

**FRANKLIN COUNTY  
COMMISSION AGENDA ITEM**

<b>TO:</b> BOARD OF FRANKLIN COUNTY COMMISSIONERS	<b>Reviewed:</b>
<b>FROM:</b> Lisa J. Johnson	<b>Ext:</b> 3485
<b>DEPARTMENT:</b> Legal	
<b>DATE:</b> Monday, February 04, 2008	<b>No:</b>

**ITEM: Mid-Continental Restoration bid for exterior building repairs**

Background: The Franklin County Sheriff's Office building has had water leaking into the building from the roof for some time. The water is leaking in the area of the elevator shafts in the area between the Sheriff's Office and JDC. To control the leaking, the roof has been covered with tarps. This has helped but not stopped the problem in its entirety and is not a long term or permanent solution to the problem. Darrell Wadkins has contracted Mid-Continental Restoration Co. regarding the necessary repairs. They have recommended cleaning the dust and loose debris from the joints and then caulking it with a urethane rubber sealant. They have recommended that the work be done in March and have provided a bid of \$15,197.00. Loyd Builders and Taylor Brothers were contacted as well. They both indicated they would sub-contract the work to Mid-Continental Restoration.

Recommended Action: Waive the bid policy and contract with Mid-Continental Restoration for the building repairs.

Attachments: Bid from Mid-Continental Restoration Co.,

I also contacted Loyd Builders  
& Taylor Brothers, they both said  
that they would sub out to Mid  
Continental Restoration Co.

Mid Continental said they thought  
the work should be done in March  
to get the most out of the product.

July 25, 2007

Mr. Darrell Wadkins  
Franklin County Sheriff's Office  
305 S Main  
Ottawa, KS 66067

RE: Exterior Building Repairs  
Franklin County Sheriff's Office  
Ottawa, KS

Dear Mr. Wadkins:

After observing the condition of the mortar joints between the coping stones, it is my opinion that this issue could be resolved by removing the cracked mortar and replacing it with a flexible urethane sealant. In addition to stopping water infiltration, the new sealant will stop any future movement due to freeze-thaw cycles which may result in the misalignment of the coping stones.

Enclosed you will find duplicate copies of our proposal for work on the above referenced project. We believe the proposal is self-explanatory; however, should you have questions please do not hesitate to contact me at 620-223-3700.

We trust that the enclosed will meet with your approval and that we will have the opportunity of working with you on this project.

Respectfully submitted,

**MID-CONTINENTAL RESTORATION CO., INC.**

Jerod Bower  
Home Office Estimator

JB/tm

**PROPOSAL / CONTRACT**

From: Jerod Bower, Home Office Estimator, Fort Scott, KS

July 25, 2007

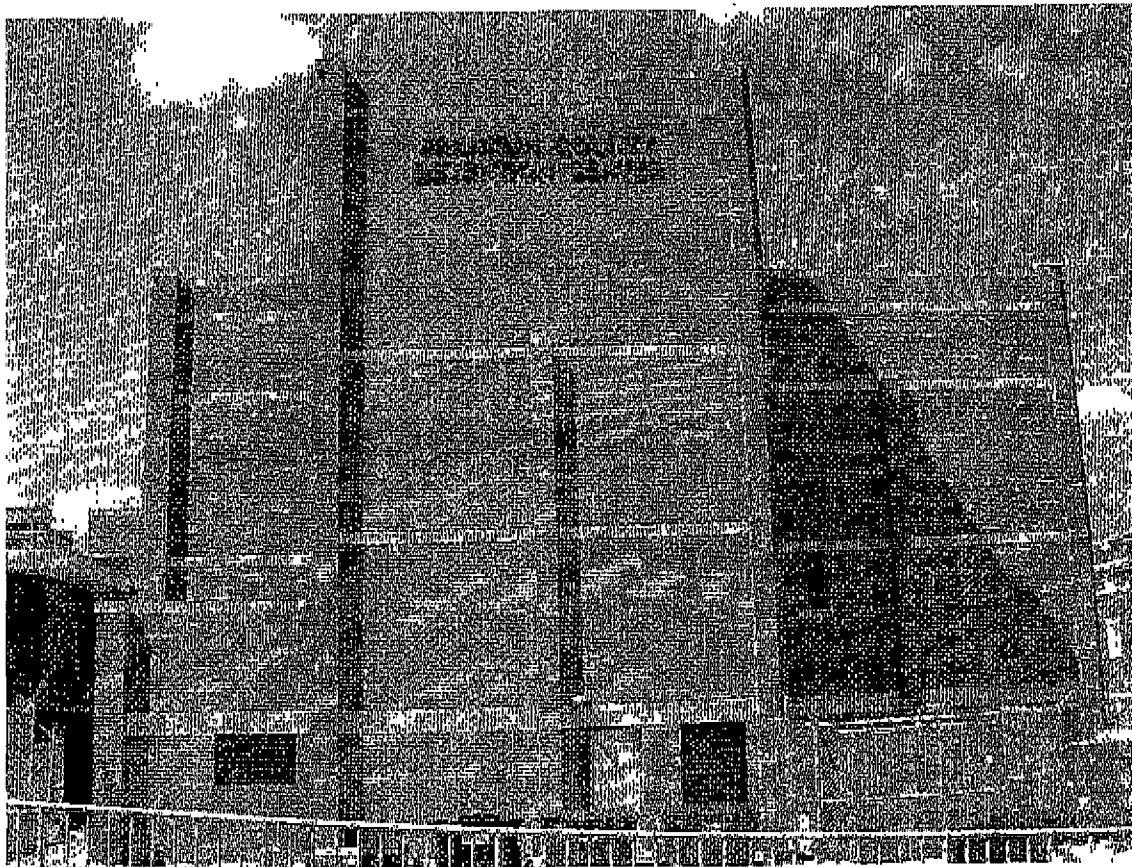
To: Darrell Wadkins, 305 S Main, Ottawa, KS 66067

Subject: Exterior Building Repairs

Job Name: Franklin County Sheriff's Office, 305 S Main, Ottawa, KS

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**BASE BID: ALL EXTERIOR ELEVATIONS**



