MINUTES OF THE REGULAR BOCC MEETING OF THURSDAY, SEPTEMBER 5, 2024

CALL TO ORDER AND OPENING CEREMONIES

A regular meeting of the Board of County Commissioners of Johnson County, Kansas, was convened at 9:33 a.m. on Thursday, September 5, 2024, and was called to order by Chairman Mike Kelly. The roll being called, it was found the following Members were present and participating; to-wit:

1st District Commissioner:	**Becky Fast**	**Present**
2nd District Commissioner:	**Jeff Meyers**	**Present**
3rd District Commissioner:	**Charlotte O'Hara**	**Present**
4th District Commissioner:	**Janee Hanzlick**	**Present**
5th District Commissioner:	**Michael Ashcraft**	**Present**
6th District Commissioner:	**Shirley Allenbrand**	**Present**
Chairman:	**Mike Kelly**	**Present**

Also in attendance were County Manager Penny Postoak Ferguson and Chief Counsel Peg Trent. Serving as Deputy County Clerk, Lynda Sader.

- Pledge of Allegiance

The Chair led the Board and its assembled guests in reciting the Pledge of Allegiance to the Flag of the United States of America.

- Leading the Way Award

Chair Kelly, on behalf of the Board, accepted the award from Chris Tatham, ETC Institute.

PUBLIC COMMENTS

The Chair, on behalf of the Board, opened the public comment portion of the meeting. Thereupon, the courtesy of the floor was extended to:

Cassie Woolworth, 306 N Pinon St, Olathe; and Ben Hobert, 2208 W. 49th Street, Westwood Hills, who spoke on matters unrelated to that days agenda.

The Chair called for further comments from the public and, hearing none, closed the public comment portion of the meeting.

NOTES FOR THE RECORD

There were no notes for the record.

BUSINESS SESSION

CONSENT AGENDA

The Chair laid before the Board the following consent agenda; to-wit:

1. Consider Approving the August 15, 2024, business session minutes.

2. Consider approving the reappointment of Gregory T Wolf – First District Representative to the Planning Commission through July 31, 2027.

3. Consider approving the reappointment of Stephen Bradley Miller – Third District Representative to the Planning Commission through July 31, 2027.

4. Consider approving the reappointment of Joshua Thede - First District Representative to the Transportation Council through August 31, 2027.

5. Consider Ratifying the reappointment of Jarrod Ousley – Chairman representative to the Commission on Aging through August 31, 2027.

6. Consider acceptance of the Mobile Crisis Response Expansion and Development Grant in the amount of $676,532 and authorize the Mental Health Department to add 3.0 FTEs to the Mobile Crisis Response Team (MCRT) and authorize the reallocation and expenditure of Mental Health fund balance (reserves) for FY 2024 in the amount of $120,000 and for FY 2025 in the amount of $267,000.

7. Consider approving a memorandum of understanding with the City of Overland Park, Kansas to serve individuals with behavioral health needs at the Overland Park Municipal Court for an initial term ending December 31, 2024 with four (4) one-year (1) renewals and authorize the Mental Health Department to add 1.0 FTE Clinician to serve as a Behavioral Health Specialist and authorize the reallocation and expenditure of fund balance (reserves) for FY 2024 in the amount of $55,000 and for FY 2025 in the amount of $120,000.

Commissioner Meyers moved to *Approve* the consent agenda, as presented. Commissioner Allenbrand seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Ashcraft, Allenbrand, Kelly (7)
NOES: (0)
ABSTAIN: (0)

Therefore, the motion *Passed* [7-0].

ACTION AGENDA

8. Resolution No. 068-24. Application No. E 24-400-CUP (AU). Consider a request from Phelps Engineering, Inc, applicant, and ESS Properties, LLC, landowner, for revision of a conditional use permit to allow a shop addition and a new vehicle and equipment washout building in addition to an existing contractor office, shop, outdoor storage yard and storage building, on 15.74 acres, on property zoned PEC3, Planned Light Industrial Park District, located at 20750 Foster Court.

