

July 13, 2020

The Board of Ellis County Commissioners met in regular session at 5:00 p.m., Monday, July 13, 2020, in the Commission Chambers, at the Administration Center, 718 Main Street, Hays, Kansas.

Chair Robert "Butch" Schlyer called the meeting to order.

Commissioners present: Chair Robert "Butch" Schlyer, Commissioner Dustin G. Roths and Commissioner Dean F. Haselhorst.

Also present were County Administrator J.D. Cox, Fire and Emergency Management Director Darin Myers, County Counselor Bill Jeter and County Clerk Donna J. Maskus.

The meeting opened with everyone standing and saying the Pledge of Allegiance.

ORDER OF BUSINESS

It was announced that one Executive Session will be called for.

APPROVAL OF PRIOR MINUTES

No prior minutes were presented.

CONSENT AGENDA

Motion: Haselhorst Second: Roths

To approve the Consent Agenda items A-G as presented, including the following.

Voucher Claims

Voucher claim for Solid Waste, dated July 8, 2020, for \$21,962.40.

Voucher claim for Solid Waste Credit Card fees, dated July 8, 2020, for \$583.41.

Disposition: _____ The motion passes by a voice vote of three to zero.

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

No issues from persons not on the Order of Business.

MONTHLY FINANCIAL REPORT

Commissioners had no questions on the June Departmental Reports.

COVID UPDATE – JASON KENNEDY, HEALTH SERVICES DIRECTOR

Jason Kennedy, Health Services Director, updated on COVID-19. Kennedy stated that we currently have 18 active cases. He felt since we just had the July 4th Holiday our numbers would increase with activities and people coming into the community. He stated that the virus is not going away, and everyone needs to wear a mask, wash hands, do not touch your face, avoid gatherings, maintain social distancing, and follow good hygiene. Commissioners did share feedback in considering everyone

wearing a mask to protect themselves and others. It was decided that they will continue this discussion at next week's meeting.

Commissioners thanked Kennedy for the work that he is doing on the COVID-19.

OPEN POSITIONS – JD COX, ELLIS COUNTY ADMINISTRATOR

Emergency Medical Services Director Jason Kennedy discussed that EMS had a paramedic resign last week and to keep services at current levels they need to replace this position. Kennedy also discussed that he needs two positions at the Health Department to assist with the COVID-19 requirements. These two positions could be hired with a three-month contract through the COVID-19 grant funding. He also asked that he now needs the Intern Assistant EMS Director position. Last year \$140,000 was placed in the budget so when they needed this position funding was available. Kennedy would like to work with County Administrator Cox to get applications out and fill these positions. All Commissioners agreed for Kennedy to work with County Administrator Cox in filling these positions.

Commissioners directed County Administrator Cox to work with County Departments as vacant job positions become available. The prior County Administrator had done this work in the past.

RURAL HOUSING IMPROVEMENT DISTRICT (RHID) DEVELOPMENT – DOUG WILLIAMS, GROW HAYS

Grow Hays Director Doug Williams discussed that the RHID with Grow Hays and the Heart of Development Corporation are working on a 75-lot development at 22nd and Wheatland Avenue, Hays. They have the development in a three-phase plan. The Ordinance has been adopted by the City of Hays. Now the County and Unified School District 489 has until July 25 if they wish to veto the project.

Under the RHID four new homes must be completed in an 18-month time frame. A local contractor will do the construction. The RHID program will reimburse the developer for the costs of infrastructure with property tax increases with this development. Commissioner welcomed the RHID project to help with the housing needs.

CARES ACT FUNDING & RESOLUTION – JD COX, COUNTY ADMINISTRATOR

County Administrator Cox discussed the CARES Act funding as Ellis County has been awarded \$5,744,442 as part of the COVID-19. He stated that a resolution is needed to accept the funding with a special revenue fund. He has visited with the County auditors and County Counselor Bill Jeter.

