02 p.m.

PREPARED BY Lynda Sader

The journal entry for Monday, November 8, 2021, as recited above, having been read and considered by the Charter Commission, and having been found to be correct as written, was approved on this the seventeenth day of November 2021.

CHARTER COMMISSION

JOHNSON COUNTY, KANSAS

ED PETERSON, *Secretary*

ATTEST:

LYNDA SADER, *Deputy County Clerk (Clerk to the Commission)*

Proposed Home Rule Charter Amendments 2021

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- Change the Head of the Johnson County Appraisal Office to an elected position.

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- Change election status of the sheriff's position to a nonpartisan race.
- Change the format of all county elections to partisan.
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