Commissioner O'Hara moved to *Approve and Adopt* Resolution No. 068-24, thereby approving a revision to a Conditional Use Permit for a contractor office, shop, and outdoor storage yard to allow an addition to the existing shop and the construction of a new vehicle and equipment wash building, for the reasons and subject to the stipulations set forth within the resolution. Commissioner Hanzlick seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Ashcraft, Allenbrand, Kelly (7)
NOES: (0)
ABSTAIN: (0)

Therefore, the motion *Passed* [7-0].

9. Resolution No. 048-24. Hold a public hearing and consider the approval of the 2024 Johnson County Solid Waste Management Plan (SWMP).

The Chair opened the public hearing.

Ben Hobert, 2208 W. 49th Street, Westwood Hills; constituent, spoke to this item.

The Chair called for further comments and, hearing none, closed the public hearing.

Commissioner Allenbrand moved to *Approve and Adopt* Resolution No. 048-24, thereby approving the 2024 Johnson County Solid Waste Management Plan. Commissioner Meyers seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Allenbrand, Kelly (6)
NOES: Ashcraft (1)
ABSTAIN: (0)

Therefore, the motion *Passed* [6-1].

10. Resolution No. 067-24. Hold a public hearing for the purpose of receiving public comment and testimony on the proposed amendment to the Fiscal Year (FY) 2024 Budget and consider adopting Resolution No. 067-24 amending the FY 2024 budget for the Transportation Fund, including increased appropriations for the Transportation Fund in the amount of $9,991,140.

The Chair opened the public hearing.

Debbie Detmer, 10816 W 64 Terrace, Shawnee; Dawn Kamensek, 10834 W 116th Terrace, Overland Park; Jonathon Evans, 10834 W 116th Terrace, Overland Park; and Jeff Harkness, Overland Park; constituents, spoke to this item.

The Chair called for further comments and, hearing none, closed the public hearing.

Commissioner Hanzlick moved to *Approve and Adopt* Resolution No. 067-24, thereby approving the amendment to the FY 2024 Budget, including increased appropriations for the Transportation Fund in the amount of $9,991,140. Commissioner Allenbrand seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, Hanzlick, Ashcraft, Allenbrand, Kelly (6)
NOES: O'Hara (1)
ABSTAIN: (0)

Therefore, the motion *Passed* [6-1].

[The *Chair stated that the Board would deviate from its established Order of Business to take up the requested Executive Sessions.*]

EXECUTIVE SESSION

Commissioner Meyers moved to *Recess* its open meeting and convene in executive session at 10:50 a.m. for ten (10) minutes, as permitted under K.S.A. 75-4319(b)(2). The purpose of this executive session is to consult with the Board's legal counsel regarding an agreement involving the Sheriff's Office. The Board will reconvene in an open session in this room at 11:00 a.m. The County Manager, Deputy County Manager, and Chief Counsel will attend the discussion about the Sheriff's Office agreement. Commissioner Allenbrand seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Ashcraft, Allenbrand, Kelly (7)
NOES: (0)
ABSTAIN: (0)

Therefore, the motion *Passed* [7-0].

RECESS

The Board, at 10:44 a.m. recessed.

The Board met in executive session with the following Members present and participating to wit: Chair Mike Kelly and Commissioners, Becky Fast, Jeff Meyers, Charlotte O'Hara, Janeé Hanzlick, Michael Ashcraft and Shirley Allenbrand.

RECONVENE

The Board, at 11:00 a.m. reconvened in open session and the Chair announced no action was taken as a result of the executive session.

Commissioner Meyers moved to *Recess* its open meeting and convene in executive session at 11:03 a.m. for twenty (20) minutes, as permitted under K.S.A. 75-4319(b)(2). The purpose of this executive session is to consult with the Board's legal counsel regarding a real estate purchase agreement involving the County. The Board will reconvene in an open session in this room at 11:23 a.m. The County Manager, Deputy County Manager, Joe Connor, Assistant County Manager, and Chief Counsel will attend the discussion about the County's real estate purchase agreement. Commissioner Allenbrand seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Ashcraft, Allenbrand, Kelly (7)
NOES: (0)
ABSTAIN: (0)

Therefore, the motion *Passed* [7-0].

RECESS

The Board, at 11:01 a.m. recessed.