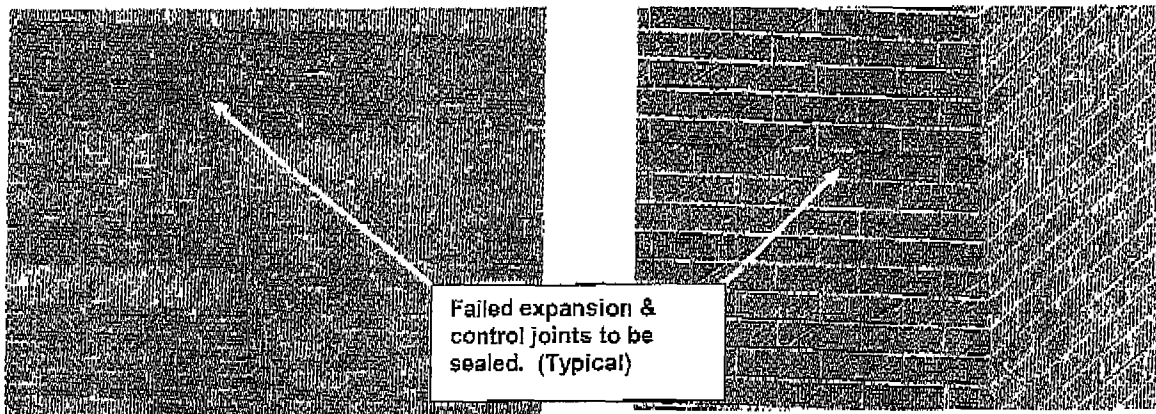
- (1) The existing joints between all coping stones shall be cut approximately 1/2-inch in depth, cleaned of all dust and loose debris and then caulked with a urethane rubber sealant. New sealant shall be tooled to a neat, watertight condition and shall be stone in color, unless otherwise specified by Owner.

THE ABOVE PROPOSAL IS ACCEPTED UPON THE TERMS AND CONDITIONS SET FORTH IN EXHIBIT "A" ATTACHED.

PLEASE SIGN AND RETURN BOTH COPIES TO THE HOME OFFICE. OUR COMPANY WILL RETURN ONE COPY TO YOU UPON EXECUTION. IF DESIRED, YOU MAY FAX THE ACCEPTANCE TO THIS OFFICE AT 620-223-5052. THE FAXED COPY OF THE SIGNED PROPOSAL WILL BE CONSIDERED A LEGAL BINDING DOCUMENT.

ANY APPLICABLE SALES TAX DUE ON THIS CONTRACT IS INCLUDED IN THE CONTRACT PRICE AND WILL BE STATED SEPARATELY ON OUR BILLING(S).

THE PROPOSAL SET FORTH HEREIN IS THE RESULT OF THE COMPANY'S INITIAL INSPECTIONS OF THE OWNER'S PROPERTY AND WAS DEVELOPED BASED UPON THE COMPANY'S EXPERIENCE IN THE INDUSTRY AND THE COMPANY'S WORK ON SIMILAR PROJECTS. MID-CONTINENTAL RESTORATION COMPANY, INC. DOES NOT EMPLOY A LICENSED ARCHITECT OR ENGINEER, THEREFORE THE "PROPOSAL" IS NOT AND SHOULD NOT BE CONSIDERED AN "ENGINEER'S REPORT" OR AN "ARCHITECT'S REPORT." AS A RESULT, THE COMPANY HEREBY DISCLAIMS ANY LIABILITY WHATSOEVER THAT MAY RELATE TO THE COMPANY'S ANALYSIS OF THE EXISTING CONDITIONS OF THE OWNER'S BUILDING AND THE COMPANY'S RECOMMENDATIONS FOR REPAIR/REMEDATION THEREOF.



- (2) The existing expansion and control joints shall be cleaned of existing caulking and, where necessary, new backer rod shall be installed to within 1/2-inch of the joint face. These joints shall then be caulked with a urethane rubber sealant and tooled to a watertight condition. Color of new sealant shall match the original color as closely as possible, unless otherwise specified by Owner.
- (3) The **OWNER** shall be responsible for the covering of electrical wires and, in case wires cannot be covered, re-routing or shutting down of the electricity for the work to be accomplished.
- (4) During the construction phase, all precaution shall be taken to protect any other building surfaces, pedestrians, and automobiles. Mid-Continental follows all OSHA safety regulations in scaffolding and public protection. Upon completion, all surrounding surfaces of the building and premises shall be cleaned and left in an orderly fashion.
- (5) Mid-Continental Restoration Co., Inc. has been retained to perform defined installation and/or repair work on the building or at the job-site and has not guaranteed the removal or eradication of any mold/fungi/organic pathogens and other airborne contaminants. Mid-Continental Restoration Co., Inc., shall be held harmless from and against any and all claims, suits or damages resulting in anyway whatsoever from mold/fungi/organic/ pathogens or other airborne contaminants, that may be present at the job-site before, during and after Mid-Continental has completed its work pursuant to this contract.
- (6) For complete Insurance coverage, see **Exhibit "A"** attached hereto.
- (7) Please review the Terms and Conditions attached hereto and marked **Exhibit "A"**.

**We shall accomplish the above outlined work for the sum of:**  
**FIFTEEN THOUSAND ONE HUNDRED NINETY SEVEN DOLLARS \$15,197.00**  
 The above price shall be valid for a period of sixty (60) days.

TO ACCEPT BASE BID, PLEASE SIGN BELOW

If **BASE BID** is accepted, please sign here:

Mid-Continental Restoration Co., Inc.

