

Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon KORA request to the Barton County Clerk's Office, 1400 Main – Room 202, Great Bend, Kansas 67530.

Phone (620) 793-1835 \ Fax (620) 793-1990 \ Email clerk@bartoncounty.org

Meetings Live Streamed through **Microsoft Teams**® at the following link: <https://bit.ly/3Mv8Bt8>.

December 12, 2023

The Board of Barton County Commissioners convened this 12th day of December 2023, at the 1500 Kansas location.

Members present:

Duane Reif, Commissioner, 1st District

Barb Esfeld, Commissioner, 2nd District, *(Chairman Pro-Tem)*

Shawn Hutchinson, Commissioner, 3rd District, Chairman

Tricia Schlessiger, Commissioner, 4th District

Donna Zimmerman, Commissioner, 5th District

Bev Schmeidler, County Clerk

Matt Patzner, County Administrator

Patrick Hoffman, County Counselor

I. OPENING BUSINESS:

Commissioner Hutchinson called the meeting to order at 9:00 A.M.

Commissioner Schlessiger moved to approve the agenda.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

Commissioner Zimmerman moved to approve the minutes of the November 28, 2023, Regular Meeting and the December 4, 2023, Special Meeting.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

Public comments were moved to the beginning of the meeting as several people were present regarding Acciona which would not be on the agenda until next week.

Chris Clasen, lifetime resident of Barton County and a landowner who had leased ground to Acciona. She felt that opponents had numerous platforms to speak and proponents had not. She did not envy the decisions the commissioners had to make but felt everyone's opinions should be heard. Many people had signed up for the solar farm. They believed in renewable energy and landowners rights. Thousands of people come into Barton County every year to hunt and kill birds for sport, if you are a hunter, she respects that, but would like the same respect in return. There was no scientific basis that solar farms have detrimental effects to the Bottoms. There were thousands and thousands of acres for birds to land on, rest and feed in any direction from Cheyenne Bottoms down to Quivera. The 2,500 acres that Acciona wanted to use was just a drop in the bucket. Clasen felt it was hypocritical. If she had leased her ground to an outfitter or leased it out herself for hunters, no one would have had a problem with it. Clasen said Great Bend Economic Development's motto from their website says we are here to encourage new businesses to come to Barton County for long term, positive effects for this county. Acciona was at least a thirty year or probably forty year project for the county. For Barton County to be on the cusp of something as important as renewable energy, it was a golden opportunity and offered many benefits.

Rick Hiss, Barton County landowner, asked why solar farms and wind farms cannot have the same regulations.

Patrick Hoffman, County Counselor, said that question would be passed along because at this point it was still with the Planning Commission and had not come before the commission yet.

Commissioner Schlessiger asked for clarification about when people could voice their concerns, if they had not done so previously.

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Hoffman said that when the Planning Commission completes the process, they would have a draft. There would be a public hearing for the draft when comments could be made. Hoffman said last week at KAC, he attended a presentation on moratoriums. Moratoriums were not intended to delay but were done in good faith while things were being developed.

Commissioner Hutchinson said for the record, there were no rules.

Clasen said a moratorium made sense, but it runs out at the end of the month.

Commissioner Schlessiger asked if the Planning Commission was having another public meeting prior to finalizing their regulations.

Commissioner Hutchinson said it would be after they developed their draft.

Hoffman said that all Planning Commission meetings were open and could be attended.

Commissioner Zimmerman said the next meeting was this Thursday at Juvenile Services, 1800 12th Street in Great Bend at 9:00 A.M.

Commissioner Schlessiger said all the Planning Commission members were listed on the County website.

II. APPROVAL OF APPROPRIATIONS:

-Bev Schmeidler, County Clerk, will present details. An Accounts Payable Register will be submitted to the Commission for the period of November 21, 2023, and ending December 5, 2023.

✓ Schmeidler, County Clerk, presented details.

Commissioner Esfeld moved to ratify appropriations for the period of November 21, 2023, to December 5, 2023. Authorize the Chairman to sign on behalf of the Commission.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

III. OLD BUSINESS:

-There was no Old Business.

IV. NEW BUSINESS:

A. KANSAS ASSOCIATION OF COUNTIES: Conference Overview:

-Chairman Shawn Hutchinson will lead the discussion. The Commission will ask those department heads that attended the KAC Annual Conference to provide a conference overview.