The Board met in executive session with the following Members present and participating to wit: Chair Mike Kelly and Commissioners, Becky Fast, Jeff Meyers, Charlotte O'Hara, Janeé Hanzlick, Michael Ashcraft and Shirley Allenbrand.

RECONVENE

The Board, at 11:23 a.m., reconvened in open session.

Commissioner Meyers moved to *Approve* the Fourth Amendment to the real estate purchase agreement with MAA Krupa Lenexa LLC, dated December 14, 2023 and authorize the Chair to sign the amendment. Commissioner Hanzlick seconded the motion.

The roll being called, the result was as follows:

AYES: Fast, Meyers, O'Hara, Hanzlick, Ashcraft, Allenbrand, Kelly (7)
NOES: (0)
ABSTAIN: (0)

Therefore, the motion *Passed* [7-0].

[The *Chair stated that the Board would deviate from its established Order of Business to take up the item 12.a Other Reports, Performance Audit.*]

12. Other Reports

a. Performance Audit: Procurement Thresholds

RECESS

The Board, at 11:31 a.m. recessed.

RECONVENE

The Board, at 12:33 p.m., reconvened in open session.

[Clerk's Note: Commissioner Fast and Commissioner Ashcraft are absent at this time.]

[The Board Returned to the Performance Audit report and discussion.]

[*Thereupon, the Chair returned to the established order of business on the printed agenda of the 11. a.-d. Management Reports.]*

REPORTS AND COMMUNICATIONS

11. Management Reports

a. Manager's Memo

Received and Filed.

b. NACO Achievement Awards

Received and Filed.

[Clerk's Note: Commissioner Ashcraft returned to the Dais.]

c. Sparks Pilot Program

Received and Filed.

[Clerk's Note: Commissioner Fast returned to the Dais.]

d. Live Well Age Well Event

Received and Filed.

12. Other Reports

a. Performance Audit: Procurement Thresholds

Received and Filed.

[Note 12.a. was taken up earlier in the agenda order.]

COMMISSION COMMENTS

Commissioner Hanzlick mentioned that the Annual Fundraising event for the Friends of Johnson County Mental Health would be that night and yesterday, she attended the World Cup Round Table hosted by Representative Sharice Davids, along with the Chair and Commissioner Meyers.

Commissioner O'Hara provided the Board with an article from WSJ on EV vehicles. She attended the Juvenile Detention Center bible study and noted the Old Settler's opening and the dedication of the time capsule along with former Commissioners.

Commissioner Ashcraft noted September is Deaf Awareness Month and noted his motion on the TIF will be brought forward next week.

Commissioner Meyers noted the World Cup Round Table and noted Congressman Cleaver also attended and attended the DEI Committee last night.

Chair Kelly noted that many proclamations are being presented at individual events, and he noted "Diaper Needs Awareness Week" was proclaimed as September 23-29. He made comments of mass shootings and that we must do something.

EXECUTIVE SESSION

[This item was taken up directly after the Action items.]

ADJOURNMENT

Thereupon, with no further business to come before the Board of County Commissioners, the Chairman, at 1:32 p.m. declared the meeting to be *Adjourned*.

The Board stood in adjournment until September 12, 2024.

PREPARED BY Lynda Sader

***

The journal entry for Thursday, September 5, 2024, as recited above, having been read and considered by the Board of County Commissioners, and having been found to be correct as written, was approved on this the third day of October 2024.

COUNTY OF JOHNSON
SEAL OF THE BOARD OF COMMISSIONERS
INC. 1855
STATE OF KANSAS

BOARD OF COUNTY COMMISSIONERS
JOHNSON COUNTY, KANSAS

MIKE KELLY, *Chairman*

ATTEST:

LYNDA SADER, *Deputy County Clerk*

Approved 7-0

FILED
OCT 03 2024
DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

RESOLUTION No: 067-24

RESOLUTION TO
AMEND THE 2024 BUDGET

*****

At a regular meeting of the Board of County Commissioners conducted Thursday, September 5, 2024, there came before the Board for consideration the amendment of the FY 2024 annual budget of the County (Countywide Taxing District) by increasing the expenditure authority for the Transportation Fund.

