

UNOFFICIAL MINUTES OF THE JEFFERSON COUNTY BOARD OF COMMISSIONERS

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January 4, 2021

The Jefferson County Commissioners met in regular session on Monday January 4, 2021. Present were Commissioners Lynn Luck, Richard Malm, Wayne Ledbetter, County Clerk Linda M Buttron and Josh Ney, County Counselor.

Vouchers were reviewed and approved by the Counselor and the Board. Wayne moved that the minutes of December 28th be approved as presented. Richard seconded. All voted in favor of the motion.

Wayne read a statement for the record regarding his service as County Commissioner “ I am not naïve. I knew when I ran for public office that it wouldn’t all be smooth sailing. Challenges and difficulties are inherent in any public service job, and there will always be those who take issue or disagree with choices that are made. Considering that, I have remained largely silent during this on-going dispute. I thought the matter of the Lake Bound parking lot was laid to rest three years ago with the completion of the Attorney General’s investigation into the matter and with the subsequent findings from that office issued in a letter dated March 2, 2018.I have mostly chosen not to engage in the public meeting and newspaper drama Mr. Christy and Ms. Huffman have worked to create, but instead to simply continue to serve the public the best I could. Since the start of this whole matter around Sept. of 2016, I have allowed them on multiple occasions to take shots in public meetings at my character and my integrity, and on occasion at that of my family. They have made unfounded allegations based on erroneous information and on incorrect assumptions and interpretations. I knew I had done nothing wrong so I expected that would be born out in the long run. Even though family members have encouraged me to do more to defend myself, I have tolerated these attacks out of respect for my colleagues, this body, and the work that it does. I saw no reason to engage in public battle on something I didn’t do. Ultimately, that choice probably cost me the position. My mistake was my belief that actually having done nothing wrong would be enough. I underestimated the public’s appetite for even the appearance of scandal and on the influence of the current negative political climate. In this day and age of political ugliness and polarization, I don’t expect my comments today to change anyone’s mind, and that is not my goal. Nor is it create confrontation or to stir the pot further. Neither would serve any purpose at this point. While I have no doubt my statement today will garner scathing and twisted rebuttal, I need to make it anyway. I am an honest man, and I believe anyone who knows me even reasonably well would attest to that fact. I have spent a lifetime in various service capacities and a career working to help shape students and athletes in the right way. My longtime personal philosophy has always been “leave it better than you found it”. Past students could tell you that belief was long posted and shared in my classroom. Trying to address all the historical accusations and assertions that have been made in an effort to attempt to establish the truth of each, would only serve to offer more opportunity to muddy the waters with additional response and rebuttal that purposely avoids the only question that really matters. There has been only one specific allegation against me personally that I have ever seen

or heard. All of this should have boiled down to one simple question. Did I work to defraud the public and misappropriate funds on behalf of, and to the benefit of, a family member?

The answer is no. Nothing inappropriate took place and no special consideration was given. I would never abuse the trust the public placed in me, nor would I jeopardize the reputation of myself or family members by appropriating county resources and personnel for personal or family gain. I would never knowingly even do anything wrong, let alone illegal.

My Daughter and Son-in-Law are indeed the owners of Lake Bound. My Son-in-Law is Darren and to correct Ms. Huffman, my Daughter's name is Dana, not Deandra. If one is going to make a public call for someone to be put in jail they should have done at least enough investigation to know their name. The only real regret I have in this whole matter is having allowed their reputations to be questioned as a part of this. They have done NOTHING, but acquire what was a very run down business location years ago. Year after year they have invested a large amount of work, money, and commitment toward its revitalization and success. We are proud of them. It has been alleged that my wife and I are part owners of the business. We have never had any financial stake in the business whatsoever. Our involvement has been limited to the role of supportive parents helping out with work when requested. Honesty and integrity have been in question during these interactions. Mr. Christy made a big declaration of his honesty during the Commission meeting on July 6, 2020. I think the quote was "I am not a liar". I would submit that information taken out of context and spun to an alternate reality, and statements of opinion, are hardly the same as truth. In his recent letter to the newspapers in response to Commissioner Luck's letter the week before, Mr. Christy stated (and I quote) "She said in her letter to the Editor dated December 24, 2020, that 5 years ago, the Kansas Bureau of Investigation investigated these allegations. That is not true." (end quote) That's a true statement, however, only in so much as it was not the KBI that did the investigation, it was the Kansas Attorney General's office, an honest misunderstanding on Lynn's part a purposeful misrepresentation on his. His intended message to the public, I believe, was that no investigation took place.