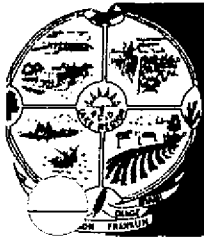
\_\_\_\_\_  
 Owner/Owner's Representative

\_\_\_\_\_  
 Date

By: \_\_\_\_\_

Contractor

\_\_\_\_\_  
 Date



# **LAKE REGION RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL INC.**

Phone: 785-242-2073  
Fax: 785-242-5568

Email: rick.porter@ks.usda.gov  
Webpage: lakeregionrcd.org

343 West 23rd Ste. 4  
Ottawa, Kansas 66067

January 25, 2008

The Lake Region Resource Conservation & Development Area Inc. is a non-profit, 501(c)3 organization that provides local leadership to identify and solve human, economic, and environmental problems in your communities which include Anderson, Coffey, Franklin, Miami, Osage and Linn Counties.

We are seeking broad-based input for the development of our long range plan. This information will be used to plan and initiate leadership and education to assist communities to develop local goals and objectives for managing economic growth, improving quality of life, water and land.

Your participation in this survey would be highly valued and appreciated. We ask that you complete the enclosed survey and return it to our office in the enclosed self-addressed envelope no later than February 15, 2008.

Thank you in advance for help in defining the future direction of your Resource Conservation and Development Area.

Sincerely,

Donald Stottlemire  
President Lake Region RC&D

Enc: survey

### **Mission Statement**

“To plan and initiate leadership and education to assist communities to develop local goals and objectives for managing economic growth, improving quality of land, water and life.”

**Survey Questions**  
**Please Return by February 15, 2008**

**Land Conservation:** (Predominately agricultural use)

What can you do in the improvement of natural resource benefits and protection by proper land planning?

**Comments:**

**Water Management:** What role can you play to protect lakes and streams from agricultural and urban pollutants?

**Comments:**

**Community Development:** What kind of workforce training/skills development, businesses expansion/job creation, encourage alterative enterprise would you like to see in your community?

**Comments:**

**Land Management:** What can community leaders do in the production and marketing alternative crops and Agri-diversification improvements?

**Comments:**

**FRANKLIN COUNTY  
COMMISSION AGENDA ITEM**

<b>TO:</b> BOARD OF FRANKLIN COUNTY COMMISSIONERS	<b>Reviewed:</b>
<b>FROM:</b> Lisa Johnson	<b>Ext:</b> 3485
<b>DEPARTMENT:</b> Administration	
<b>DATE:</b> Wednesday, February 6, 2008	<b>No:</b>

**ITEM: Discuss the rules and procedures followed during commission meetings.**

Background: Per the Commissions request a proposed draft of commission meeting rules and procedures has been created. The proposal outlines the procedures that should be followed during commission meetings, meeting notices, and agenda preparation. This is merely a draft and suggested improvements are encouraged.

Recommended Action: Review the proposed commission meeting rules and procedures and make suggested changes.

Attachments: Proposed Commission Meeting Rules and Procedures

RULES *of* ORDER  
BOARD *of* COUNTY COMMISSIONERS  
FRANKLIN COUNTY, KANSAS

—TABLE OF CONTENTS—

I.	RULES .....	1
II.	MEMBERS.....	2
III.	CHAIRPERSON / PRESIDING OFFICER.....	2
IV.	MEETINGS OF THE BOARD.....	3
V.	ORDER OF BUSINESS.....	5
VI.	MOTIONS & PROCEDURE.....	6
VII.	STUDY SESSION.....	9
VIII.	COMMITTEES .....	9
IX.	AGENDAS.....	9
X.	STAFF .....	10

## I RULES

SECTION 1. Authority of Rules; Purpose; and Principles. Pursuant to state law, the Board of County Commissioners may enact rules and regulations to govern its own proceedings and the transaction of its business. These rules, therefore, having been adopted by the Board of County Commissioners, are intended to guide the efforts of its Members, acting collectively, in conducting the business of the Franklin County Government. The rules are based on the following principles:

*See KSA 19-218*

A. These rules are intended to facilitate, and not obstruct, the orderly conduct of meetings of the Board of County Commissioners. The purpose of these rules is to provide an orderly and consistent procedure for conducting such meetings. These rules should be followed as necessary to conduct the meetings of the Board of County Commissioners.

B. All Members have and share equal rights, privileges, responsibilities, and obligations, which includes, but are not limited to, the following:

(1) All Members present and participating in meetings have the right to make, second, or amend motions.

(2) All Members present and participating in meetings have the right to participate in debate when discussion is permitted. Members shall speak for intervals not exceeding five minutes after being recognized by the Chairperson, so all Members have an equal opportunity to speak to issues that are pending before the Board.

(3) All Members have the right to make inquiries and seek clarification or further information on pending matters.

(4) All Members present for meetings have the right to vote on matters, unless prevented by a conflict of interest.

C. The Board of County Commissioners is a single, continuing governing body; the will of the majority shall be the decision of the body and shall be binding upon it.

SECTION 2. Compatibility. These rules shall not conflict with the Constitution or laws of the State of Kansas or Home Rule Charter, but shall supplement those higher authorities.

SECTION 3. Parliamentary Authority. In the absence of a rule or established practice, the Chairperson shall declare the proper procedure. If a point of order is raised and sustained, then the applicable procedure set forth in *Robert's Rules of Order, Newly Revised* (10<sup>th</sup> Edition) shall govern to the extent practicable and where not inconsistent with the laws and regulations of the State of Kansas.

SECTION 4. Applicability. These rules shall apply to all official proceedings conducted by the Board of County Commissioners, in all its capacities, including when acting as the governing body of a separate agency or legal entity, except those meetings or hearings which by law require a different procedure.

SECTION 5. Suspending the Rules. Any rule may be suspended by majority vote; but such suspension shall not extend past the matter acted upon, or the meeting, as appropriate. A motion to suspend the rules must state the purpose for the suspension.

SECTION 6. Amendment of the Rules. These rules may be amended at any time upon a prior notice to all Members and by a simple majority vote at a subsequent public meeting.

SECTION 7. Annual Review. The Board of County Commissioners shall review its rules at least once each year, and shall make any improvements thereto that may be deemed necessary to facilitate the orderly conduct of business.

SECTION 8. Effect. These rules shall be and remain in effect upon adoption until February 1, 2009, unless otherwise amended or repealed.

