

Hamilton County Commissioners' Meeting
P.O. Box 1167
Syracuse, KS 67878
Meeting Place - Commissioner Room
Hamilton County Courthouse
May 10, 2016
8:30 a.m.

Keith A. Puckett, Chairman
Michael W. Lewis, Vice-Chairman
Randall C. Braddock, Commissioner
John R. Simon, Commissioner
Nikki Schwerdfeger, Commissioner
Rob Gale, Attorney
Angie Moser, County Clerk

Commissioner Puckett called the Meeting to order at 8:30 a.m. with all Commissioners present.

AGENDA: Commissioner Lewis moved to adopt the agenda as presented. Commissioner Braddock seconded the Motion and it was unanimously approved.

PRIOR MINUTES: Commissioner Braddock moved to approve the May 3, 2016 Commissioner Meeting Minutes as presented. Commissioner Simon seconded the Motion and it was unanimously approved.

PUBLIC CONCERNS: Commissioner Schwerdfeger voiced her concerns of the County Attorney contacting the Commissioners individually rather than requesting a special meeting with all of the Commissioners at the same time, as she feels that he did not violate any open meeting law, but that he violated the "spirit" of the open meeting law.

COMPASS BEHAVIORAL HEALTH: Ric Dalke and Lisa Southern, from Compass Behavioral Health, discussed the services their organization provides to Hamilton County. They also presented their 2015 Annual Report and request for a 2017 appropriation.

SARAH STEELE: Via conference call, Sarah Steele with Gilmore & Bell, PC, discussed the provisions and legalities of the County issuing additional No-Fund Warrants. Ms. Steele informed that since the Hospital has stated they are short funds to operate through the remainder of 2016, it is legal to issue additional No-Fund Warrants after the 60-day protest period. Ms. Steele also informed that it is legal to repay the No-Fund Warrants with the current 18 mills levied by the County for the Hospital Appropriation, but the County would need an agreement with the Hospital Board of Trustees that the levy will be used to repay the no fund warrants. Also discussed the possibility of needing to make the Hospital Board an appointed board rather than an elected board and whether an agreement by the current Hospital Board would be binding by a future board.

5-YEAR PLAN: The 5-year plan was reviewed.

ROAD PROJECT LIST: The Road Project List was reviewed.

BID PUBLICATION FOR OPERATION/MANAGEMENT OF SUNFLOWER SQUARE: Commissioner Lewis presented a draft of a bid Notice to Bidders to publish to seek bids for the operation and management of Sunflower Square. Commissioner Lewis moved to approve the Bid Publication as presented. Commissioner Simon seconded the Motion and it was unanimously approved.

AC UNITS AT GOLF COURSE: The County Clerk presented two proposals she received from Ervey Bustillos with Rich's Refrigeration, regarding the AC units in the Tamarisk Golf Course clubhouse. One proposal is in the amount of \$700.00 to clean the two evaporators that are located in the attic, which will have to be removed and taken outside to be thoroughly cleaned along with recovering the freon. The second proposal is in the amount of \$7,680.00 to replace the two evaporators and two condensers and also install a secondary drain pan. It was decided to clean the two evaporators.

NO-FUND WARRANT RESOLUTION: Carter Professional Care, P.C. personnel and Hamilton County Hospital Board Members discussed the Hospital's financial situation is much worse than they first thought. Dr. Carter informed his business plan model would take at least 18 months to show a positive cash flow and that the Oklahoma banks he spoke with would not authorize any funding towards Hamilton County Hospital. Dr. Carter

feels the only option for funding would be to issue No-Fund Warrants in the amount of approximately \$1,800,000.00 to \$2,400,000.00, which the Hospital Board has agreed to repay the No-Fund Warrants back with the Hospital's current 18 mills of tax appropriation money. By paying the No-Fund warrants with the Hospital's 18 mills of tax appropriation money, that it will not create any new tax burden on Hamilton County's tax payers. The Commissioners explained their concerns of the declining County valuation, which lowers the value of the current 18 mills levied for the Hospital. Carter Professional Care, P.C. staff stated the Hospital's lack of any kind of financial statements for all of the 2015 fiscal year and only having a draft of 2014 audit report has caused difficulty for their staff to produce a solid financial plan and asked the County for \$150,000.00 for operating funds until the No-Fund Warrants are produced. The \$150,000.00 would be repaid immediately after the No-Fund Warrants are issued. The Commissioners voiced their frustrations and concerns of how many times the Hospital Staff and Board have asked for additional operating funds in the past. Dr. Carter stated he believed his group's plan can successfully manage and operate the Hospital and in turn produce a positive cash flow and how important it is for the County to support the Hospital with the requested \$150,000.00 additional operating funds. The Commissioners asked if the Hospital Board did in fact sign a contract with Carter Professional Care and whether the Hospital Board Members actually read the contract before signing. Dr. Carter stated that the Hospital Board did sign a 10 year contract with Carter Professional Care P.C.

EXECUTIVE SESSION: Commissioner Schwerdfeger moved for a 20-minute executive session for matters pertaining to attorney-client privilege with the Commissioners and the County Attorney present. Commissioner Braddock seconded the Motion and it was unanimously approved. The executive session began at 10:25 a.m. and the regular meeting resumed at 10:45 a.m.

Commissioner Lewis moved to approve Resolution No. 2016-4 *A Resolution Regarding the Intent of Hamilton County, Kansas to issue and deliver No-Fund Warrants to Finance Insufficiencies in the Operation and Maintenance Budget of the Hamilton County Hospital.* Commissioner Braddock seconded the Motion and it was unanimously approved.

Commissioner Lewis moved that Hamilton County Hospital Board of Trustees provide the Hamilton County Commissioners with their Resolution declaring that the Hamilton County Hospital Board of Trustees will utilize the existing 18 mills of tax levy to repay the No-Fund Warrants. Commissioner Braddock seconded the Motion and it was unanimously approved.

Commissioner Lewis moved that the Hamilton County Hospital Board of Trustees will provide the Hamilton County Commissioners a copy of their Resolution stating that the Hamilton County Hospital Board of Trustees will repay any new operating funds provided by the Hamilton County Commissioners between May 10, 2016 and the date of the issuance of the requested No-Fund Warrants. Commissioner Braddock seconded the Motion and it was unanimously approved.

WARRANTS: After review and discussion, Commissioner Puckett moved to approve the Warrants in the amount of \$16,291.16. Commissioner Simon seconded the Motion and it was unanimously approved.

COMMISSIONER REPORT: Discussed the liability concerns with having Huber Sand fill in the pond on the County property by the river.

As there was no more business to come before the meeting, Commissioner Lewis moved for adjournment. Commissioner Braddock seconded and the meeting was adjourned at 11:35 a.m.

ATTEST:

County Clerk

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner