

**CHARTER COMMISSION AGENDA
KU Edwards Campus- BEST Conf. Ctr
And
VIRTUAL MEETING
MONDAY, DECEMBER 6, 2021
4:00 PM**

CALL TO ORDER

1. Roll call and Quorum

APPROVALS

1. Consider the Approval of the December 6, 2021 Agenda.
2. Consider the Approval of the November 17, 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.)
2. Second reading – Full Consideration of Proposed Amendments to the Home Rule Charter that moved forward. (see attachment for order of consideration.)

NEXT MEETING AGENDA (Monday, December 13, 2021 at: 4:00 p.m.)

KU Edwards Campus BEST Conference Center– In Person and Virtual

- a. Continued consideration of proposed amendments.

ADJOURNMENT

Charter Website at: <https://charter.jocogov.org/>

KU Edwards Campus – BEST Conference Center

Room Rental Guest Responsibilities:

1. Please encourage attendees to dress in layers. KUEC will do everything possible to make guests comfortable, but it is difficult to please everyone with room temperatures.
2. The KU Edwards Campus shall not be responsible for any property brought into the facility and shall assume no duty to safeguard, protect or exercise control over such property.
3. The conduct of all room rental guests and their participants should be respectful of noise level, language and KUEC property. Children are the sole responsibility of the room rental guest and should be supervised at all times by a responsible adult provided by the room rental guest.
4. Smoking, including the use of electronic cigarettes or any future product that simulates or approximates tobacco use or smoking, and tobacco use are not permitted on the Lawrence or Edwards campuses.
5. All room rental guests are required to wear a mask, regardless of vaccination status.
6. All room rental guests need to allow for proper social distancing. ***No furniture, including tables, chairs and signage can be moved.*** Each piece has been carefully set up to allow for proper social distancing and fire codes.

12/06/2021 Meeting list Proposed Home Rule Charter Amendments 2021 (1st Reading)

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 follows: "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: "Sheriff shall be selected by popular vote in a nonpartisan election held every 4 years. The Commissioners shall review and approve the Sheriff's budget. The Sheriff's office is subject to the personnel policies and procedures established by the BOCC and all other administrative policies adopted by the Commission to the extent not inconsistent with law."
"While the District Attorney of the 10th judicial district is not a county official, this elected, state position shall comply with administrative policies adopted by the Commission to the extent not inconsistent with law."

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.

12/06/2021 Meeting list Proposed Home Rule Charter Amendments 2021 (2nd Reading)

Elected Position

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

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.

Public Health

(Resubmitted Revised.)

- **Description of proposed amendment (modified language from first reading):**
"The Board of County Commissioners shall form a standing Health and Safety Advisory Council (HSAC) that will provide guidance when the BOCC acts as the Board of Health or exercises other emergency powers related to issues of public health and safety. The HSAC shall be composed of representatives from accredited health professions, colleges & universities, K-12 school districts, local Federally Qualified Health Center, businesses, as well as professional health interest groups as determined by the BOCC, including but not limited to, physicians, patients, caregivers, pharmacies, hospitals, schools, non-profit and religious organizations, first responders, and the general public.

The Directors of the Health & Environment Department and Emergency Management Department shall serve as ex-officio members of the HSAC. Each District Commissioner of the BOCC and the County Sheriff shall appoint one member to the HSAC. The Chair of the County Commission shall appoint two members to the HSAC. The HSAC may be expanded to include other disciplines as the BOCC deems appropriate. Members of the HSAC shall serve three year terms and are not subject to term limits."

- ~~• 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.~~

Board of County Commissioners

- The County Manager shall appoint or hire, with simple majority approval of the BOCC, the non-elected director of each department whose principal officer reports to the County Manager. The County Manager shall also suspend or dismiss all non-elected directors, except as provided by law or this Charter.
~~BOCC are to approve new hires or reappointments of department directors or division heads.~~
- 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."*

2021 JOHNSON COUNTY CHARTER COMMISSION

16th Regular Meeting Minutes -

Wednesday, November 17, 2021

CALL TO ORDER

The sixteenth regular meeting of the 2021 Johnson County Charter Commission convened on Wednesday, November 17, 2021 at 4:03 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

Jane Dirks

Jimmy Gaona

Tedrick Housh

Chris Iliff

Joy Koesten

Brent McCune

Eric Mikkelson

Leslee Rivarola

Kyle Russell

Paula Schwach

Brenda Sharpe

Greg Shelton

Greg Smith

Members Absent:

Jim Denning

Randy Hutchins (Entered meeting at 4:16 p.m.)

Laura Klingensmith (Entered meeting at 4:15 p.m.)

Don Roberts (Entered meeting at 4:17 p.m.)

Zach Thomas

Also present were; Lynda Sader, Deputy County Clerk; Maury Thompson, Deputy County Manager.

APPROVAL OF MINUTES

1. Consider the Approval of November 17, 2021 Agenda.

Paula Schwach moved to *Approve* the November 17, 2021 agenda as presented. Chris Iliff seconded the motion. The motion carried unanimously. (20-0 with No objections)

2. Consider the Approval of the November 8, 2021 Minutes.

Greg Smith moved to *Approve* the November 8, 2021 Minutes as presented. Wendy Bingesser seconded the motion. The motion carried unanimously. (20-0 with No objections)

OLD BUSINESS

[None]

NEW BUSINESS

[Clerk note: at 4:15 p.m. Charter member Laura Klingensmith entered the meeting.]

[Clerk note: at 4:17 p.m. Charter member Don Roberts 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 (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.)

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

(see the following below)

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.~~

Ed Peterson and Joy Koesten presented this item and the Commission discussed the proposal.

Ed Peterson moved to *Approve* to Move to Second Reading, as “Creating a Standing Committee to deal with public health and safety in times of emergency that would be called upon in particular, in such times of emergencies. Joy Koesten seconded the motion.

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

With the vote - 12 Yes and 10 No, proposal Passed and moves forward for Second Reading.

[Clerk note: at 4:16 p.m. Charter member Randy Hutchins entered the meeting/Zoom but Clerk not aware at the time so “no vote” recorded on first New Business item.]

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."*~~

Eric Mikkelson presented this item and the Commission discussed the proposal.

Eric Mikkelson moved to *Approve* to Move to Second Reading, as “Advance the Concept of setting some parameters around Commissioner Pay (taking it off their plate), will include the specific language in suggested proposal with the intent to being subject to substantial revision and input from commissioners in advancement.” Kyle Russel seconded the motion.

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

With the vote 18 Yes and 5 No, proposal Passed and moves forward for Second Reading.

RECESS

The Commission, at, 5:13 p.m. recessed.

RECONVENED

The Commission, at approximately 5:18 p.m. reconvened in open session.

[Thereupon, the Commission returned to its established Order of Business on the printed agenda.]

- 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.*"

Eric Mikkelson presented this item and the Commission discussed the proposal.

Eric Mikkelson moved to *Approve* to Move to Second Reading, as “with suggested language, indicating the concept would mainly be what is advancing with possibility for tweaks of language and the numbers, and years, so forth.” Brenda Sharpe seconded the motion.

Bingesser – Yes
 Boehm – Yes
 Brownlee – Yes
 Charlesworth – Yes
 Dirks – Yes
 Gaona – Yes
 Housh – Yes
 Hutchins – Yes
 Iliff – Yes
 Klingensmith – Yes
 Koesten – Yes
 McCune – Yes
 Mikkelson – Yes
 Peterson – Yes
 Rattan – Yes
 Rivarola – Yes
 Roberts – Yes
 Russell – Yes
 Schwach – Yes
 Sharpe – Yes
 Shelton – Yes
 Smith – Yes
 Chairman Musil – Yes

With the vote 23 Yes and 0 No, proposal Passed and moves forward for Second Reading.

- BOCC are to approve new hires or reappointments of department directors or division heads.

Laura Klingensmith presented this item and the Commission discussed the proposal.

Laura Klingensmith moved to *Approve* to Move to Second Reading, as “Advance this Amendment to include with suggestions given here, to consider the Board of Commissioners to approve New Hires for the department directors.” Wendy Bingesser seconded the motion.

Bingesser – Yes
Boehm – No
Brownlee – Yes
Charlesworth – No
Dirks – Yes
Gaona – Yes
Housh – No
Hutchins – Yes
Iliff – Yes
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
Chairman Musil – No

With the vote 9 Yes and 14 No, proposal Passed and moves forward for Second Reading.

CLERKS NOTE: The Following Items were Not Taken Up at this meeting, moved to agenda item of notice of Next Meeting and then Adjournment.

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.)

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

Jimmy Gaona moved to *Adjourn* the meeting and Karin Brownlee seconded the motion. The motion carried unanimously. (23-0 with No objections)

The meeting was adjourned at 6:08 p.m.

PREPARED BY Lynda Sader

The journal entry for Wednesday, November 17, 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 sixth day of December 2021.

CHARTER COMMISSION
JOHNSON COUNTY, KANSAS

ED PETERSON, *Secretary*

ATTEST:

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