## II MEMBERS

SECTION 1. Conduct. Members shall conduct themselves in a proper, businesslike manner during all proceedings of the Board, and shall respect and follow these rules. Each Member shall demonstrate courtesy and respect for the Board, for the public, for staff and for other Members, and no Member shall impute to another, either directly or indirectly, by any form, conduct that is unbecoming of a Member of the Board of County Commissioners of Franklin County, Kansas.

SECTION 2. Code of Ethics. Members shall comply with the Franklin County Code of Ethics.

SECTION 3. Conflict of Interest. A real or potential conflict of interest shall be declared and the Member so declaring the conflict shall abstain from voting on the matter and may excuse themselves from further participation in the matter

SECTION 4. Attendance. Members shall attend all meetings, unless they are prevented while performing other business of the County or if they are prevented due to absence from Franklin County, illness, emergency, or other conflict. Members expecting to be absent from a meeting should notify the Chairperson prior to the meeting or, alternatively, the Clerk, who will be responsible for notifying the Chairperson prior to the start of any meeting.

## III CHAIRPERSON / PRESIDING OFFICER

SECTION 1. Presiding Officer. The Chairperson is the presiding officer of the Board of County Commissioners, in all its capacities; shall have a voice and vote in all proceedings; may introduce or second motions and debate from the chair; and shall be fully vested with the authority necessary to discharge the duties of office.

SECTION 2. Duties as Presiding Officer. Without limiting the generality of the foregoing, it shall be the duty of the Chairperson (or presiding officer) to:

- A. Be considered a Member of the Board of County Commissioners, with all rights and privileges accorded to other Members, including the right to vote on all questions, as provided by law.
- B. Officiate and preside over the proceedings of the Board of County Commissioners, ensuring order, decorum, and compliance with these rules and facilitating the will of the majority.
- C. Recognize those entitled to the floor and confine debate to matters under consideration.
- D. Decide all questions of order, subject to an appeal by any Member.
- E. Put to vote all matters properly presented before the Board of County Commissioners and to declare the result thereof for the record.
- F. Authenticate by signature all acts, orders, and judgments made by authority of the Board of County Commissioners.

SECTION 3. Authority of Chairperson. The Chairperson shall have the authority necessary to enforce the rules and prevent the misuse of motions or established procedure, the abuse of privileges, or obstruction of the business of the Board of County Commissioners.

SECTION 4. Vice Chairperson. The Chairperson shall serve as presiding officer in the absence or temporary disability of the Chairperson, and to perform such other duties as may be assigned from time to time by the Board of County Commissioners, or as delegated by the Chairperson.

SECTION 5. Chairperson Pro Tempore. In the absence of both the Chairperson and Vice Chairperson, then the Member with the most seniority shall be designated as Chairperson *pro tempore* and shall serve as presiding officer for that meeting, or until the appearance of the Chairperson or Vice Chairperson. Seniority shall be determined by the length of continuous service in office, with ties decided by lot amongst those with equal seniority.

## SECTION 6. Official Spokesperson and Representative.

A. Pursuant to the Home Rule Charter, the Chairperson is the official spokesperson and representative of the Board of County Commissioners. In the Chairperson's absence, the Vice Chairperson shall assume those functions, including administrative duties assigned to the office. In the absence of the Chairperson and the Vice Chairperson, the Chairperson shall designate a Member to perform those functions.

B. Members shall not speak on behalf of the Board of County Commissioners or the organization of County Government unless formally designated to do so; if so designated, the Member(s) shall state only the official policy or position adopted by the Board of County Commissioners. When making personal remarks, Members shall clearly identify that their remarks are separate from that of the Board of County Commissioners and that they are speaking in an individual capacity.

## IV MEETINGS OF THE BOARD

SECTION 1. Annual Session. Pursuant to the provisions of state law, the Board of County Commissioners meets on the second Monday in January, or within thirty (30) days of that date; thereafter, regular meetings are conducted to transact the business of the County Government.

*See KSA 19-219. [Organization of board; Chairperson, vacancy; charter counties, exception]*

SECTION 2. Regular Meetings. Regular meetings shall be held on the day or days and at the time or times specified by the Board of County Commissioners at their reorganization meeting in January each year and shall be conducted in the Board's Commission Chambers at the Franklin County Annex Building located in Ottawa, Kansas, unless otherwise provided for and noticed to the public.

## SECTION 3. Special Meetings.

A. Special meetings may be called by the Chairperson, or by a majority of Members, by filing written notice with the County Administrator's office at least 24 hours in advance. The County Administrator shall provide notice of the special meeting, which shall include date, time, location, and the subject(s) to be presented, and only the subject(s) in the notice shall be considered at that time, to the exclusion of all else.

B. In the event of an emergency involving injury or damage to persons or to property, or the likelihood of such injury or damage, or if it is determined that an emergency condition exists which impacts the service or operations of the county government or which affects the citizens of Franklin County, then a special meeting may be called with less than 24 hours notice, provided a majority of Members waive notice requirements and reasonable effort is taken to notify local news media.

SECTION 4. Executive (closed) Session. Pursuant to provisions of state law, an executive session shall be called and conducted when necessary.

*See KSA 75-4319.*

SECTION 5. Public Hearings. The Board of County Commissioners shall conduct a public hearing, when required by state law, charter, or county resolution, to receive testimony from the public on matters pending before the Board of County Commissioners. Public hearings shall be called either by resolution, by public notice, or by public announcement.

A. The general procedure for a public hearing shall be as follows:

(1) Opening of the Public Hearing: The Chairperson shall open the public hearing at the established time, after which staff shall explain the purpose of the public hearing and provide a summary of the issue(s) before the Board of County Commissioners as well as an overview of the recommendations, if any, presented for its consideration.

(2) Presentations: If appropriate or necessary, those parties involved in the public hearing or who are primarily affected by any action that may arise as a result of the public hearing may be given time to present their evidence and information to the Board of County Commissioners either in support of or in opposition to the recommendations or actions proposed. The Chairperson shall

monitor the use of time and, in the interest of efficiency, may impose time and subject matter limits for testimony and comments presented.