Mr. Christy knows that is not true because in his same correspondence to the editor he references a letter in his possession from the Kansas Attorney General's office, the one dated March 2, 2018. That letter was from Deputy Attorney General Karrer of the Fraud and Abuse Litigation Division. Quoting from that letter: *"Our (AG) office conducted a full investigation of this matter, conducting interviews, collecting relevant documents, and reviewing all applicable county policy and State statutes."* An investigation was indeed done. In fact, the copy of the partial testimony Ms. Huffman's submitted to the Commission a couple of weeks ago, and that now hangs in her office window, was from that investigation. Mr. Christy goes on to again reference the Deputy Attorney General's letter and says Commissioner Luck wrote that the Attorney General's Office advised there was no corruption or misconduct. He quotes the AG letter. (quote) "in a letter dated March 2, 2018, the Attorney General's Office advised that they did not believe the state could prove any criminal charges citing 4.1.3(a), insufficiency of admissible evidence to support conviction. That doesn't mean a crime wasn't committed, it just means that with the evidence they currently had, they could not prove it." (end quote) While, again, the quote drawn from the Attorney General is accurate, the conclusion Mr. Christy draws isn't necessarily truth. His conclusion and Lynn's simply differ. Mr. Christy has taken an excerpt from the letter and interpreted the passage to support his own narrative. Again, hardly what I would call truth. The entire passage reads as follows: *Pursuant to commentary provided in Section 4-2.4 of the National Standards, prosecutors should only consider filing charges which they reasonably believe would be "substantiated by admissible evidence at trial". I do not*

believe the reports as reviewed would result in a conviction at trial. Put another way, I do not believe the State could prove any criminal charge 'beyond a reasonable doubt'".

So yes, they said they had insufficient evidence, but insufficient evidence after a "full investigation", not after no investigation as Mr. Christy implied, a completely different statement. Mr. Christy also chose to reference only one of the two factors the Deputy AG cited as being "relevant" for not choosing to file charges. Indeed, 4-1.3(b) "Insufficiency of admissible evidence to support a conviction" was identified, but Mr. Christy choose to omit the second factor, 4-1.3(a) "Doubt about the accused's guilt", a statement that more supports Lynn's conclusion than his. I would consider that an important and telling omission. The Attorney General's letter ends with one final statement regarding the investigation that did indeed occur and its findings. (quote) "Our only duty was to address whether there is a chargeable criminal offense, and the answer to this question was a definitive 'NO'". (end quote) I take that statement to say they had no question as to their findings. There can't be any real evidence, because, once again, I didn't do anything wrong. Throughout this saga, and with each new comment, the local papers have repeatedly identified Mr. Christy as a "retired Senior Special Agent with the Kansas Bureau of Investigation" thereby implying some sort of assumed credibility and validity to his accusations of wrongdoing where none have been proven to exist. While I respect his background and his historical service to the public, that is no longer a role he holds. Mr. Christy's initial comments on the matter and his declaration for this office occurred at about the same time. Upon becoming a declared candidate for this office, he could hardly claim an unbiased perspective, or motivation, on any matter related to this position or to his dealings with the county. In fact his accusations must be viewed as having had an undeniable political interest and motivation. What kind of investigator never asks the accused a single question, or give them any opportunity to answer, before jumping to and communicating conclusions? I don't think that is generally what good investigators do, but it certainly has become the political norm in this day and age. I won't comment on the various other allegations not specifically directed at me and my family. It would be neither appropriate, since I am a single commissioner with no standing to do so individually, or even possible since the Commission has not received any specific information or documentation as to the allegations; we have only what has been reported in the local papers. An unfortunate impact of this behavior is that it has served to distract from the efforts of scores of dedicated county employees and volunteers working on behalf of the citizens of Jefferson County. There is already too little awareness and knowledge of, and respect for, the work these good people do to benefit the public on a daily basis. I want to thank all our county workers for the tireless effort they have given in the past year, often at their own and families' risks, to serve the citizens of Jefferson County during these pandemic circumstances which are unprecedented in our lifetimes. As today is my last meeting I want to say it has been a great honor to work for the past 8 years alongside Lynn and Richard, with our other elected officials, with so many excellent department directors and with a dedicated staff; to contribute in whatever manner that I could. While not everything I hope to was accomplished, I'm proud of what we did get done together and I will leave with my dignity, my character, and my ethics intact. And, I hope I leave it better than I found it."

