



## REGULAR SESSION

Ron Sellers  
District 1  
Member

Ron Hirst  
District 2  
Chair

Daniel P. Friesen  
District 3  
Vice-Chair

**Courthouse**  
206 W. 1st Avenue  
Hutchinson, KS 67501

### A G E N D A

**Reno County's Annex Conference Room,  
125 W. 1st Avenue, Hutchinson  
Tuesday, September 28, 2021, 9:00 AM**

- I. Call to Order**
- II. Pledge of Allegiance to the American Flag and Prayer**
- III. Welcome and Announcements by Commission Chair**
  - III.A Proclamation for National Recovery Month. Seth Dewey, Substance Misuse Health Educator, and Karla Nichols, Health Department Director, will be present to receive the proclamation.
- IV. Public Comment on Items not on the Agenda**

*Please come forward to the podium, state your name and address and limit your remarks to not more than 5 minutes per item.*
- V. Determine Additions or Revisions to the Agenda**
- VI. Consent Agenda**
  - VI.A Vouchers (bills or payments owed by the county or related taxing units).
  - VI.B Moratorium Resolution - Commercial Wind Energy Conversion Systems (CWECS)
- VII. Business Items**
  - VII.A District Attorney Annual Update
  - VII.B Commissioner Holiday 2022
- VIII. County Administrator Report**
- IX. County Commission Report/Comments**
- X. Adjournment**



## AGENDA ITEM

## **AGENDA ITEM #III.A**

**AGENDA DATE:** September 28, 2021

**PRESENTED BY:** Karla Nichols, Director of Public Health and Seth Dewey, Substance Misuse Health Educator for Reno County Health Department

**AGENDA TOPIC:**

Proclamation for National Recovery Month. Seth Dewey, Substance Misuse Health Educator, and Karla Nichols, Health Department Director, will be present to receive the proclamation.

**SUMMARY & BACKGROUND OF TOPIC:**

In support of the Reno Recovery Collaborative, as one of the local resources for recovery and resilience-based services, the Reno County Health Department is requesting the Board of County Commissioners to proclaim September as National Recovery month.

We ask for this to be officially recognized in Reno County since Reno County plays a part in peoples journey of recovery by showing support and understanding.

**ALL OPTIONS:**

1. Sign the attached Proclamation.
2. Not sign the attached Proclamation.

**RECOMMENDATION / REQUEST:**

Proclaim September 2021 as National Recovery Month.

**POLICY / FISCAL IMPACT:**

We ask for this to be officially recognized in Reno County since Reno County plays a part in peoples journey of recovery by showing support and understanding.

# PROCLAMATION

## NATIONAL RECOVERY MONTH SEPTEMBER 2021

**WHEREAS**, the misuse of alcohol and illicit substances costs our country hundreds of billions of dollars every year and we also see the devastating cost on quality of life and mortality that even rural America and Kansas is not immune to; and

**WHEREAS**, the impacts stretch from families to the workforce, from schools to the medical community and all feel the effects; and

**WHEREAS**, recovery is a process of change through which people improve their health and wellness, build resilience, live self-directed lives, and strive to reach their full potential by better managing health, home, purpose and community.

**FURTHERMORE**, the Reno Recovery Collaborative, is one of the local resources for recovery and resilience-based services; and

**FURTHERMORE**, that by building a durable network of community partners from the medical and behavioral health sector, social services, law enforcement, persons with lived experience, and Oxford Houses, the Reno Recovery Collaborative partners are poised to offer and refer families the means to build resilience, offsetting the effects of Acute Childhood Experiences (ACEs) and reducing the public cost of substance use disorder; and

**FURTHERMORE**, everyone in Reno County plays a part in a person's journey of recovery by showing support and understanding; and by being a part of the continual progressing cultural shift that Reno County has been leading the charge on and instilling in the hearts and minds of its children.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Board of County Commissioners of Reno County, Kansas, that September, 2021, shall be known as:

## National Recovery Month

**IN WITNESS THEREOF**, we have hereunto set our hands and caused the Seal of Reno County, Kansas to be affixed this 28<sup>th</sup> day of September, 2021.