(3) Public Testimony: The Chairperson shall open the floor to testimony or comments from the general public. The Chairperson shall monitor the use of time and, in the interest of efficiency, may impose time and subject matter limits for testimony and comments presented.

(4) Close of Public Hearing: After all testimony and comments have been received, the Chairperson shall close the public comment portion of the hearing. If necessary, the public comment portion of the hearing may be held open until a date or time certain in order to provide additional time for the parties affected and the general public to submit additional evidence or commentary as a part of the record of the matter.

(5) Action: After the public comment section is officially closed, unless otherwise prescribed by law, any Member may propose, by regular motion, that the Board of County Commissioners take certain action on the matter, which shall be subject to these rules and any statutory or legal requirements.

B. The foregoing procedure may be modified, as needed, to accommodate the interests of the public and the operation of the County Government.

SECTION 6. Other Meetings. The Board of County Commissioners, as needed and at its discretion, may call and conduct meetings in such other venues as it may determine best serve the purposes and objectives of the County Government.

SECTION 7. Calendar and Notices. The County Administrator shall cause a calendar of public meetings of the Board of County Commissioners to be published which shall serve as notice of such meetings under the law and shall make copies of it available to anyone requesting the same. The County Administrator shall also provide such further or additional notices as may be required by law or by order of the Board of County Commissioners.

SECTION 8. Scheduling. The scheduling of meetings of the Board of County Commissioners shall be coordinated by the County Administrator under the supervision of the Chairperson, subject to the following:

A. The Board of County Commissioners shall specifically set, by resolution, public notice, or public announcement, all meetings other than its regular meetings, whether in open or closed session, and whether conducted as the Board of County Commissioners or in some other official capacity. All such meetings shall be added to the official calendar published by the County Administrator.

B. Any meeting may be moved, continued, or rescheduled in order to accommodate the interests of the public. Any meeting shall be rescheduled upon a concurrence of a majority of the Board of County Commissioners, and notice shall be made by posting the time, date, and location of the rescheduled meeting on the official calendar; and, when necessary, by adoption of a resolution rescheduling the meeting or hearing.

SECTION 9. Location. All public meetings, unless noticed, shall be held in the Board's Hearing Room at the County Administration Building, and any alternate location shall be specified in the notice for the meeting.

SECTION 10. Quorum. A majority of Members elected to the Board of County Commissioners shall constitute a quorum for the transaction of business as required by law, unless otherwise provided by state statute or Home Rule Charter. In the absence of a quorum, those Members in attendance shall recess or adjourn until such time as a quorum may be available for the transaction of business.

SECTION 11. Public Accessibility. The meetings of the Board of County Commissioners, in any capacity, shall at all times comply with the accessibility requirements provided under the open records and open meetings laws of Kansas, and records of all proceedings of the Board of County Commissioners, in any capacity, shall be permanently maintained by and made available through the Clerk in accordance with the law.

SECTION 12. Public Participation. All persons who act in an orderly manner may attend and observe any meeting of the Board of County Commissioners, except those which are closed according to law, and specific time shall be set aside during every regular business meeting to receive public comment concerning business of the County Government; provided, that such

attendance shall in no way interfere with or impede the conduct of the meeting. In the event of a disturbance or conduct that is disruptive to the proceedings, the room may be cleared of any person(s) by the Chairperson. Members of the public shall not: make remarks which are personally offensive, impertinent, profane, or slanderous; campaign for or against a public office; promote private business interests or ventures; or use offensive or indecorous language which insults or demeans any person. Further, members of the public shall not be permitted to have placards, banners, or signs within the chambers of the Board of County Commissioners; provided, that exhibits, displays, and visual aids used in connection with presentations on official items before the governing body may be permitted.

*See KSA 19-218*

*See KSA 75-4317, et. seq.*

SECTION 13. Media. All public meetings shall be made accessible to representatives of the news media, freely subject to recording by radio, television and photographic services, provided such arrangements do not interfere with the orderly conduct of business at such meetings.

*See KSA 75-4318(e)*

## V

### ORDER OF BUSINESS

SECTION 1. Order of Business. The following order of business shall be followed at all regular meetings:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Invocation
- Correspondence and Organization Business
- Public Comment
- Consent Agenda
- Items of Business
- Staff Reports
- Commissioner Comments and/or Reports
- Adjournment

SECTION 2. Call to Order. The Chairperson shall open each regular meeting at the appointed hour and, as the first item of business, shall direct the Clerk to call the roll, thereby proving the presence of a quorum, as required by law for the transaction of business. The Chairperson shall lead the recitation of the Pledge of Allegiance to the Flag of the United States of America. The Chairperson may invite or designate others to perform this duty. Thereafter, other ceremonies of a similar official nature may be held at the opening of any properly convened meeting including an invocation or a moment of silence. In addition, this time may be used to present awards, proclamations, or other honors by the Board of County Commissioners or to receive remarks by distinguished guests. Presentations shall be approved by the Chairperson. This shall be followed by the Pledge of Allegiance led by the Chairperson and an Invocation led by a member of the local clergy or in their absence a moment of silence.

SECTION 3. Correspondence and Organizational Business. This time shall be set aside at every regular meeting to allow the Commission and County Administrator to communicate about correspondence not on the regular agenda and items of routine business not on the regular agenda that relate to the business of County Government.

SECTION 4. Public Comments. This time shall be set aside at every regular meeting to allow the public to address the Board of County Commissioners on matters that are not listed on the printed agenda, but which relate to the business of County Government. All speakers shall identify themselves for the record by providing the following: name; address and organization or affiliation, if appropriate; interest, or subject matter of concern; and the name(s) of those he or she may represent, and capacity, as appropriate. This information shall be provided by all speakers granted the privilege of the floor at any meeting. Each speaker shall be limited to five minutes in order to ensure that everyone that wishes to address the commission is afforded the time to do so.