County Administrator J.D. Cox and Fire and Emergency Services Director Darin Myers are the point of contacts through the Kansas Office of Recovery. They will need a direct aid plan completed and sent to the state by August 15, 2020. This funding will need to be spent by December 30, 2020.

pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund (“CRF”) payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
 - a. necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
 - b. not accounted for in the budget most recently approved for the county as of March 27, 2020; and
 - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - COVID-19 related expenses of public hospitals or clinics
 - COVID-19 testing and quarantine costs
 - Payroll of employees substantially dedicated to COVID-19 mitigation or response
 - Expenses for establishing and operating public telemedicine capabilities
 - Technological improvements to facilitate distance learning
 - Improving telework capabilities
 - Grants to small businesses to reimburse the costs of business interruption caused by required closures
 - Government payroll support program
 - Unemployment insurance costs related to COVID-19
3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - Damages covered by insurance
 - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
 - Expenses that will be reimbursed under any federal program
 - Reimbursement to donors for donating items or services
 - Workforce bonuses other than hazard pay or overtime
 - Severance pay
 - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, “Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts.”

5. To ensure the effective and timely oversight of local and state spending, and pursuant to a motion passed by the SPARK Taskforce on June 2, 2020, Ellis County will comply with the following reporting and recoupment structure:
 - a. On August 15, 2020, counties will provide a first reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and a plan for spending the flexible direct aid and any unused funds provided to the county pursuant to the allowable expenditures outlined in 42 U.S.C. § 801(d). The SPARK Taskforce will approve the submitted direct aid spending plan in a timely manner upon receipt.
 - i. Additionally, any funds held by a county that have not been appropriated through the county's direct aid plan by August 15, 2020, for expenditures to occur prior to December 30, 2020, must be returned to the State for recoupment by September 15, 2020.
 - b. On September 15, 2020, counties will provide a second reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - c. On November 1, 2020, counties will provide a third reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - d. On December 1, 2020, counties will provide a fourth reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - e. On February 1, 2021, counties will provide a fifth and final reconciliation of CRF funds. This date may be subject to change based on updated federal guidance for final federal reconciliation and recoupment deadlines. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - f. Any unspent funds not accounted for in the county's direct aid plan or otherwise unspent by December 30, 2020 must be returned to the State for recoupment. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, Ellis County, in conjunction with the SPARK Taskforce and the Office of Recovery, will:
 - a. Make publicly accessible all meetings or hearings in which CRF expenditures are considered.
 - b. Make publicly accessible any meeting materials associated with the expenditure of CRF funds, including but not limited to agendas, presentations, and minutes.
 - c. Make publicly accessible a detailed and timely accounting of CRF spending, including any financial reconciliation materials.
 - d. Create, publicize, and manage a process for non-governmental organizations, businesses, and Ellis County residents to provide comments on spending decisions, submit requests for new programs, and ask questions regarding CRF spending or administration.
 - e. Create, publicize, and manage a process for any local entities receiving CRF funds to report spending and outcomes.

7. To ensure that all educational and municipal entities within counties receive CRF funds to meet their respective health and economic challenges, the SPARK Taskforce Executive Committee passed a motion on June 2, 2020, to direct counties to allocate and share CRF funding to public educational and municipal entities within their counties. Pursuant to this motion, Ellis County, will develop and implement a process to share, allocate, account for, and recoup funds appropriated to public educational and municipal entities within their counties for reimbursement of COVID-19 related expenses and provide reasonable consideration of flexible direct aid spending requests made to the county by public educational and municipal entities pursuant to the provisions of 42 U.S.C. § 801.
 - a. If a public educational or municipal entity has locations in more than one county, the entity should be treated as located in the county in which the entity’s principal office or headquarters is located.
8. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, Ellis County will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
9. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, Ellis County agrees to cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
10. Ellis County understands that the United States Department of the Treasury or the Governor’s Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.

This document shall be filed with the Ellis County Clerk’s Office. It shall become effective as of July 13th, 2020.

BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS
 /S/ Robert (Butch) Schlyer, Chair
 /S/ Dean F. Haselhorst
 /S/ Dustin G. Roths

Attest:
 /S/ Donna Maskus, County Clerk

RESOLUTION NO. 2020-10

A RESOLUTION CREATING A SPECIAL REVENUE FUND FOR THE CARES ACT, CORONAVIRUS RELIEF FUNDS (CRF)

WHEREAS, on July 13, 2020 through resolution 2020-09 the Board of Ellis County Commissioners accepted \$5,744,442 in funds appropriated to the County by the State of Kansas through the State’s Coronavirus Relief Fund (“herein “CRF funds”) pursuant to the terms designed to ensure the lawful use of funds and transparency, equity, and accountability; and

WHEREAS, the CRF funds have yet to be received by the County from the State but are anticipated to be received in the near future; and

WHEREAS, Ellis County is advised that it should create a special revenue fund in which to place those funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ELLIS COUNTY COMMISSIONERS that, a Special Revenue Fund called CARES ACT, CRF FUNDS is hereby created in which to place CRF funds received from the State of Kansas.

