



# COUNTY COMMISSION

Monday, April 11, 2016

5:00 PM Following Public Building Commission Meeting

Ellis County Administrative Center – Commission Room

## Order of Business

- I. Opening
  - A. Call to Order
  - B. Pledge of Allegiance
  - C. Clerk Calls the Roll
  - D. Order of Business
    - Consideration of Amendments
  
- II. Prior Minutes
  - Special Road Tour Meeting, March 21, 2016
  - April 4, 2016
  
- III. Consent Agenda
  - A. Approval of Employee Status Changes as presented
  - B. Approval of Refunding Warrants as presented
  - C. Approval of Tax Roll Adjustments as presented
  - D. Approval of Escape Tax Orders as presented
  - E. Approval of Adds and Abates as presented
  - F. Approval of Accounts Payable and Payroll as presented

- IV. Issues from Persons Not on the Order of Business
- V. Kansas WorkforceONE Chief Elected Official Board Agreement (Executive Director Deb Scheibler) [Enclosure](#)
- VI. Resolution 2016-06 Burn Ban Resolution (Rural Fire Chief Darin Myers) [Enclosure](#)
- VII. Ellis City Special Sales Tax Question Canvass
- VIII. March 2016 Financial Report (report available at the Ellis County Clerk's office)
- IX. County Counselor Reports (County Counselor Bill Jeter)
- X. County Administrator Report (County Administrator Phillip Smith-Hanes)
- XI. County Commission Reports
- XII. Executive Session(s)
- XIII. Adjournment

**ELLIS COUNTY**  
**AGENDA ITEM COVER SHEET**  
**COMMISSION AGENDA DATE: 4-11-16**

**TOPIC:**

Local Workforce Development Area 1 Chief Elected Official Board Agreement

**ACTION REQUESTED:**

Approve the attached agreement and authorize the Chair to sign.

**DISCUSSION:**

The federal government provides funding for training of workers to compete for employment as well as to support “one-stop” employment centers throughout the country. Recently, the vehicle through which this funding is provided has transitioned from the Workforce Investment Act to the Workforce Innovation and Opportunity Act (WIOA). Under the former act, Ellis County was part of a 62-county local workforce investment area. The area was designated by the Governor, but services within the area were provided by a non-profit organization headquartered in Salina and known as “WorkforceONE”. With the transition to WIOA, the Governor has again designated the 62 western counties as local workforce development area 1. However, the Commissions of the 62 counties must enter into a new agreement (known as the “chief elected official board agreement”) in order to continue to participate in services through WorkforceONE.

Under the agreement, the Ellis County Commission may appoint one of its members to serve on the Chief Elected Officials Board (CEOB). The CEOB:

- Provides oversight and representation for the counties that make up the local area.
- Appoints members to the Local Workforce Development Board (LWDB).
- Approves the budget for the LWDB to carry out its responsibilities.
- Agrees on Memoranda of Understanding between the LWDB and the one-stop operator(s).
- Serves as grant recipient and assumes fiscal liability for grant funds.
- Conducts oversight of the one-stop delivery system, youth activities, and employment and training activities.

The one-stop centers in Kansas are known as KANSASWORKS and there is a local office in Hays.

**FINANCIAL IMPACT:**

There is no financial impact to Ellis County. WorkforceONE receives federal funding. The only way there would be a local cost share is if WorkforceONE was found to be misappropriating funds.

**PRESENTED BY:**

WorkforceONE Executive Director Deb Scheibler

**REVIEWED BY COUNTY ADMINISTRATOR:**

Yes  No  N/A

**REVIEWED BY COUNTY COUNSELOR:**

Yes  No  N/A

**ATTACHMENTS:**

Chief Elected Official Board Agreement

## **LOCAL WORKFORCE DEVELOPMENT AREA I**

### **CHIEF ELECTED OFFICIAL BOARD AGREEMENT**

This agreement is entered into by the County Board Chairs of the Counties of Barber, Barton, Chase, Cheyenne, Clark, Cloud, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace and Wichita which have been designated as Workforce Development Area I by the Governor of the State of Kansas and by agreements of member counties, the CEO has been designated as Chief Elected Official for the Kansas Workforce Development Area I. Its purpose is to describe the general rights and responsibilities of the each county's governing body as CEO, as well as to define the establishment of the Chief Elected Official Board (CEOB) and its responsibilities under the Workforce Innovation and Opportunity Act (WIOA).