SECTION 5. Consent Agenda. Items that are determined to be routine and non-controversial may be placed on a separate docket called the consent agenda, which is taken up and acted upon, collectively, under a single (omnibus) motion. The Chairperson and County Administrator may prepare a proposed consent agenda for consideration by the Board of County Commissioners. Any

item(s) shall be removed and placed on the action agenda by the Chairperson for further consideration at the request of any Member of the Commission.

SECTION 6. Items of Business. All other items on the agenda requiring formal action shall be considered as part of the action agenda, and each item shall be considered and acted upon separately.

A. Ordinarily, no person other than the applicant or proponent of an agenda item will be permitted to address any item before the Board of County Commissioners on a Item of Business and shall limit their comments to no more than five minutes; provided, that the Chairperson shall have the discretion to determine the amount of time allotted to each speaker.

SECTION 7. Staff Reports and Commission Comments and/or Reports. This time is set aside for reports or formal communications from the Chairperson, the County Administrator, the County Counselor, or other staff which pertain to the business and operation of the County Government. When written reports or communications are presented, they shall be filed for record with the Clerk. Commission Comments is time set aside to allow Members to comment on matters related to the business and operation of the County Government.

SECTION 8. Executive Session (if necessary). An executive session may only be called from an open meeting and the time and purpose of the executive session must be included in the motion and recorded in the Minutes. An executive session may be called at any point during a regular meeting of the Commission to accommodate the needs of the Board.

*See KSA 75-4319*

SECTION 9. Adjournment. The Chairperson shall adjourn all meetings at the close of scheduled business unless a Member timely objects to the adjournment and proposes proper consideration of additional business. In that event, the meeting shall adjourn upon the passage of a motion carried by majority vote.

## VI MOTIONS & PROCEDURE

SECTION 1. Motions. Unless operating under procedures set forth in *Robert's Rules of Order* (10<sup>th</sup> Edition), all motions shall be open to debate without restriction, shall be seconded (except as provided herein), and shall be limited to the following:

A. MAIN MOTION: The original proposition submitted for consideration by the Board of County Commissioners.

(1) Any Member, having properly obtained the floor, may introduce a motion using the phrase: "I move that the Board... [*with the language of the proposal included*]."

(2) Every motion requires a second, or the motion fails for lack of a second.

(3) Any motion properly moved and seconded shall be propounded—stated formally—by the Chairperson, after which the question shall be in the possession of the Board of County Commissioners.

(4) A motion may be withdrawn by the Member, but only before it has been propounded by the Chairperson; otherwise, only with the consent, or by motion, of the Board of County Commissioners.

(5) Types of Main Motions.

(a) Approve: Official action to sanction or endorse a proposal that is properly in the possession of the Board of County Commissioners.

(b) Approve and Adopt: The preferred motion for positive enactment of a resolution, indicating that the form of the resolution is approved and the proposition it contains adopted by the Board of County Commissioners.

(c) Authorize: The form of the motion to empower an action or to empower a person to act on behalf of the Board of County Commissioners or the Franklin County Government in a specific manner.

(d) Deny: Official action to reject a proposal properly in the possession of the Board of County Commissioners.

(e) Rescind/Repeal: Official action to nullify previous action taken by the Board of County Commissioners, which may be accomplished by a simple majority vote in the absence of a higher requirement under the law.

B. AMEND: A subsidiary motion seeking to improve or clarify the intent or substance of a pending motion, either by:

(1) Addition: Amending through the addition of specific words, phrases, or sentences to perfect the intent or meaning of the pending main motion.

(2) Deletion: Amending through the striking of specific words, phrases, or sentences to perfect the intent or meaning of the pending main motion.

(3) Substitution: Amending by substitution of provisions, sections, or the entire language of the original motion and providing in lieu thereof new provisions, sections, or language; substantially, offering a new motion germane to the subject of the original main motion properly in possession of the Board of County Commissioners.

(4) Friendly Amendment: An amendment offered to a pending main motion properly in possession of the Board of County Commissioners which, if accepted by the movant and the seconder of the original main motion, is accepted without a separate vote.

(5) An amendment must be germane to the question under consideration; but amendments in the third degree are not in order.

C. DEFER: A motion postponing consideration of a measure where there has been no prior debate or discussion, typically to a date or time certain.

D. CONTINUE: A motion postponing consideration of a measure where there has been initial debate or discussion, typically to a date certain.

E. TABLE: A motion postponing consideration of a measure indefinitely, to be taken up again at any future meeting by a simple majority vote. A tabled measure remains with the Clerk until called up again by the Board of County Commissioners, at which time the measure shall be in the same condition as when originally tabled, including the original main motion and all subsequent actions adhering to it.

F. REMAND: A specialized motion specific to land use, planning and zoning, and development applications whereby an item under consideration is returned for further review and consideration either by the Planning Commission. Any item may be remanded more than once. Although items may be remanded by motion, it is preferable to remand items by the adoption of a directive outlining the specific points to be considered or reconsidered at the request of the Board of County Commissioners.

G. POINT OF ORDER: If a Member notices a breach of order or questions a procedure or rule, the Member may call for a point of order. A point of order does not require a second. It is the duty of the Chairperson to immediately take up the point of order and render a decision thereon. The Chairperson may seek advice from counsel or other Members, and if no decision or ruling is apparent, then the Chairperson may present the point to the Board for a vote.

SECTION 2. Acceptance of Motions. It shall be the duty of the Chairperson to accept or to entertain any proper motion whenever it is in order. A motion is in order when it is presented at an appropriate time, violates no rule, and is not clearly for the purpose of delaying or obstructing business. When a motion appears to the Chairperson not to be in correct form or contrary to the rules or practice of the Board, the Chairperson may state that fact and may suggest the proper form of the proposal to the movant. When it is possible to state the motion in proper form, the Chairperson may do so rather than in the form and language of the movant. In a case where there could be any question as to whether the Chairperson is inaccurately stating the proposal or question before the Board, the Chairperson shall inquire of the movant whether the statement is correct before finally entertaining and proceeding with the motion.

SECTION 3. Debate.

A. Members shall first request to be recognized by the Chairperson before offering any motion or speaking in debate. In the event two or more Members request recognition at the same time, then the Chairperson shall name which Member is entitled to the floor first.