### BOARD OF RENO COUNTY COMMISSIONERS

\_\_\_\_\_  
Ron Hirst, Chairperson

\_\_\_\_\_  
Daniel Friesen, Commissioner

\_\_\_\_\_  
Ron Sellers, Commissioner

ATTEST:

\_\_\_\_\_  
Donna Patton  
County Clerk



## AGENDA ITEM

## AGENDA ITEM #VI.B

**AGENDA DATE:** September 28, 2021

**PRESENTED BY:** Randy Partington, County Administration

**AGENDA TOPIC:**  
Moratorium Resolution - Commercial Wind Energy Conversion Systems (CWECS)

**SUMMARY & BACKGROUND OF TOPIC:**

The Commission voted on 9/14/2021 to place a moratorium to temporarily ban CWECS development in unincorporated areas of Reno County. Adopting this Resolution will put the ban into effect. The Resolution will be provided prior to the meeting, but was not available at time of agenda publication.

**ALL OPTIONS:**

Adopt Resolution

Send Resolution back to staff for amendments

**RECOMMENDATION / REQUEST:**

Approve the Resolution requested by the Commission on September 14, 2021.



**AGENDA ITEM**

**AGENDA  
ITEM #VII.A**

**AGENDA DATE:** September 28, 2021

**PRESENTED BY:** Thomas Stanton, District Attorney

**AGENDA TOPIC:**  
District Attorney Annual Update

**SUMMARY & BACKGROUND OF TOPIC:**  
Annual update

**ALL OPTIONS:**  
None

**RECOMMENDATION / REQUEST:**  
No action is requested

**POLICY / FISCAL IMPACT:**  
None

**DISTRICT ATTORNEY**  
Thomas R. Stanton

**SENIOR ASSISTANT  
DISTRICT ATTORNEYS**  
Andrew R. Davidson  
Kimberly A. Rodebaugh

**ASSISTANT DISTRICT ATTORNEYS**  
Natasha Esau  
Valerie D. Hansen  
Jennifer L. Harper  
Christopher A. Noone



TELEPHONE: (620) 694-2715  
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**Victim-Witness Service**  
(620) 694-2773

Investigator John R. Tracy  
(620) 694-2765

## Annual Commission Update

### **Background:**

I came to work in Reno County January 8, 2001, as Deputy District Attorney under Keith Schroeder. Mr. Schroeder announced his retirement from the position of District Attorney in December of 2019. I was appointed to the Office of District Attorney for Reno County in January of 2020, and I took office on June 1, 2020. I was elected to the office in November of 2020 and was sworn in for a four-year term on January 11, 2021.

The Reno County District Attorney's Office is responsible for legal services to the citizens of the County in several areas of the law. The Office prosecutes all felony crimes or violations of County resolutions committed in the County, as well as misdemeanor criminal offenses and traffic offenses investigated by the Reno County Sheriff's Office, the Kansas Highway Patrol, and the Kansas Bureau of Investigation. The Office does not prosecute violations of misdemeanors or traffic offenses subject to municipal jurisdiction and/or covered by municipal ordinances. The Office prosecutes all juvenile offender cases, cases involving children in need of care, and care and treatment cases submitted to the Office. The Office files and prosecutes forfeiture cases referred to us by law enforcement agencies, and the prosecutions of forfeiture cases are kept separate from the prosecution of any underlying criminal cases. While the Office does not represent individual citizens, it is the duty of the Reno County District Attorney's Office to zealously represent the interests of the people of Reno County in every case in which we are involved. Those duties include seeking justice in every case and ensuring the constitutional rights of all citizens are scrupulously protected.

Prosecutors in the office are involved in various prosecution related roles within the State of Kansas including the Continuing Legal Education and Legislative Committees of the Kansas County and District Attorneys Association (KCDA), the Kansas Alliance Drug Endangered Children (KADEC), the Kansas Prosecutors Foundation, the Reno County Stepping Up Coalition, the Reno County Sexual Assault Multidisciplinary Team, the Reno County SANR/SART Team and the Reno County Community Corrections Advisory Board. Members of the support staff represent the Office on the Reno County Benefits Committee and the Reno County Wellness Committee.