The Board, upon a motion duly made, seconded and carried, adopted Resolution No. 067-24, to-wit:

*****

WHEREAS, pursuant to K.S.A. 79-2929a the Board of County Commissioners may amend the adopted budget, during the current fiscal year, to provide for the expenditure of previously unbudgeted increases in revenue other than ad valorem property taxes, and, as amended, such budget constitutes an appropriation and authorization for the purposes of the County, and

WHEREAS, the Board of County Commissioners has fully complied with all requirements of said Statute with respect to amending this budget, official publication and the holding of a public hearing thereon, and

WHEREAS, the Board of County Commissioners has concluded that the budget should be amended to appropriate additional revenues, not derived from ad valorem taxes, for the Transportation Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas that the FY 2024 annual budget of the County (Countywide Taxing District) be and hereby is amended for the Transportation Fund in the amount of $9,607,026, and that the amended budget for this fund shall be and is hereby adopted in the form and in the amount shown for the expenditures and the taxes to be levied in the attached CERTIFICATE (Attachment 1).

ADOPTED THIS 5th DAY OF SEPTEMBER, 2024.

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

Mike Kelly, *Chairman*

ATTEST:

Lynda Sader, *Deputy County Clerk*

APPROVED AS TO FORM:

PEG TRENT, *Chief Counsel*

Approved 6-1 (CO)

FILED

SEP 05 2024

DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

240905-009B

ATTACHMENT I
STATE OF KANSAS
City/County
2024

CERTIFICATE

TO THE CLERK OF JOHNSON COUNTY, STATE OF KANSAS
We, the undersigned officers of
Johnson County, Kansas

certify that: (1) the hearing mentioned in the attached publication was held; (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 2024; and (3) the amount(s) of 2023 Ad Valorem Tax are within statutory limitations.

			AMENDED 2024 Adopted Budget		
Table of Contents:		Page No.	Budget Authority for Expenditures	Amount of 2023 Ad Valorem Tax	County Clerk's Use Only
Allocation of MVT, RVT & 16/20M Veh		2			
Schedule of Transfers		3			
Statement of Indebtedness		4			
Statement of Conditional Lease, etc.		5			
Fund	K.S.A.				
General	79-1946	6	770,949,877	182,560,226	
Public Works	68-5,101	7	35,764,837	17,968,936	
Stormwater Fund	19-3311	8	30,196,523	0	
Transportation Fund	75-5051	9	38,095,241	0	
Developer Fees	19-2956	10	271,737	0	
County Building Fund	19-15,116	11	1,896,501	1,620,802	
Sheriff Forfeited Property	60-4117	12	2,064,156	0	
Special Liability/Risk Management	75-6110	13	9,346,876	0	
Stream Maintenance	82a-308	14	14,480	0	
911 Fund	12-5363	15	12,174,891	0	
State Alcohol & Drug Programs	65-4060	16	387,856	0	
Prosecuting Attorney	28-170	17	77,663	0	
Developmental Supports	19-4004	18	42,023,859	18,016,995	
Mental Health	19-4004	19	69,424,776	25,829,156	
Airport	3-307	20	16,768,880	0	
Public Health	65-204	21	34,560,381	14,845,523	
County Bond & Interest	10-113	22	2,594,694	1,738,413	
Controlled Substance	79-5202	23	96,043	0	
Weapons Licensure	75-7c01	24	273,979	0	
District Attorney Forfeited Property	60-4117	25	154,932	0	
Fleet Management Fund	19-2679	26	6,236,314	0	
Opioid Fund	75-777	27	6,000,000	0	
Workers' Compensation Self-Ins.	44-505B	28	0	0	
Register of Deeds Tech Fund	28-115a	29	0	0	
Public Building Commission	68-590	30	0	0	
Library Gift Fund 12-1226(b)	12-1225(h),12-1225a(a)	31	0	0	
Health Care Fund	19-212d	32	0	0	
Equipment Reserve Fund	19-119	33	0	0	
Capital Projects Fund	12-6a16	34	0	0	
County Clerk Technology Fund	28-180	35	0	0	
Treasurer Technology Fund	28-181	36	0	0	
Fleet Equipment Reserve Fund	19-2679	37	0	0	
TOTAL COUNTYWIDE			1,079,374,496	262,580,051	