B. A Member, having obtained the floor, shall not be interrupted for any reason, unless he or she is called to order, or if a point of order or inquiry is raised.

C. The Member introducing a motion shall be given the courtesy of being the first to speak to it, if he or she desires to do so, and also shall have the privilege of closing debate on the same measure.

D. Members shall confine their comments in debate to the subject matter; shall not engage in personalities; shall refrain from any disruption to the orderly conduct of business; and shall limit their remarks so as not to exceed five minutes in any given time.

E. Debate shall be unlimited, unless restricted by a prior motion, subject to these rules; provided, no Member shall use debate to prolong debate unnecessarily or to introduce dilatory motions, and the Chairperson shall be empowered to restrict debate, subject to an appeal, in order to focus the discussion to matters properly before the Board of County Commissioners.

SECTION 4. Voting. Voting shall be by the following methods. Balloting or secret votes shall never be in order.

A. Voice Vote: Unless directed by order of the Board of County Commissioners or by these rules, all votes shall be viva voce (by voice), and the Chairperson shall announce the result of each vote, as either *Passed* or *Failed*, which shall be recorded in the Journal.

B. Roll Call: On the final passage of each resolution; on the adoption or amendment of the budget and capital improvement plans; on the adoption of a consent agenda; on the expenditure of monies; and on all matters under reconsideration, the vote shall be taken by roll call with the names of the Members voting in the affirmative and those voting in the negative entered upon the Journal. A roll call may also be taken by request of any Member on any matter. Whenever a vote is taken by roll call, the Clerk shall call the roll of Members by district number with the Chairperson called last.

C. Show of Hands: The Chairperson may call for a show of hands to ascertain the result of a vote when necessary.

D. Before the result of any vote is conclusively stated by the Chairperson, any Member may change his or her vote, but not thereafter.

E. A tie vote results in no action being taken, the motion is lost, and it is immediately in order for a new motion to be introduced.

F. Abstention:

(1) If a Member abstains from a vote, he or she shall provide a brief statement as to the reason for the abstention, which shall be recorded in the Journal.

(2) In abstaining, the Member shall still be counted present for purposes of a quorum, unless that Member leaves the meeting, but shall not be deemed to have participated or voted in any action by the Board of County Commissioners.

(3) A Member prevented from voting on any measure due to a conflict, as provided by law, shall state the purpose for their abstention and it shall be recorded in the Journal; shall leave the chamber and shall not partake in any proceeding pertaining to the measure; and shall not be counted for purposes of a quorum.

G. There shall be no voting by proxy on any question; only those Members in attendance shall be allowed to vote.

SECTION 5. Reconsideration. The Board of County Commissioners may reconsider a previous action any time during the same meeting when that action was taken, but not otherwise. A motion to reconsider requires a 2/3 affirmative majority vote to consider recalling the previous action, and the motion for reconsideration can only be made by a Member who had voted on the prevailing side of the original motion. If passed, the previous action is brought again before the Board of County Commissioners in the same form as when it was adopted.

SECTION 6. Statement for the Record. A Member may be granted the privilege of filing a statement for the record with the consent of the Board of County Commissioners; provided, that any Member granted such privilege shall submit his or her statement in writing to the Clerk by close of business (5:00 p.m.) on the same day the vote is cast, or within one hour of adjournment of that meeting, whichever is later, in order to be accepted for recordation. A Member who will not be present for a vote may submit a written statement to the Clerk to be read into the record of the meeting from which he or she will be absent.

## VII STUDY SESSIONS

SECTION 1. Convening. The Board of County Commissioners may convene in study sessions for the purpose of discussing County business. These meetings will be held per the schedule established by the Commission in January of each year or as scheduled by the Commission throughout the course of the year providing that the Commission provides proper public notice.

SECTION 2. Proceedings. All proceedings of Commission shall be conducted as proper meetings, open to the public, with adequate legal notice. A quorum of the Committee, consisting of three Members, is necessary for the Commission to meet to discuss any County business.

SECTION 3. Purpose and Business. The purpose of Study Sessions are to conduct issue analysis and study, to review and develop policy positions, to discuss optional courses of action, to develop plans and reports, and to receive presentations from staff or from invitees at the request of the Committee.

SECTION 4. Public Participation. All meetings of the Committee of the Whole shall be open to the public and a record of its proceedings, for informational purposes only, shall be kept for each meeting. The public shall not be permitted to participate nor offer comments or presentations as part of any proceedings of the ordinary meetings of the Committee.

SECTION 5. Actions and Decisions.

A. The Commission may not take any formal action during a Study Session and may make no motions or take any binding actions.

## VIII COMMITTEES

SECTION 1. General purpose. The Board of County Commissioners may establish, by resolution or by motion, special committees, task forces, workgroups, etc., composed of its own Membership from time to time to assist it in the performance of its official duties and functions. Each such committee that is established shall have a defined purpose and shall undertake only the work assigned to it or which is relevant to its purpose. Projects or activities beyond the expressed purpose must be previously approved by the Board of County Commissioners, as must all expenditures and any question or interpretation of policy. The Board of County Commissioners may adopt criteria for membership on its committees and may further adopt reasonable methods for the selection of members. All committee members are expected to adhere to the policies and procedures enacted by the Board of County Commissioners, including the Franklin County Code of Ethics.

SECTION 2. Operation of Committees.

A. All special committees that are established by the Board of County Commissioners shall at all times comply with requirements of the open meetings and open records laws of Kansas as well as rules established by the Board of County Commissioners, which shall be observed in the operation of all committees created under its authority.

## IX AGENDAS

SECTION 1. Meeting Agenda. The Chairperson shall direct the preparation of an agenda for each meeting in consultation with the County Administrator, which shall outline all matters to be introduced, considered, or acted upon. The description of each

matter contained on the agenda shall be sufficient to permit the general public to determine the nature or subject of each item. Agenda items may be submitted by any Member, the County Administrator or County Counselor, or by the agencies or departments of the County Government through the Office of the County Administrator.

