

TERM OF COMMISSION: October Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Room 220

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle Malaby
County Counselor John Patton

The regular meeting of the County Commission was called to order at 9:33 a.m.

Commissioner Miller introduced Daniel Jacob, who chose to do a job search project with the County Commission today. Daniel will be “job shadowing” her today.

SUBJECT: Recognize Employee of the Quarter Marsha Melton

Public Works Director Frank Abart congratulated Ms. Melton for being named employee of the quarter.

Commissioner Stamper read comments prepared for the occasion, “Marsha is often the first, and sometimes the only contact person that people have with the Public Works Department. Not only does she always wear a smile on her face, there is a friendly smile in her voice when she answers the telephone. Marsha is always courteous and even though the occasional fiery complaints to the Department are received, she handles them in stride. Her interaction with co-workers is described as Marsha being well liked and respected by the employees at the Public Works Department. She is dependable and reliable, always willing to pitch in and do more than her fair share. If we have a question, we ask Marsha. If we have a problem or need a sympathetic ear, Marsha is always available. She completes work assignments with a high degree of accuracy. We cannot imagine the Public Works Department without Marsha. She is an outstanding candidate because she has worked several years in an often thankless job and we believe it is time she received some well deserved recognition. Whether or not she is elected employee of the quarter, Marsha will always be on the top of the pedestal at Public Works.”

The commission presented a plaque to Ms. Melton.

Ms. Melton stated in the five and one half years she has been at the Public Works Department there have been a lot of changes, but it is a good place to be, especially since roads are getting paved now. People are much nicer now.

SUBJECT: Consider Job Classification Project Recommendations

Commissioner Vogt stated the committee who worked on the project was composed of Sheriff Ted Boehm, Recorder of Deeds Bettie Johnson, Auditor June Pitchford, Mr. Stone and herself. They spent many months in long meetings reviewing job classifications, balancing them with those of other work places of similar structure.

Human Resources Director Mark Stone stated a goal of the committee was to review and evaluate all positions to insure internal equity and appropriate compensation levels. Specific recommendations were reviewed in the County Commission meeting on October 3rd.

Commissioner Vogt moved that the County Commission of the County of Boone approve, and authorize implementation of, the recommendations of the Job Classification Committee as outlined in the attached document.

Commissioner Miller seconded the motion.

Mr. Stone stated implementation will not take place until mid May, 1997.

Commissioner Vogt stated the committee worked for eight to nine months. Many job classification and compensation ranges were held at levels they knew were inaccurate. It is time to take care of them.

Planning and Building Inspection Department Administrative Coordinator Noel Boyt questioned why positions will not be reclassified until May, 1997?

Commissioner Vogt replied implementation is being delayed to allow time to change computer software to accommodate the changes.

Ms. Pitchford added other issues, such as how vacant positions will be addressed, also influence the implementation date.

Commissioner Stamper noted the salary ranges of about 85 positions will be changed. If vacancies occur between now and the date of implementation, they will be evaluated on an individual basis.

Ms. Boyt stated she understands her position is one which will be upgraded because of the position and the work which it involves. She personally is disappointed. When she accepted her current position, it was suggested the position would be upgraded. This process has been going on for two years. She is very thankful the committee has finally made its recommendation. She just hates for it to not take effect until May. She is very grateful positions were reviewed. She wishes the county had the money to implement the changes now.

Commissioner Stamper replied it is not only a money issue. It is a matter of sequencing, timing, budgeting, and planning. They did not believe they could implement the policy immediately.

Ms. Boyt stated this has been discussed for so long, why will the changes not take effect until May?

Commissioner Vogt replied they realize some positions have been waiting to be reevaluated for a very long time, but they had to select an appropriate time to accommodate all the pieces.

Ms. Boyt stated she is just disappointed. Ms. Boyt thanked everyone for their work.