Commissioner Hutchinson said there was not much talked about that Barton County was not currently involved in or dealt with in the last one or two years. The best part was this group was able to work together and build as a team.

Commissioner Zimmerman said it was a good conference. She appreciated Jay Hall's review of the legislative process as it had been a while since she had been there and testified. She also appreciated Mike Taylor, lobbyist, giving an update on legislation, things that passed in the last session and what was on schedule for this year.

Commissioner Esfeld said she went a day early to attend the Kansas National Resource Coalition conference. They watched a documentary called "No Farmers, No Food" and encouraged everyone to watch it. Counties needed to work with the Federal and State governments before you hear things like

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Water rationing and 30 by 30. Approximately 34 counties belong to KNRC and hope to add more. They had already done a lot with the Quivira water issue as well as others.

Commissioner Esfeld said Senator Tyson was working on another bill to take away the State's mill levy. Another Senator was working on a bill to give all residential owners a rebate. There had been a lot of talk about bringing LAVTR back. The past monies had been spent so it would not be the same.

Commissioner Hutchinson said the original agreement was in the 1970's. Counties were able to keep a portion of sales tax. The State then started taking that and said they would rebate it on property taxes. In 2004, they stopped funding it.

Commissioner Esfeld said it would not come back the way it was. She wants to look at both bills and see which would bring more money back to the counties.

Commissioner Schlessiger said she heard Dan Meers, KC Wolf, speak. He's a great, compassionate and courageous leader who does fabulous things for his community. His motto, "Life is like a coin, spend it wisely". Schlessiger also attended a session about Behavioral Health and Criminal Justice. This involved mobile health units, one in Sedgwick County and one in southwestern Kansas. These were to help take the burden off law enforcement. Alan Anderson, Chair, Energy Practice Group, had a good presentation regarding solar energy. He said that zoning policy created an injury to property owners and should be seriously considered before imposing zoning regulations on property owners. He also stressed the use of moratoriums and that they should not be taken lightly because a moratorium deprives a property owner of reasonable use of their property. Solar and wind were the lowest cost source of energy even after you remove the subsidies. Coal costs twice as much as solar to produce energy. Anderson dispelled some myths about chemical leaching. Each panel contains half the lead in a typical 12-gauge shotgun shell, the panels were well sealed and there was no leaching. The materials were enclosed and would not mix with water or vaporize. Counties with wind projects had faster increasing values than counties without. Urban sprawl was a permanent loss of land use as well as red cedars. Most do not come back after being taken over by red cedars. Anderson dispelled several other myths associated with solar energy. Prior to 2016, wind and solar had a lifetime exemption on property tax but now, solar only had a ten-year exemption and then goes back on the tax roll.

Commissioner Hutchinson said he found it interesting that there were swaths of land between the panels.

Commissioner Schlessiger said Anderson talked about the newer panels rotating and this way there was no lake effect or mirroring.

Commissioner Reif said he attended a session on public health. The main topic was mental health. In comparison to other states, Kansas ranks lower. It was attributed to lack of funding and would take time.

Commissioner Hutchinson asked if the message was that mental health should be considered public health. We tend to think of public health as physical health.

Commissioner Reif said that was correct. In western Kansas, another issue with public health was transportation. Barton County was fortunate in having great access to good health care. The importance of law enforcement involvement and support was discussed. Another session was about the workforce. The workforce had changed in the last few years and probably would never return to what it was before. They stressed employee engagement, he felt Barton County did well in that area. 59% of employees considered leaving their job with only 35% of those being because of pay. Current employees were the best recruiters.

Commissioner Reif missed the last day at KAC since he returned for the Acciona meeting in Hoisington.

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Commissioner Zimmerman said Mike Taylor was a very good lobbyist for us. One of the things that was really debated was about medical marijuana. If it would be legalized, allowing Kansas counties to collect sales tax on it.

Barry McManaman, County Engineer, spoke about the myth that solar panels cause glare. There are solar panels near airports and would not be the case if they caused glare. McManaman also attended the LAVTR session. Jay Hall said that residential property share of taxes had gone up from 35% to 50% in the last 20 years. There was a round table discussion with a panel of road officials discussing issues they faced. He also attended the Annual Highway Officials Meeting with updates from KDOT.