#### SECTION 2. Preparation and Schedule.

- A. The County Administrator shall ensure that all agenda items are prepared in accordance with standardized forms and submission schedules approved by the Chairperson.
- B. The County Administrator shall be responsible for ensuring adequate administrative, legal, and financial reviews of all items and such further action as may be necessary so that all items included on the agenda are sufficiently ready for presentation. The County Administrator, or his/her designee, shall consult with and advise staff on the preparation of briefing materials and other supporting documentation. Except for items submitted directly by the Chairperson or a Member, every item submitted for a meeting agenda shall be subject to the review and approval of the County Administrator.
- C. The County Administrator may designate a proposed Consent Agenda and shall coordinate with the Chairperson and assure full communication with respect to all agenda matters.
- D. The Chairperson may authorize the addition of items submitted outside the approved agenda schedule, but shall notify, or shall cause notification to be made to, all Members in writing at least 24 hours in advance of the meeting; otherwise, a majority vote to suspend the rules shall be required to accept any late additions based on necessity and importance.
- E. Any item(s) not specifically listed on the agenda may be taken up and acted upon by a simple majority vote if it is determined such action is a priority affecting the effective operation of Franklin County Government.

SECTION 3. Publication. The County Administrator shall coordinate the preparation of each agenda under direction of the Chairperson, and shall ensure each item is presented under the appropriate order of business, according to these rules.

### X STAFF

SECTION 1. Staff Attendance. The following staff shall attend the sessions and meetings conducted by the Board of County Commissioners, except when excused, to render support and assistance in the conduct of business:

- A. The County Administrator, or his/her designee: shall have a seat, but no vote, at all meetings, unless excused; shall provide advice on the financial condition, operation, and needs of the County Government; shall recommend and present policy proposals; and shall perform such other service as may be required.
- B. The County Counselor, or his/her designee: shall have a seat, but no vote, at all meetings, unless excused; shall provide, upon request or when necessary, legal advice or opinions on all questions of law or procedure; and shall perform such other service as may be required.
- C. The Clerk of the Board, or designee: shall attend all meetings and record the proceedings thereof; shall read or present papers, reports, motions, and other matters under the correct order of business as directed by the Chairperson; shall certify to the passage of acts, orders, and judgments made by authority of the Board of County Commissioners; shall keep and preserve the records and files belonging to the Board of County Commissioners and its committees; and shall perform such other service as may be required.
- D. When deemed necessary by the Board of County Commissioners or the County Administrator, the head or director of any agency or department of the County Government may be requested to attend any meeting to confer and advise upon matters with respect to the functions, services, and the general operation of the agency or department under his or her leadership.

SECTION 2. Inquiry. Members shall not interfere in administration, which is prohibited under the Home Rule Charter, but shall restrict inquiries through the County Administrator related to the operations of County Government. Members may confer in person with the County Administrator, or his/her designee, on such inquiries, or may submit a written inquiry. A written inquiry

is the preferred method, since the request can then be tracked and accountability can be ensured. The Clerk shall provide forms for the use of Members in making such inquiries and coordinate the inquiry process.

SECTION 3. Notification of Significant Activities or Events. The Board of County Commissioners shall expect the County Administrator to notify them, and provide periodic updates, regarding significant activities or events in the community involving actual or potential injury or damage to persons or property or situations which impact the service or operations of the County Government or which affect the citizens of Franklin County.

**FRANKLIN COUNTY  
COMMISSION AGENDA ITEM**

<b>TO:</b> BOARD OF FRANKLIN COUNTY COMMISSIONERS	<b>Reviewed:</b>
<b>FROM:</b> Lisa Johnson	<b>Ext:</b> 3485
<b>DEPARTMENT:</b> Administration	
<b>DATE:</b> Wednesday, February 06, 2008	<b>No:</b>

**ITEM: Discussion regarding Franklin County policy for upgrading minimum maintenance roads.**

Background: Resolution 05-81, adopted on August 8, 2005, established a policy for minimum maintenance roads in Franklin County, Kansas. Pursuant to this policy, a landowner wishing to upgrade a minimum maintenance road is required to pay all costs of the upgrade which include right of way acquisition, engineering and construction. Further, the upgrade must be designed by an engineer licenced in Kansas and must meet all county specifications. The work must be performed by a bonded and insured contractor and if the owner wishes the County to build the road the County shall estimate the costs of the upgrade and the money for this estimate shall be made available for the County to draw against. The policy fails to define what costs should specifically be included as part of the construction, how much specificity is required in the cost estimation, or what should be included in the estimate provided to the landowner. This, along with disagreement amongst the Commission in regard to the policy, have created confusion and difficulty for staff in applying the policy. Per the Commission's request we have contacted Douglas, Osage, Anderson, Miami and Lyon County regarding their policy for minimum maintenance roads. A memorandum from Mr. Haag is attached outlining the information that he received from these counties.

Recommended Action: Define Commission's expectations regarding implementation of the policy contained in 05-81.

Attachments: Memorandum from Mr. Haag

**FRANKLIN COUNTY PUBLIC WORKS**

**James M. Haag, Jr., Director**

**1428 S. MAIN, Suite 4**

**OTTAWA, KS 66067-3547**

**(785) 229-3550**

**FAX (785) 229-3504**

**BOARD OF COMMISSIONERS**

Roy C. Dunn, Chairman

John E. Taylor, Member

Donald R. Stottlemire, Member

Donald C. Hay, Member

Karen S. Farrell, Member

February 6, 2008

TO: Lisa Johnson  
Interim County Administrator

FROM: James M. Haag Jr. P.E. *JMH*  
Public Works Director

RE: Minimum Maintenance Roads

Douglas County and Osage County do not have minimum maintenance roads under their jurisdiction. Townships are responsible for local roads.

Anderson County has dirt roads, rock roads, and chip and seal roads. A new home on a dirt road may receive rock to driveway. The decision is on a case by case basis.

Miami County has not returned my call.

Lyon County may provide rock to the driveway on a case by case basis. The decision is by the Board with recommendations from County Engineer. Once rocked it maintained as a rock minimum maintenance road.