**Staff:**

When all staff positions are filled, the Reno District Attorney's Office employs a staff of 20 people. This number includes seven prosecutors, one investigator/coroner's assistant, one part-time assistant coroner, one office manager, one victim/witness coordinator, one diversion coordinator and eight additional office legal support staff. It is important to note that the attorneys could not perform their job duties without the hard work of the office manager, the victim/witness coordinator, the diversion coordinator, and the remaining support staff.

We are currently seeking to hire person to fill a prosecutor's position. The current opening relates back to the resignation of an experienced prosecutor who chose to move to Wichita to take a position with the Sedgwick County District Attorney's Office. I had hired a person to fill the position pending successful completion of the Kansas Bar Exam. Unfortunately, that promising young prospective attorney did not pass the Bar Exam, resulting in his resignation from my office.

**Caseload:**

The attorneys in the Reno County District Attorney's Office continue to carry one of the highest caseloads per attorney in the State of Kansas. There are currently in excess of 80 jury trials pending before the court, and those cases are handled currently by just five attorneys. This caseload does not include the felony cases which have been filed and are awaiting either plea or preliminary hearing. The jury trial caseload also does not include the misdemeanor and traffic cases pending before the courts, the cases currently being supervised on diversion, or the caseload of the juvenile prosecutor who handles all juvenile offender, CINC, care and treatment, and forfeiture cases.

**Drug Court:**

One of the initiatives with which the Reno County District Attorney's Office has been involved with is the Reno County Drug Court. The Drug Court just celebrated 10 years of serving the citizens of Reno County. The purpose of this initiative is to apply scientifically approved and time-tested treatment, sanctions, and incentives for those in our community who have been convicted of felony crimes and who fall into a high risk/high need category as determined by an approved assessment tool. The goal of the Drug Court is to help those in the program live a sober, law-abiding and productive life as assets to the Reno County community. There have been 10 graduations from Drug Court since January 1, 2021.

**Budget:**

The Reno County District Attorney's Office has worked closely with Randy Partington and the Board of County Commissioners to submit a budget for 2022 which is adequate for the operation of the office but does not overestimate the probable financial needs of the Office.

The Office has expended 64% of its FY2021 budget as of August 31, 2021. I will advise the Commission now the advertising line item for FY2021 will exceed the budgeted amount of \$500. The cost of advertising to fill the vacant prosecutor's position was unanticipated and will surpass even the \$1,500 amount budgeted for FY2022.

**Projects/Issues/Challenges/Concerns:**

The main challenge I am facing within the Office at this point is filling the open prosecutor's position. Four of the five prosecutors in my office are currently being paid salaries below market salary established by the salary survey that was completed in 2015. My current budget allotment for salaries for prosecutors is at least \$40,000 below what was established as market for these positions six years ago. I am eagerly awaiting the results of the 2021 salary survey to determine the appropriate salaries for my legal staff in the current market. I fully understand that salaries in the public sector are almost always lower than private sector compensation. I also understand the limited pool of money from which this Commission must allot to hundreds of salaries for County employees. My current issue, however, is that I cannot offer a competitive salary to a prospective attorney (especially an experienced attorney) and still be fair to the attorneys already employed in my Office. For example, I interviewed an attorney with one year of experience for the open position but could only offer her a salary approximately \$6000 less than what she is currently making as a prosecutor in another jurisdiction. In order to offer her a salary close to what she is currently making, I would have to bring her in at a salary greater than all of the Assistant District Attorneys already employed in my office. All of my current Assistant District Attorneys currently have at least one year of experience, and in two instances have experience levels far higher than this applicant. It would, therefore, be unfair to bring in a less experienced prosecutor at a higher salary level. It is vitally important that I receive from the Commission a solid idea of what FY2022 salaries will be in my office based on the current salary survey for me to be able to hire an attorney. Additionally, it will be extremely difficult for my Office to maintain an acceptable level of proficiency without the assistance of another prosecutor. In other words, the longer it takes me to fill this position, the higher the chance that my staff will not be able to perform adequately their duties to serve the citizens of Reno County.