Glenda French, Register of Deeds, said it was her first time to attend and she found it very interesting.

Wendy Prosser, County Appraiser, attended a great session regarding social media. One of the presenters was the Wabaunsee County Sheriff. He talked about using his sense of humor on Facebook to warn citizens about a bad road going to Symphony on the Plains. It took off like wildfire. Prosser said Barton County had a wonderful Facebook page that shares great information. The "Did You Know" features interesting facts about the County that even those who had worked here a long time, still learn new things about the different departments.

Matt Patzner, County Administrator, said he had nothing different to add. It was good to be out of the building, around commissioners and coworkers networking.

Patrick Hoffman, County Counselor, said it was a good investment of time. It was nice to hear that other counties had the same challenges we face.

GOLDEN BELT HUMANE SOCIETY: Operational and Support Agreement:

-Commissioner Barb Esfeld will present details. Barton County approved an updated agreement with the Golden Belt Humane Society that ends December 31, 2023. Under the agreement, the County has designating the Humane Society as the Animal Control Authority. A one-year extension will be considered.

Commissioner Esfeld said nothing had changed with the agreement and Golden Belt Humane Society would be providing an update about 2023 in the future.

Commissioner Reif moved to approve the Golden Belt Humane Society Agreement for a one-year period ending December 31, 2024.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

C. SOUTHWEST DEVELOPMENTAL SERVICES, INC: Agreement for Services:

-Matt Patzner, County Administrator, will provide details. Southwest Developmental Services, Inc. (SDSI) is the Community Developmental Disability Organization (CDDO) for the County. Under the 2024 service agreement, SDSI will provide all services required by Kansas statutes for a CDDO for a total of \$70,000.00.

Matt Patzner, County Administrator, said Southwest Developmental Services, Inc. was designated by Barton County in 2004.

Commissioner Esfeld moved to approve the SDSI Agreement for Services for 2024 at \$70,000.00.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

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D. OCCUPANCY AGREEMENT: 12th and Kansas, Great Bend:

-Mr. Patzner will provide details. As a means of community support, the State of Kansas Parole office is housed in the County office building at 1208 Kansas, Great Bend. This agency reimburses Barton County for a portion of the building's utility costs. The proposed agreement is set to expire December 31, 2024.

Matt Patzner, County Administrator, presented details.

Commissioner Esfeld moved to approve the Occupancy Agreement for the State of Kansas Parole Office with the Agreements set to expire December 31, 2024. Direct staff to submit the approved Agreement to the Kansas Department of Corrections.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

E. DISTRICT CORONER: Appointment of Special Deputy Coroners:

-Mr. Patzner will provide details. Dr. Patrick Stiles is the District Coroner in the 20th Judicial District. Dr. Stiles has made recommendation as to the appointment of Special Deputy Coroners as prescribed by Kansas Statutes and by Resolution 2006-11, District Coroner. Special Deputies serve one-year calendar terms.

Matt Patzner, County Administrator, said Dr. Stiles term had been extended to 2026 and had asked that the following be appointed as Special Deputy Coroners with terms ending 12/31/2024.

Commissioner Zimmerman moved to appoint the following Special Deputy Coroners as listed on the included chart.

COUNTY NAME	TYPE	TERM
Barton	Dustin Daniels	Special Deputy 12/31/2024
Barton	Scott Fleming	Special Deputy 12/31/2024
Barton	Meghan Kern	Special Deputy 12/31/2024
Barton	Sheila Phillips	Special Deputy 12/31/2024
Barton	Melissa Prosser	Special Deputy 12/31/2024
Barton	John Stettinger	Special Deputy 12/31/2024
Barton	Laura Webster	Special Deputy 12/31/2024
Ellsworth	Nathaniel Florian	Special Deputy 12/31/2024
Ellsworth	Shawn McGowan	Special Deputy 12/31/2024
Russell	Chris Venters	Special Deputy 12/31/2024
Russell	Ashley Fowler	Special Deputy 12/31/2024
Stafford	Jill Burbank	Special Deputy 12/31/2024
Stafford	Melissa Dove	Special Deputy 12/31/2024
Stafford	Doris Tompkins	Special Deputy 12/31/2024

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

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F. COURTHOUSE HVAC IMPROVEMENT PROJECT: Other Change Orders – Under Resolution 2023-19 Threshold:

-Mr. Patzner will present details. Barton County has received notice of certain needed updates to the Heating, Ventilation and Air Conditioning improvement project. These changes, individually, are under the threshold established with the adoption of Resolution 2023-19.