Crystal VanHoutan, Health Department Administrator updated the Board on COVID statistics. She asked if she could begin using KDHE's data to report County numbers since they are handling cases for the County. The Board agreed by consensus. Currently there are 95 active cases, 1168 total cases, 16 deaths (the deaths have been pending over several months waiting to be verified as COVID related by KDHE. She stated there will most likely be an additional 7 deaths reported after confirmation. She shared a

document showing expected timeframes for vaccine distribution. The department has administered 60 doses so far with an additional 40 to be given this Wednesday to health care personnel and EMS staff. She discussed a recommendation from Department heads regarding access to the Courthouse. The recommendation is as follows: Starting 1/5/2021, to accommodate business that is not easily conducted by other means, the Courthouse should be opened to public foot traffic. The public is advised that all recommended public health measures will remain in place, including a requirement for masks, social distancing and hand washing. Citizens are encouraged to contact specific departments to discuss options besides in-person service in order to accommodate needs and limit the foot traffic as much as possible.” Wayne moved that the courthouse only (other county building will continue in their current status) be open to public foot traffic beginning on January 5th for the purpose of conducting business that is not easily conducted by other means and that the public be advised that all recommended public health measures will remain in place, including a requirement for wearing masks, social distancing and hand washing. The public is also encouraged to contact specific offices to discuss options besides in-person service. Richard seconded. All voted in favor of the motion. By consensus the board also clarified that they intend to extend the mask mandate in the future.

Lisa Buerman, County Treasurer presented a sealed bid from Lisa Zerbe for 178, 179 & 180 in Lakewood Hills Unit 1. Lisa Zerbe bid \$500 for Lot 178, \$400-Lot 179 and \$300-Lot 180. Lynn moved that the bids be accepted as presented. Richard seconded. All voted in favor of the motion.

Richard Hoover, 2330 Phillips Road met with the Board regarding the gravel roads. He stated that Phillips road was a “screwed up” mess. He said the thickness of the gravel is causing damage on his vehicle tires. Lynn stated that she would visit with Ben Domann, Public Works Director and get back to Mr. Hoover regarding the problem with the rock.

Lynn moved that the Board recess into executive session to discuss matters of attorney client privilege regarding legal compliance and economic development issues until 1:45 p.m. Wayne seconded. All voted in favor of the motion. The Board recessed at 1:30 p.m. Present during the session were the Board, Josh and Kelly Woodward (Community Development Director) as part of the collective client. The Board reconvened at 1:45 p.m. The chair announced that no binding action was taken during executive session.

Josh presented Resolution 2021-001 regarding a statement of policies and procedures – Property Tax Exemptions/Abatements for Economic Development for consideration. Wayne moved that the Board adopt Resolution 2021-001 a statement of policies and procedures related to property tax exemptions. Lynn seconded. All voted in favor of the motion.

Linda discussed the December 31 expiration of the federally mandated program providing 80 hours of emergency paid sick leave to employees when their illness is due to COVID or quarantine for COVID. The program was allowed to expire in the CARES act bill that was signed last week. Commissioners may voluntarily extend the program if they wish. Richard moved that the County voluntarily extend the Emergency Paid Sick Leave. (Those that have not used their 80 hours in 2020 will be eligible for the leave). He also moved that the Commission action (March 19 & December 14, 2020) to allow employees to use their sick leave into the negative be capped at 80 hrs. Lynn seconded. All voted in favor of the motion. The same guidelines used for the 2020 program will be used for the 2021 program.

There being no further business to come before the Board they adjourned to meet in regular session on Monday January 11th.