Commissioner Miller stated she believes much of the delay relates to the Information Services Department. The earliest the changes could take effect would be January 1997 because funds are not currently budgeted for the increases. Many other activities occur in January, such as tax bills, which the Information Services Department is responsible for. They needed to wait until they could work on the computer program. The change also had to occur when the Sheriff's Department 28-day payroll coincided with that of other employees.

Commissioner Vogt stated Ms. Boyt stated she is right when she says there is a personal level and then the overall look the commission has to take.

Ms. Pitchford stated another way of looking at the matter is that they are glad the changes can be implemented in May, 1997 and not in January, 1998.

Motion passed unanimously. **Order 533-96.**

SUBJECT: Agreement with City of Columbia for Scott Boulevard Safety Project

Public Works Department Manager of Design and Construction John Smith stated this is a cost sharing agreement with the City of Columbia for the Scott Boulevard hazard elimination project. The project is part of the 50 In 5 program. By approving the agreement, the county obligates itself for a portion of the engineering services, about \$30,000, and its portion of construction costs should the plans be approved and the project proceeds.

In response to a question from Commissioner Miller, Mr. Smith replied the total cost of engineering is \$60,000.

Commissioner Miller stated the situation needs to be corrected. She is pleased to be working with the City of Columbia on the project. If this project is successful, she is sure there are many others where the city and county share responsibility. This location has true potential for causing accidents.

Commissioner Vogt stated this location was discussed by people at the MKT Trail dedication ceremony last weekend.

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached agreement with the City of Columbia for the Scott Boulevard Hazard Elimination project. The county's share of the engineering expenses shall not exceed \$30,000.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 534-96.**

SUBJECT: Obermiller/Roemer/Blackfoot Road Improvement Project Change Order No. 2

Mr. Smith stated during the course of construction, it was discovered the consultant had not added a line item for a silt fence. A silt fence is required to prevent degradation of adjacent streams by water runoff. The item needs to be added to the contract with Schnieders Excavation.

Commissioner Stamper stated this change represents a personal bone of contention for him. This is the same consulting engineer who wanted a change order to modify the plans and now the county has found a gaping hole in the plans. It is disturbing that it is a \$28,000 hole. It has to be done. The change costs the county the 15 percent markup required by Schnieders Excavating.

Commissioner Miller stated County Commission Intern Daniel O'Keefe pointed out a discrepancy in the figures on the change order.

Mr. Smith replied that is a mistake. The actual cost is \$26,892.

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, Change Order No. 2 for the Obermiller, Roemer, and Blackfoot Roads project. A typographical error in the cost of the change will be corrected to read \$26,892.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 535-96.**

SUBJECT: Vote to Authorize Closed Meeting

Commissioner Miller moved that the County Commission of the County of Boone authorize a closed meeting immediately following the regular meeting of the County Commission on Tuesday, October 22, 1996 as authorized by Section 610.021 (1) RSMo. to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 536-96.**

SUBJECT: Reports from Commissioners

Commissioner Miller reported on a meeting of the Industrial Development Authority. Four proposals were heard. One requested assistance for the Hallsville Community Fairgrounds. The request was denied. The Friends of Rock Bridge State Park requested assistance for the creation of an educational center at the park. It was also denied. The IDA did not believe the requests related to economic development and the creation of jobs. The Missouri Development Corporation received a grant years ago. They have done very well and offered to repay their loan in advance. The board accepted. The fourth item concerned the Missouri Innovation Center. They have an opportunity to expand at the Sinclair Farm. The University provided access to a building which will require renovation. The building will be used for business incubator projects. They requested \$65,000. They would use the funds to match a \$10,000 grant from Michael

Goldschmidt Architect and a \$55,000 grant from Wayne Huebert Builders. The parties providing the grants will provide design and renovation services for the project. They will seek funding from other entities. The request was tabled to provide an opportunity for a public hearing to be held next month.