Matt Patzner, County Administrator, said when the initial walk through was done, the wall was not there. Haynes Electric needed to make some adjustments.

Commissioner Zimmerman said the Lektrievers were not part of the HVAC project but it made sense to remove them at this time to make better use of the space.

Commissioner Zimmerman moved to approve the following Change Orders for the Courthouse HVAC Improvement Project. Cost to be paid to Kruse Construction from the Capital Improvement Fund, Building and Fixed Equipment – General Line, 071-00-6305.

Orders	Reason	Amount
No. 20	Electrical Work, 2nd Floor Conference Room	\$02,784.81
No.	Removal of Lektrievers, Not to Exceed	\$08,016.00*
Total		\$10,800.81

*Being paid through Contingency Funds.

Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

G. ROOF REPAIR: Barton County Courthouse:

-Mr. Patzner will present details. In July of this year, certain County buildings sustained damage as a result of the hailstorm. Included therein is the roof on the Courthouse. After insurance adjusters inspected the roofs, it was suggested that repairs be made. In addition to storm damage, work will address measures called for in the HVAC project.

Commissioner Hutchinson said there had been updated information since the agenda was created.

Matt Patzner, County Administrator, said when bids were solicited, they did not have scope of work. Working with insurance and reaching out to the interested bidders, adjustments were made along the way. Patzner asked that the item be tabled at this time.

Commissioner Schlessiger moved to table the Item G, Roof Repair of Barton County Courthouse until December 19th.

Commissioner Esfeld seconded the motion.
All voted aye. Motion passed.

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... JUVENILE SERVICES: Juvenile Services Heating and Air Conditioning:

-Marissa Woodmansee, Juvenile Services Director, will present details. Juvenile Services let a quote on November 1, 2023, for improved heating and air conditioning in a conference room at the Barton County Annex, 1800 – 12th, Great Bend, Kansas. Vendors were responsible for determining the equipment and resources needed for installation of quoted unit(s).

Marissa Woodmansee, Juvenile Services Director, said Juvenile Services had the space for the last three years and had been without sufficient heat and air. They received quotes from Rube's and Comfort Pro. Woodmansee asked for approval of the bid from Rube's for a mini split with P&S Electric providing the electrical work.

Commissioner Reif moved to approve the Rube's Inc. quote with P&S Electric providing electrical. Total cost of the project is \$8,155.00. Payment to be made as follows:

FUND	LINE	NUMBER	AMOUNT
Juvenile Intake & Assessment	Building and Fixed Equipment	100-72-6305	\$0,679.58
Juvenile Intensive Supervise Probation	Building and Fixed Equipment	105-76-6305	\$0,679.58
Community Case Management	Building and Fixed Equipment	120-82-6305	\$0,679.58
Immediate Intervention Fund	Building and Fixed Equipment	128-87-6305	\$0,679.58
Juvenile Corrections Advisory Board	Building and Fixed Equipment	121-88-6305	\$0,679.58
Reinvestment Fund	Building and Fixed Equipment	126-88-6305	\$0,679.60
Capital Improvement Fund	Building and Fixed Equipment – General Line	071-00-6305	\$4,077.50

Commissioner Esfeld seconded the motion.
All voted aye. Motion passed.

I. SOLID WASTE: Annual Review of the Solid Waste Management Plan:

-Jennifer Hamby, Solid Waste Director, will provide details. Per KSA 65-3405, Barton County is required to form and maintain a Solid Waste Planning Committee to develop and perform an annual review of the Solid Waste Management Plan. The Plan is then approved by the Commission and submitted to the Kansas Department of Health and Environment. The committee has reviewed the Solid Waste Management Plan and no changes are recommended at this time.

Jennifer Hamby, Solid Waste Director, said the purpose of the plan was to define how waste was managed in Barton County. The committee had reviewed the Solid Waste Management Plan and no changes were recommended at this time. Hamby asked for approval of the plan.