#### **A. CEO RIGHTS AND RESPONSIBILITIES:**

1. CEOB Representation – Each CEO may appoint a member of the county board to represent the interests on the Chief Elected Officials Board. Appointments to the CEOB must be made in writing to the CEOB Chair.
2. Fiscal Responsibility – As the Governor appointed grant recipient of WIOA funds, CEOs assume liability to repay amounts from funds received under WIOA, legally determined to be a misappropriation of funds received by Local Area I due to: 1) willful disregard of the Act and accompanying rules and regulations, 2) gross negligence, or 3) failure to observe accepted standards of administration (referred to as an "audit exception" or an "administrative finding". In the event WIOA expenditures are disallowed and CEOs are unsuccessful at obtaining repayment from Kansas WorkforceONE, each county shall be responsible for a portion of any such liability. The apportionment will be calculated based on [Methodology to Determine Shared Liability - i.e. the total amount of program funds spent on services to all participants in each county divided by the total amount of program funds spent on services to all participants in all 62 counties during the program year(s) for which expenditures were disallowed]. Required payment of disallowed costs must be made from non-Federal fund sources.

#### **B. CHIEF ELECTED OFFICIALS BOARD DESIGNATION AND GENERAL RESPONSIBILITIES:**

1. There is hereby established a Chief Elected Officials Board (CEOB), hereinafter referred to as the CEOB, to provide for the effective planning, coordination and implementation of the employment and training system within the Kansas Workforce Development Area I, pursuant to the provisions of WIOA and applicable federal and state regulations. The CEOB shall be comprised of no more than one (1) elected official from each county, designated in writing by the county.

2. CEOB shall establish by-laws to establish how they will conduct business on behalf of the CEOs of Local Workforce Area I. By-laws must include term limits, vacancies, conflict of interest, meeting schedule and quorum establishment.
3. To fulfill their oversight responsibilities under WIOA, the CEOB shall receive from its designated Grant Recipient the following information:
  - a. Reports and other documents that summarize the current financial conditions of all WIOA grants awarded to LWDA I.
  - b. Reports and other documents that summarize current program performance in LWDA I against the negotiated performance standards required under WIOA, including whether the local area is meeting, exceeding or failing to meet each performance standard.
  - c. Reports and other documents that summarize known compliance issues or concerns along with an explanation of any out-of-compliance notices received for any program for which the CEOs retain ultimate financial liability.

**C. DESIGNATION OF GRANT RECIPIENT/FISCAL AGENT:**

In accordance with the flexibility of CEOs under WIOA, the CEOB Designates the Local Area I Workforce Development Board d.b.a. Kansas WorkforceONE to fulfill the role of grant recipient. As the grant recipient Kansas WorkforceONE is expected to:

1. Comply with all Federal and state rules and regulations pertaining to the responsibilities of grant recipient/fiscal agent as defined under WIOA law, regulations and State of Kansas policy.
2. Assume primary liability for any disallowed costs associated with the provision of fiscal agent services and shall be held liable for any disallowed costs by the CEOs.

The CEOB recognizes that the designation Kansas WorkforceONE as the grant recipient does not absolve CEOs of their collective liability for misspent WIOA funds.

**D. CEOB RESPONSIBILITIES:**

1. The responsibilities of the CEOB under WIOA include, but are not limited to, the following:
  - a. Appoint members to the Local Board;
  - b. Serve as grant recipient and assume fiscal liability for grant funds for WIOA Title I adult, dislocated worker and youth activities; as well as other such federal or state workforce funds as may be awarded,
  - c. Approve budgets for carrying out the responsibilities of the Local Board;
  - d. Provide comprehensive oversight of the activities of the Local Board;
  - e. Ensure that local area partnerships are functioning effectively;

2. In partnership with the Local Workforce Development Board:
  - a. Participate in the development of the Local Area Plan;
  - b. Conduct oversight of One-Stop delivery system, youth activities, and employment and training activities;
  - c. Select One-Stop operators and eligible service providers and oversee compliance and continuance improvement (may subsequently terminate these for cause);
  - d. Agree on Memorandums of Understanding between the Local Workforce Development Board and the One-Stop operator(s);
  - e. Negotiate and reach agreement on performance standards and any additional local performance measures;

3. In partnership with the Governor:
  - a. Agree on whether the Workforce Development Board may provide core services, intensive service, or both;
  - b. Agree on whether the Workforce Development Board may serve as a One-Stop operator; and
  - c. Negotiate waiver requests as needed.

**E. TERM OF CEO AGREEMENT:**

The term of this agreement shall commence on July 1, 2016, and shall terminate June 30, 2020 or upon the termination of the Workforce Innovation and Opportunity Act, dissolution of the LWDA, or future action taken by CEOs or CEOB to establish a new agreement.

Upon notification to all LWDA I CEOs, this Agreement may be amended or modified at any time by the affirmative vote of fifty-one (51%) of the CEOs.

By signing this Agreement, all CEOs understand that this agreement supersedes all prior written or oral agreements relating to the responsibilities of CEOs in LWDA I.