This document shall be filed with the Ellis County Clerk’s Office. It shall become effective as of July 13th, 2020.

BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS

/S/ Robert (Butch) Schlyer, Chair
/S/ Dean F. Haselhorst
/S/ Dustin G. Roths

Attest:

/S/ Donna Maskus, County CLERK

2021 BUDGET REVIEW – JD COX, COUNTY ADMINISTRATOR

Fire and Emergency Services Director Darin Myers discussed the final step in completing the 2021 Budget. All changes have been made to the budget except of the expenditures for the 2021 health insurance options for County employees. Myers reported that the Wage and Benefit Committee recommends using Freedom Claims Management, Incorporated, to administer the health insurance program. Freedom Claims Management will be presenting their proposal to Commissioners soon. Myers reported that Vision Care Direct and Dental Care will be continues. The Medical Expense Program will benefit health insurance for the employees. Employees should see lower costs even though they will be required to pay more of the total insurance cost.

Myers stated that the final approval of the 2021 Budget and authorize the official publication is July 20th. The Public 2021 Budget Hearing will be held on August 3rd for adoption. The County Budget is due to the County Clerk by August 25th.

He was pleased to report that they have a balanced budget with \$6,254 as surplus.

Myers discussed the mill levy with state law allowing the County to increase by 2.365; the Commission does wish to hold the line on the mill levy for 2021 with no County increase.

Myers discussed the Fire 2021 Budget and is concerned that it will be necessary to make cuts. The law allows the mill levy to increase to 4.27 for the Fire District. This would be an increase of .88 a month on a \$170,000 home in the unencumbered areas covered by the Fire Department. Commissioners had no problems in increasing the mill levy for the Fire District for the 2021 Budget. Myers stated that hopefully they will see oil values back next year.

Myers stated that he will meet with Administrator Cox and finalize the completed budget. They will be presenting the final 2021 Budgets at next week including the General Fund, Solid Waste, Fire District and the 5-year capital plan.

COUNTY ADMINISTRATOR REPORT – JD COX, COUNTY ADMINISTRATOR

J.D. Cox, County Administrator, stated that he has been dealing with the CARES Act and hopes to get out and meet more County departments.

COUNTY COMMISSION REPORTS

Haselhorst will be participating in the Kansas Association of Counties (KAC) Zoom meeting on Thursday.

Roths had attended the Grow Hays Meeting to discuss housing. He had attended the Planning and Zoning Meeting with the Comprehensive Plan discussed. He will be chairing the 2020 Kansas Leadership Group in bringing people to Ellis County as they discuss oil, education through Fort Hays State University and water.

Schlyer reported that the Commissioners are informed of the COVID-19 situation through Health Services Director Jason Kennedy. They will make more recommendations as it warrants. As Kennedy says don't travel, avoid large gathering, wash hands, keep hands away from your face and wear a mask if you deem it necessary.

EXECUTIVE SESSIONS

Motion: _____ Roths _____ Second: _____ Haselhorst

To recess into Executive Session under the Kansas Open Meetings Act pursuant to the attorney-client privilege exception on pending litigation resuming at 6:40 p.m. with the Board of County Commissioners, County Administrator J.D. Cox and County Counselor Bill Jeter.

Disposition: Motion carried by a voice vote of three to zero.

The Executive Session started at 6:23 p.m.

The Open Meeting resumed at 6:39 p.m.

Chair Schlyer announced that no action was taken.

ADJOURNMENT

With no further business, Chair Schlyer stated that the meeting will adjourn at 6:39 p.m.

The next regular meeting will be held Monday, July 20, 2020, at 5:00 p.m., Administrative Center, Commission Chambers, 718 Main Street, Hays, Kansas.

BOARD OF ELLIS COUNTY COMMISSIONERS:

ROBERT "BUTCH" SCHLYER, CHAIR

DUSTIN G. ROTHS, COMMISSIONER

ATTEST:

DONNA J. MASKUS, COUNTY CLERK

DEAN F. HASELHORST, COMMISSIONER