I am grateful that the Commission is chosen to remodel the unfinished portion of the Fifth floor to accommodate the needs of my office. I look forward to being able to bring the employees that currently work in an office on the Fourth floor of the Courthouse up to the Fifth floor. Additionally, I am in discussions with the staff of my Office for possible improvements to our current office space. We received significant water damage from rainfall because of leaks in the dome of the Courthouse this summer. Office furnishings and carpeting were damaged by water that, at one point, was flowing from the Fifth floor down the stairs to the Fourth floor like a series of well-fed waterfalls. It is hoped that the repairs to the dome will be sufficient to stop leaks into my offices.



I am requesting that the Commission investigate and remediate mold and mildew issues we have in our offices because of water issues we have had over the years. I am concerned that the health of my employees is being affected by the presence of mold and mildew above the offices, especially within a closet area in an office on the Fifth for that houses two of my employees.

COVID 19 issues continue to slow the pace of jury trials in Reno County. At this point, we are conducting a maximum of one jury trial per week out of a combination of both Third floor courtrooms. I want to commend my legal staff for their work in bringing the number of jury trial cases down from approximately 130 pending cases earlier this year. This was accomplished by the conduct of jury trials combined with just plea agreements.

Respectfully,



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Thomas R. Stanton  
Reno County District Attorney



## AGENDA ITEM

## **AGENDA ITEM #VII.B**

**AGENDA DATE:** September 28, 2021

**PRESENTED BY:** Helen Foster, HR Director

**AGENDA TOPIC:**  
Commissioner Holiday 2022

### **SUMMARY & BACKGROUND OF TOPIC:**

The floating holiday was a long-time holiday that employees were allowed to use at any time during the year once they had completed 90 days of employment. This holiday was changed to a Commissioner Holiday for the 2011 calendar year and was to be a designated day approved by the Board. The process has been to bring a recommendation before the Board for approval of the day that will be designated as the Commissioner Holiday prior to each calendar year. Most years the Commissioner Holiday has been designated as Christmas Eve apart from 2 years since 2011. It has been recommended by the Benefits Committee and Department Directors to move the Commissioner Holiday to Christmas Eve on the calendar each year starting on the 2022 calendar year and to designate this as a permanent holiday.

### **ALL OPTIONS:**

Designate Christmas Eve as the Commissioner Holiday for 2022 and beyond

Designate Christmas Eve as the Commissioner Holiday for 2022 only

Designate an alternate date as the Commissioner Holiday for 2022

Elect not to have a Commissioner Holiday for 2022

### **RECOMMENDATION / REQUEST:**

Recommend moving the Commissioner Holiday to be a permanent date designated as Christmas Eve.

### **POLICY / FISCAL IMPACT:**

By moving the holiday to a designated date for all calendar years, departments are able to plan ahead without waiting for approval on the next Commissioner Holiday.

No fiscal impact because this has been a paid holiday in past years.

# DRAFT



## 2022 Holiday Schedule

January 1	Saturday	New Year's Day – Recognized Observed on December 31 <sup>st</sup> , 2021
January 17	Monday	Martin Luther King Day - Recognized
May 30	Monday	Memorial Day – Recognized
July 4	Monday	Independence Day – Recognized
September 5	Monday	Labor Day – Recognized
November 11	Friday	Veterans Day - Recognized
November 24	Thursday	Thanksgiving - Recognized
November 25	Friday	Extended Thanksgiving
December 24	Saturday	Christmas Eve – Recognized Observed on December 23 <sup>rd</sup> , 2022 – Commissioner Holiday
December 25	Sunday	Christmas Day – Recognized Observed on December 26 <sup>th</sup> , 2022

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### \*Commissioner Holiday:

- Employees may not take the commissioner holiday in advance. If they are not actively employed on the holiday, they are not eligible for payment.
- The Commissioner Holiday is not to be used with an over-ride code which forces overtime pay.
- Employees are allowed to flex the holiday within the same pay period if they are required to work on December 24th, and if it's approved by the supervisor.