

## SPECIAL SESSION

THURSDAY, DECEMBER 14, 2017, 1:00 PM

### 1. CALL TO ORDER

Commissioner Nolte called the meeting to order at 1:01 PM

### 2. ROLL CALL

Commissioner Nolte requested the Clerk to call the roll. A Quorum was established by the following roll call vote:

Commissioner Nolte – Here  
Commissioner Ridgeway – Here  
Commissioner Owen – Absent

Commissioner Nolte noted for the record that Commissioner Owen joined the meeting at 1:02 PM.

### 3. APPROVAL OF AGENDA

Commissioner Nolte questioned who called the meeting.

County Administrator, Dean Brookshier, deferred to County Counselor, Kevin Graham.

Commissioner Nolte asked County Counselor, Kevin Graham, who asked for this meeting to be convened and who is authorized to convene this meeting.

County Counselor, Kevin Graham, stated he did not know the process for calling the meeting and that he received a public notice for the meeting.

Commissioner Nolte asked County Administrator, Dean Brookshier, what authority he had for noticing this meeting.

County Administrator, Dean Brookshier, referred to Special County Counselor for matters pertaining to the Missouri Open Records Law (Sunshine Law), Mr. Joe Hatley from the law firm of Spencer Fane, LLP.

Counselor Hatley stated that the County Administrator called the meeting during a public meeting held the previous day in which all Commissioners attended, that there was no objection from the Commissioners present, and that under such circumstances the County Administrator has the authority to request and call a meeting of the Commission.

Commissioner Nolte asked if there was a formal vote taken to call the meeting.

Counselor Hatley said that a vote is not necessary to call a meeting.

Commissioner Nolte asked for a source to be cited pertaining to the County Administrator's authority to call a meeting.

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Discussion continued between Commissioner Nolte and Counselor Hatley.

Commissioner Ridgeway questioned the current discussion, as no motion was on the floor.

Counselor Hatley stated that a Special Term of the Commission is fundamentally different than a Special Session of the Commission. A "Term" refers to a series of sessions or meetings. A "Session" refers to a single meeting of the Commission.

Counselor Hatley referenced Clay County, Missouri Code of Ordinances, Section 30.15 and Section 30.16 to draw distinctions between monthly terms and weekly sessions.

Counselor Hatley referenced past Special Meetings that have been held by the Clay County Commission with less than five days notice as five days notice is required for a Special Term but only 24 hours notice is required for a Special Session. Counselor Hatley further stated that this situation is analogous to one in which a Commissioner believes that a closed meeting is about to be held in violation of the Sunshine Law. In that circumstance, the Commissioner can state his or her objections on the record, but still participate in the closed meeting without prejudice to the objection. Counselor Hatley stated that he believed Commissioner Nolte had adequately stated his objection to the Special Session, and preserved his objection to it in the event he wishes to challenge any actions taken.

Discussion continued.

Commissioner Nolte recognized Commissioner Ridgeway.

Commissioner Ridgeway moved to approve the Agenda as Printed.

Commissioner Ridgeway noted for the record that all meeting notices were published as usual and in compliance with law.

Commissioner Ridgeway renewed the motion to approve the Agenda as Printed

Commissioner Nolte – No  
Commissioner Ridgeway – Yes  
Commissioner Owen – Yes

The motion PASSED

#### 4. REGULAR AGENDA

- Amendments to the 2018 Proposed Budget

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Commissioner Nolte asked about a potential technical error in the 2018 Proposed Budget on Page 110, General Fund (602), Human Resources (295). Risk Mitigation department request is \$10,000, proposed is \$1.8 million. AED Program department request is \$1.5 million, proposed is \$16,000.

County Administrator, Dean Brookshier, responded that staff will check into this potential technical error and make corrections if necessary.

Commissioner Ridgeway entered discussion about the 2018 Proposed Budget.

Copies of Commissioner Ridgeway's notes were distributed.

The Commission stood at ease at 1:25 PM

Session resumed at 1:36 PM

Commissioner Ridgeway moved to direct staff to make the following changes in the 2018 Proposed Budget, proposed additions to Finance are necessary in the event the current petition for an additional audit of the County by the State Auditor is approved. The reductions in the Sheriff's department relate to deletion of new car purchases.

Finance	\$	267,531
Operations and Parks Public Safety	\$	599,979
Facilities	\$	172,402
Elected Office Holders Salary Adjustments	\$	69,088
Auditor	\$	60,705
Assessor	\$	92,476
Treasurer	\$	12,813
COLA Increase	\$	462,728
<u>Total Additions:</u>	<u>\$</u>	<u>1,737,722</u>

Repurposed:		
<u>Repurposed Funds (279)</u>	<u>\$</u>	<u>180,148</u>
<u>Total Repurposed Funds:</u>	<u>\$</u>	<u>180,148</u>

Reductions:		
Human Resources	\$	150,000
Clerk	\$	115,793
Prosecutor	\$	43,604
Sheriff	\$	605,784
Use Tax-Capital Projects	\$	172,938
Public Administrator	\$	16,854
<u>Total Reductions:</u>	<u>\$</u>	<u>1,104,973</u>

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Commissioner Nolte requested that County Clerk, Megan Thompson, receive a copy of Commissioner Ridgeway's proposal and that Commissioner Ridgeway's motion be labeled as "Amendment One" to the 2018 Proposed Budget.

Commissioner Owen called the question.

Commissioner Nolte – Abstain  
Commissioner Ridgeway – Yes  
Commissioner Owen – Yes

The motion PASSED

**5. RECESS / ADJOURNMENT**

The Commission adjourned at 1:52 PM