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Commissioner Hutchinson asked Hamby how often a major overhaul of the plan had to be done. Hamby said every five years. In between, they update members, trash haulers and such information.

Commissioner Zimmerman moved to approve the Solid Waste Management Plan and authorize Ms. Hamby to submit said plan to the Kansas Department of Health and Environment with no changes for 2024.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

J. BOARD APPOINTMENTS: Health Department Advisory Committee:

-Karen Winkelman, Public Health Director, will provide details. Barton County solicited applicants for uncompensated positions for the Health Department Advisory Committee. The Health Department Advisory Committee provides guidance, recommendation and assistance to the Barton County Health Department staff.

Karen Winkelman, Public Health Director, said the committee was formed several years ago because of an obligation for the Family Planning Grant. The committee reviewed family planning services. Currently, they can have up to nine members and they have a diverse group from the allied medical field, the animal health field and citizens. Current members were John Stettinger, Dr. Mike Malone, Dr. Perry Smith, Krista Smith, Emily Young, Cathy Anderson and Jennifer Schartz. They meet on the third Thursday of each month, have a light lunch and cover different topics where they provide guidance. Three applied for reappointment, John Stettinger who works for the Sheriff's Office, provides EMT education and CPR training; Dr. Mike Malone, a veterinarian practicing for 44 years and was the veterinarian consultant; and Dr. Perry Smith, family medicine physician in the community for several years as well as serving on other community boards. The new applicant was Barbara Shirk, nurse with her BSN from Newman University, school nurse background and community nursing, works with the Kansas Speech and Hearing Association, brings a lot of knowledge to the committee.

Commissioner Zimmerman asked if the committee would be full with these appointments. Winkelman said there would still be one opening, applications could be picked up at the Health Department and were also on the Barton County website.

Commissioner Esfeld moved to appoint Dr. Mike Malone, Dr. Perry Smith, John Stettinger and Barbara Shirk to the Health Department Advisory Committee. The uncompensated positions term December 31, 2025.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

K. COUNTY CLERK: Levy Calculation:

-Ms. Schmeidler will provide details. On December 5, 2023, the Treasurer announced that tax statements would be mailed on Friday, December 8, 2023. Later that day, Ms. Schmeidler released a statement noting that a utility company filed late, therefore the value of that was not included in the calculations of a portion of the 2023 tax levies. Further, software limited the recalculation of those levies.

Bev Schmeidler, County Clerk, said an error in the calculation of certain tax levies occurred when the value of a late filing utility company was not included in the calculation of a portion of the 2023 tax levies. Through the process, we learned that once the taxes were rolled to collections, no changes could be made and she was unable to go back in the process to add it in. A press release was put out to make taxpayers aware of the error.

Scott Jordan, County Treasurer, said further discussion was needed to determine how to handle the problem. He was not comfortable with this.

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Patrick Hoffman, County Counselor, said there were not a lot of good solutions.

Jordan said the Clerk's Offices are busy the month before an election, the month of and the month after. Tax statements are equivalent to election time for the Clerk. His office was busy the month before tax statements went out, the month of and the month after. The error added a burden to his office, he did not have the manpower nor the time to deal with all of it.

Commissioner Esfeld said it affected the Appraiser's Office as well because if a payment under protest was filed, they must start the process. Jordan said he had five payments under protests already.

Wendy Prosser, County Appraiser, said they actually had to be filed with the Treasurer who then sends it to the Board of Tax Appeals. Prosser was waiting to hear back about fees that may be involved for filing.

Commissioner Schlessiger asked how someone knows if their statements were correct.

Jordan said a mistake made in the Clerk's office causes a lot of the problem to come to his office and they had to take the abuse.

Schmeidler said there were eight taxing units involved but because Barton County Community College was countywide, it affected all of the county somewhat.

Commissioner Esfeld asked if the utility company failed to file. Schmeidler said they filed late, she also had a note that the company was not in Barton County, but it was, it was a clerical error.

Commissioner Esfeld said there had been discussion about sending corrected statements. Schmeidler said that was not able to be done because the process had been completed. If there were a backup to return to, all work for the last month in all other applications through the county would have been lost.

Commissioner Zimmerman said the value impacted those certain taxing units but because of the county and the college being countywide, it affected all taxpayers.