ATTACHMENT I

Table of Contents:		Page No.	2024 Adopted Budget Expenditures	2024 Adopted Budget Amount of 2023 Ad Valorem Tax	County Clerk's Use Only
Fund	K.S.A.				
Park & Recreation:					
General	19-2876,19-2876c	38	60,746,034	38,111,301	
Employee Benefits	12-16,102	39	11,374,156	7,156,597	
Enterprise	19-2876,19-2876c	40	51,559,921	0	
Total Park & Recreation			123,680,111	45,267,898	
Library:					
General	12-1257	41	63,874,639	42,913,685	
Special Use Fund	12-1257/10-113	42	6,884,558	3,677,672	
Total Library			70,759,197	46,591,357	
Wastewater District:					
Operations & Maintenance	19-27a09	43	123,622,217	0	
Wastewater Sewer Repair and Construction Finance Plan	19-27a09	44	404,037,004	0	
Total Wastewater			527,659,221	0	
TOTALS			1,801,473,025	354,439,306	
Publication		45			
Final Assessed Valuation					

List any resolution or ordinance setting a fund levy limit:

State Use Only
Received _____
Reviewed by _____
Follow-up: Yes _____ No _____

Attest: 9-5-2024 2024

Deputy County Clerk

COUNTY OF JOHNSON BOARD OF COMMISSIONERS SEAL OF THE STATE OF KANSAS INC. 1855

Approved 6-1 (CO)

Governing Body

FILED

SEP 05 2024

DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

Adopted Budget Transportation Fund	Prior Year Actual 2022	Current Year Estimate 2023	Proposed Budget Year 2024
Unreserved Fund Balance, January 1	3,957,680	3,918,870	3,485,060
Reserved Fund Balance, January 1	398,467	38,810	433,810
Total Fund Balance, January 1	4,356,147	3,957,680	3,918,870
Receipts:			
Ad Valorem Tax	0	0	xxxxxxxxxxxxxxx
Delinquent Tax	0	0	0
Motor Vehicle Tax	0	0	0
Watercraft Tax	0	0	0
Recreational Vehicle Tax	0	0	0
16/20M Vehicle Tax	0	0	0
Commercial Vehicle Tax	0	0	0
Intergovernmental	6,970,569	10,617,091	23,712,016
Licenses & Permits	0	0	0
Charges for Service	246,945	1,091,983	1,118,823
Miscellaneous	4,395,172	254,040	256,121
Use of Assets	0	0	0
Interfund Transfers	6,992,026	7,194,530	7,613,376
Intrafund Transfers	531,646	890,683	1,476,035
Reimbursement From Other Funds	0	0	0
Unencumbered Balance Forward	0	0	0
Transfers From Capital Projects	0	0	0
Cancelled Encumbrances	0	xxxxxxxxxxxxx	xxxxxxxxxxxxxxx
Interest on Idle Funds	0	0	0
TOTAL RECEIPTS	19,136,358	20,048,327	34,176,371
RESOURCES AVAILABLE	23,492,505	24,006,007	38,095,241
Expenditures:			
Salaries & Employee Benefits	120,321	817,937	859,126
Contractual Services	13,895,036	12,305,052	15,315,575
Unclassified Contractual Services	0	0	3,485,060
Cost Allocation Charges	459,098	355,362	617,195
Risk Management Charges	36,623	37,772	36,124
Commodities	1,205,339	1,139,405	1,314,405
Capital Outlay	3,694,865	4,606,609	15,148,116
Intrafund Transfer	48,543	750,000	1,244,640
Transfer to Mental Health Fund	75,000	75,000	75,000
TOTAL EXPENDITURES	19,534,825	20,087,137	38,095,241
Unreserved Fund Balance, December 31	3,918,870	3,485,060	xxxxxxxxxxxxxxx
Reserved Fund Balance, December 31	38,810	433,810	xxxxxxxxxxxxxxx
		Non-Appropriated Balance	0
		Total Expenditures and Non-Appropriated Balance	38,095,241
		TAX REQUIRED	0
		Delinquency Computation	0
		Amount of 2023 Ad Valorem Tax	0