**F. SIGNATURES:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
County

\_\_\_\_\_  
Date

**ELLIS COUNTY**  
**AGENDA ITEM COVER SHEET**  
**COMMISSION AGENDA DATE: APRIL 11<sup>th</sup>, 2016**

**TOPIC:**

Discussion on the implementation of a burn ban.

**ACTION REQUESTED:**

Approval of Resolution 2016-06 on the implementation of a county wide burn ban effective April 11<sup>th</sup>, 2016 until further notice.

**DISCUSSION:**

The Ellis County Resolution 2016-06 will be presented to the Ellis County Commissioners, implementing a county wide burn ban effective April 11<sup>th</sup>. Due to the projected dry weather and drought conditions, it is in the best interest of the county residents to start the burn ban.

In the future, if significant rainfall totals accumulate, the burn ban could be temporarily lifted to allow burning for a short time. However, it creates confusion and controversy to implement and lift burn ban and it will be limited.

**FINANCIAL IMPACT:**

There are no financial concerns or impacts of this decision. However, by not implementing a burn ban, firefighting expenses can increase due to wildland fires. Also costs could be incurred by Ellis county residents with the loss of crops and property.

**PRESENTED BY:**

Darin Myers, Ellis County Fire Chief

**REVIEWED BY COUNTY ADMINISTRATOR:**

Yes       No       N/A

**REVIEWED BY COUNTY COUNSELOR:**

Yes       No       N/A

**ATTACHMENTS:**

Ellis County Resolution 2016-06

**Resolution 2016-06**

**A RESOLUTION TO ENACT AND/OR RELAX A BURN BAN IN ELLIS COUNTY, KANSAS, WITH DETAIL TO THE PROCESS FOR BURNING, AND CLARIFYING THE PENALTY CLAUSE.**

**WHEREAS**, the Ellis County Commission is authorized by K.S.A. 19-101(a) to perform power of local legislation, and

**WHEREAS**, The Ellis County Commission recognizes the need to establish a burn ban in rural Ellis County due to the drought conditions existing at the present time, and

**WHEREAS**, the Ellis County Commission recognizes that weather conditions may change from time to time making it a good plan to relax and/or re-establish a burn ban,

**NOW, THEREFORE, BE IT RESOLVED** by the Ellis County Commission that:

1. Based on precipitation, the Ellis County Fire Chief is authorized to establish or relax a burn ban in Ellis County whenever it is believed such actions are appropriate;
2. Anyone desiring approval to burn in the rural areas of Ellis County must contact the Ellis County Public Safety Communications Center at 785-625-1011 to learn if a burn ban is in effect before attempting to burn anything in the County,
3. When approval is granted for controlled burning operations, it is necessary and in the best interest of the public that all controlled burning is subject to the following conditions pursuant to the Kansas Air Quality Regulations, including, but not limited to the following:
  - a. The person conducting the burning shall stockpile the material to be burned, dry it to the greatest extent possible before it is burned, and assure that it is free of matter that will inhibit good combustion;
  - b. A person shall not burn heavy smoke-producing materials including heavy oils, tires, and tarpaper;
  - c. A person shall not initiate burning during the nighttime, which for the purposes of this regulation is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire two hours before sunset;
  - d. A person shall not burn during inclement or foggy conditions or on very cloudy days, which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet;
  - e. A person shall not burn during periods when surface wind speeds are less than 5 mph or more than 15 mph;
  - f. A person shall not burn within 1,000 feet of any occupied dwelling, unless the occupant of that dwelling has been notified before the burn;
  - g. A person shall not conduct a burn that creates a traffic or other safety hazard. If burning is to take place within 1,000 feet of a roadway, the person conducting the burn shall notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burning begins. If burning is to take place within one mile of an airport, the person conducting the burn shall notify the airport authority before the burning begins.

- h. The person conducting the burn shall insure that the burning is supervised until the fire is extinguished;
  - i. The Ellis County Fire Chief may revoke any approved allowance of any controlled burn;
  - j. If any controlled burn begins to get out of control, any person involved with the burn should call 911 immediately.
4. When in effect, the burn ban prohibits all outdoor burning including trash barrels, fire pits, trash pits, ornamental fire chimneys, fields, and any other form of open burning not to include barbeque grills;
5. It shall be unlawful to violate this burn ban and anyone violating this burn ban may be charged with an unclassified misdemeanor and if convicted, will be subject to a fine not to exceed \$500;

**BE IT FURTHER RESOLVED** that this resolution will take effect immediately upon publication in the official county newspaper;

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOARD OF COUNTY COMMISSIONERS

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Dean F. Haselhorst, Chair

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Barbara K. Wasinger, Commissioner

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Martha McClelland, Commissioner