

**ADAIR COUNTY COMMISSION MINUTES**  
**TUESDAY, AUGUST 28, 2018**  
**12TH DAY JULY ADJOURNED**

The Adair County Commission convened at 8:30 a.m. on August 28, 2018 in the Courthouse at Kirksville. All Commissioners were present.

At 10:05 a.m., the Commission met with Chris Killday, 911 Center; Jim Hughes, KFD/KPD; Jon Cook, KFD; Lacy King, City/911 Board; Sara Holzmeier, Truman Police Department; Dave Hurt, Adair County Sheriff's Office; Bradley Ray, Rural Fire/911 Board; and Don Crosby, 911 Chair. Also present was Adair County Clerk, Sandra Collop.

Mr. Crosby asked where we were at for the service fee. Commissioner King said he had talked with Prosecuting Attorney, Matt Wilson, and there were too many questions that needed to be answered before he could recommend putting the issue on the November ballot.

Chief Hughes said he was surprised that the issue was not on the agenda today as the Commission had agreed during a meeting on Monday, August 20, that they would approve adding a ballot issue to the November election for 911 funding.

Mrs. Collop was asked why she did not include it on the agenda for today. Mrs. Collop had understood that the Commission decided not to go forward with the ballot issue at this time. Members of the 911 board said she could have amended the agenda and Mrs. Collop agreed she could have done that, but she had not been notified by the Commission to do so. Mrs. Collop stated that the Commissioner's agenda was posted by 2:00 p.m. on Thursday afternoon and given to all of the media. She wasn't contacted by anyone to say that it needed to be amended.

Twenty-four hour notice was then discussed regarding the sunshine law and amending an agenda. Chief Hughes said that the sunshine law took into consideration situations that would allow for amending an agenda outside of the twenty-four hour time frame, so it could still be amended today for a vote of the Commission.

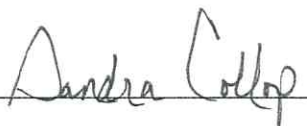
The Commission said they had agreed not to go forward with the ballot issue at the recommendation of the Prosecuting Attorney. Commissioner King would contact Don Crosby so he could inform the other members of the board. When Commissioner King asked Mr. Crosby - did I not contact you on Wednesday and tell you we were not going to put it on the ballot? Mr. Crosby said he had been contacted, but must have dropped the ball on notifying the other board members of the Commission's decision. Chief Hughes thought the vote should still be placed on the agenda since the Commission had agreed to approve it.

Commissioner King said they needed to talk with their attorney before any decision would be made. Mr. Crosby asked if there were any other objections other than the legal aspect. Commissioner King replied it was just legal issues. They had been on board with 911 until the legal issues were discovered. Chief Hughes asked if Mr. Wilson said it was okay, could they go forward with it.

Commissioner King then attempted to contact Mr. Wilson, who was on the road and not able to attend the meeting.

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ATTEST:



County Clerk



Presiding Commissioner

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Commissioner King did not want to run the risk of adding a fee to those already being taxed outside the City limits. Commissioner King said if it wasn't worded correctly on the ballot, 911 could possibly lose the funding they already had. Chief Hughes said it wasn't a big deal if they did lose the funding. Any lost funding would just be billed to the four entities that fund 911 to make up the difference. He said it did not add to the County's sales tax and thought the timing was good to put it on the November ballot. However, he thought a sales tax would be better.

Mrs. Collop asked how much revenue would be collected if the ballot issue was passed. Mrs. Killday estimated that approximately \$300,000 would be generated each year, but that figure wouldn't be known until it went into effect.

Mr. Cook said that passing the ballot issue with a \$1.00 fee was a short term band-aid. They anticipated putting a sales tax on the ballot in the near future – 2 to 3 years. It would be a board decision and they would have to re-evaluate.

Commissioner King eventually spoke with Mr. Wilson on the phone. He had not yet spoken to the City's Attorney, John Slavin, regarding the ballot issue. Mr. Wilson stated that the current sales tax being collected by 911 would not automatically go off. The Commission could possibly do a resolution to remove the tax. When asked about going forward even though it was not listed on the agenda, Mr. Wilson said he would call an authority on the Sunshine Law.

Mrs. Killday stated that 22 counties were placing this issue on the November ballot. Mrs. Collop asked for the names of the Counties, but Mrs. Killday would not know which counties they were until possibly September. She knew Pettis County was definitely placing the issue on the ballot per their E911 officials. Commissioner Thompson then called Pettis County to get details on the issue, but discovered they were waiting to place the issue on the April, 2019 ballot.

Mr. Wilson then contacted Commissioner King by phone that there was no precedence for the Sunshine Law for this situation. He did think it was OK because of the urgency. Chief Hughes then wanted the Commission to put out a statement that they would vote on this issue later in the afternoon. The Commission agreed to amend today's agenda to vote at 4:30 p.m. on their request to place the E911 funding issue on the November, 2018 ballot.

Mrs. Collop will research the procedure for the County Commission to certify ballot language to the County Clerk's office by the deadline of 5:00 p.m. today.

The Elected Officials meeting scheduled for 10:30 a.m. did not take place due to the E911 funding discussion.

At 4:30 p.m., the Commission met with Don Crosby of the 911 Board and Chris Killday of the 911 Board. Mr. Crosby and Mrs. Killday had returned for the vote of the County Commission on whether or not to include a ballot issue requesting a monthly fee on a subscriber of any communications service that has been enabled to contact 911 for the purpose of funding 911 service in Adair County.

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ATTEST:           Dandra Collop            
County Clerk

          Stanley Pickens            
Presiding Commissioner



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Commissioner King stated he had further discussed the ballot proposal with Adair County Prosecuting Attorney, Matt Wilson. Mr. Wilson indicated that the statutes were all over the place and too many questions remained unanswered for him to advise the County to go forward with the ballot issue.

Commissioner King stated that he and Mrs. Collop had been investigating the procedure for the Commission to certify the ballot issue when the phone call was received from Mr. Wilson. He needed additional time to investigate this new law.

Mr. Crosby asked for a copy of Mr. Wilson's legal opinion on the issue at hand when it was complete. He and Mrs. Killday also wanted him to find out where the money would go after it was collected. That was not clear in the statute. Mrs. Killday said they had ten legal issues they were trying to get an answer for.

Commissioner King said we needed to move forward with the issue but not have to redo it - it should have been all ready to go. Mrs. Collop had contacted the Missouri Department of Revenue who offered to help with any questions concerning the collection of the monies. One question that needed to be answered was "tax versus fee".

Commissioner King moved to not include the E-911 issue on the November 6, 2018 election ballot as too many questions remained unanswered for the County to move forward with the issue. Commissioner Thompson seconded the motion. Presiding Commissioner Pickens concurred. All voted in favor of the motion.


Commissioner King said he thought we could get this worked out. The meeting ended at 4:38 p.m.

The Adair County adjourned at 4:38 p.m. on August 28, 2018.

**Unscheduled Public Walk-Ins and other Non-Agenda Items for Tuesday, August 28, 2018:**

None

ATTEST:



County Clerk



Presiding Commissioner