Commissioner Schlessiger asked if there were any reports that could be run to tell how much every property was off by.

Commissioner Zimmerman said the software did not allow for the different levies to allow a report to be run, would probably have to be calculated each statement by hand.

Jordan said his office did not have the time to hand calculate. They also have to continue handling motor vehicle as well as having all payments entered by December 31st.

Commissioner Schlessiger asked if the Clerk's Office could set up a station for taxpayers to come in and have their statements calculated. Schmeidler said they would figure out a way.

A citizen asked if it could be corrected next year. Prosser said if filed under protest and it goes to the Board of Tax Appeals, she knows that right now it was taking 6 – 8 months to be processed.

Commissioner Hutchinson said we know a mistake was made and Schmeidler had owned up to it. We need to move forward together one way or another and find a way to take the burden off the Treasurer's Office. The bullseye was on Jordan's back, he had motor vehicle to do which he loses money doing,
ks to the state.

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Commissioner Schlessiger asked about setting up a station manned by the Clerk to recalculate the statements before the taxpayer pays. She wanted to divert the people from the Treasurer.

Commissioner Esfeld said she and Commissioner Zimmerman could work with Schmeidler, contact Property Valuation Division and find a way to resolve the issue.

Prosser said the fees for filing under protest varied depending on the value of the property. It may cost more to file than the refund would be. Prosser added that 16/20M trucks as well as watercraft used different levies so they were not affected.

Commissioner Hutchinson said we were blessed to have a past County Appraiser and past County Clerk on the commission who have a lot of experience to help us get through this. Most important was to be transparent with taxpayers. We had to move forward and get tax statements sent out.

Commissioner Zimmerman noted that the Barton County mill levy was not impacted because they stayed under the revenue neutral rate.

L. EXECUTIVE SESSION:

-Chairman Hutchinson will present. Any Commissioner may make a motion for the board to recess to executive session at this time as allowed by K.S.A. 75-4319. Any motion must contain the justification for the executive session, the subject matter to be discussed, any individuals in addition to the board who will attend the executive session and the time at which the regular session shall resume.

At 10:18 A.M., Commissioner Schlessiger moved that the Commission go into Executive Session for a period of 15 minutes. The subject to be considered with consultation with the County Counselor to discuss matters protected by attorney / client privilege. As this matter is protected by attorney / client privilege the reason needs to be discussed in Executive Session and the County's position on the matter on which legal advice is being sought. To include the governing body, Matt Patzner and Patrick Hoffman, County Counselor. The Open Meeting will resume at 10:35 A.M. in this room.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

At 10:36 A.M., Commissioner Zimmerman moved to come out of Executive Session with no action taken.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed 4-0. Commissioner Esfeld had not returned yet.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

There was no other business.

VII. ADJOURN:

Commissioner Zimmerman made a motion to adjourn at 10:39 A.M.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

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TEST:



Bev Schmeidler
Barton County Clerk



Shawn Hutchinson, Chairman

EXECUTIVE SESSIONS AFTER REGULAR MEETING:

Notes from Commissioner Zimmerman, County Clerk not present.

At 12:09pm, Commissioner Zimmerman moved that the Commission go into Executive Session for a period of five (5) minutes. The subject to be discussed will be consultation with the County Counselor to discuss matters related to attorney client privilege. The reason this needs to be discussed in Executive Session is to provide the attorney / client privilege and the County's position on the matter on which legal advice is being sought. The Governing Body, the County Counselor and the County Administrator are to be included in said meeting. The Open Meeting will resume at 12:15pm in this room. Commissioner Schlessiger seconded.

Commissioner Schlessiger moved to come out of Executive session with no action taken. Commissioner Reif seconded.

At 12:35pm, Commissioner Zimmerman moved that the Commission go into Executive Session for a period of fifteen (15) minutes. The subject to be discussed will be consultation with the County Counselor to discuss matters related to non-elected personnel. The reason this needs to be discussed in Executive Session is to provide the County's position on the matter regarding non-elected personnel. The Governing Body, the County Counselor and the County Administrator are to be included in said meeting. The Open Meeting will resume at 12:48pm in this room. Commissioner Schlessiger seconded.

Commissioner Esfeld moved to come out of Executive session with no action taken. Commissioner Reif seconded.