Commissioner Stamper reported the commission received a notice from the Human Resources Department of the 1997 Missouri Older Worker of the Year Award. Contestants must be 55 years of age or older and be a resident of Missouri. The award is offered by Missouri Job Services.

Commissioner Stamper reported on the MKT Trail dedication ceremony.

Commissioner Stamper reported he will be away from the community next week. He will attend festivities recognizing the retirement of the Association of Air Medical Services Executive Director. Commissioner Stamper stated he was president of the organization at one time.

Commissioner Stamper reported he is requesting input on renewal of the county contract with Simmons and Associates for governmental relations services. The firm has requested an additional \$3,000, increase the annual fee from \$12,000 to \$15,000.

Commissioner Vogt reported University Extension Director Ron Higginbotham has been working with Hillview Acres residents to find a grant for use in repairing their streets. Mr. Higginbotham has inquired, if he locates such a grant, is the county willing to support the project. Would the county be willing to involve Neighborhood Improvement District Coordinator Andy Lister in the project? Is the county willing to be the grant applicant?

Commissioner Stamper replied that would depend on the terms of the grant. He would be reluctant to have Mr. Lister put in the position of writing grant requests. It would distract from the neighborhood improvement district program. However, he also does not want to turn his nose up at federal funding. He suspects that funding is not available.

Commissioner Vogt stated he would not necessarily write the grant, but would supply information and support.

Commissioner Miller stated it would be great to find such a source of funding because there are neighborhoods who are not able to afford participation in the neighborhood improvement district program. She would want such neighborhoods to be placed on the same waiting list as neighborhood improvement districts.

SUBJECT: Public Comment

Darrell Foster, 1305 White Oak Lane, Columbia, stated he has a masters degree in public administration, plus (unintelligible) in special education. The last time he was before the commission at the budget hearing, the statement was made that the county lowered its standards to hire an African American. It was untrue because the person that was hired is an African. His question is, is Frank Abart a licensed professional engineer and if he isn't, why didn't the commission inform people that it lowered its standards to hire him. His next question is, is Frank Abart on the county payroll? If he is, he was responsible for the firing of Derrick Morton. When Derrick Morton was fired, they were informed that Mr. (Stan) Elmore resigned. When he resigned he illegally fired Mr. Morton because the union supported Mr. Morton. Derrick has not been brought back. Is Mr. Elmore on the county payroll? They would like the questions answered. His next question--and maybe this is for the public tonight and he will come back this evening--they are hearing rumors, that they can document, that an attorney from St. Louis is being hired to represent the commission in a suit that is brought by Derrick Morton. If that is so, why do we have a commissioner lawyer and are we paying both of them and has money been allocated for this attorney? If it has, then as a citizen, taxpayer, and registered voter, he has real serious questions. Now, going back to Frank, does Frank have a certificate of engineering?

Commissioner Stamper replied in answer to his question, Mr. Abart is not an engineer to their knowledge. The position of Public Works Director can, but does not necessarily have to be an engineer. At the time that the commission hired Mr. Abart, the commission made it quite clear, publicly, and he believes it was also reported in the papers, that the commission was hiring a non-

engineer, but that engineers were employed within the department for the engineering services at hand.

Mr. Foster the comment was that when the commission brought in this African person--and they are not against that, they do want to see some color--that the county lowered its standards. The standards were also lowered for Frank Abart, but that wasn't brought out. Is that because Frank Abart is white and you do not feel like you lower your standards when you hire unqualified white males, or white females? Is this the case?

Commissioner Stamper replied, no sir, it is not. He would state again his answer. His answer is that Mr. Abart, when he was hired--

Mr. Foster interjected he is not qualified for the job.

Commissioner Stamper replied it allows for either or if you will look at the posting and the position description.

Mr. Foster stated he just wants it documented.

Commissioner Vogt stated Mr. Abart has a degree in public administration.

Mr. Foster stated he has a degree in public administration.

Commissioner Vogt said congratulations.

Mr. Foster stated, he has one. At the same time, when he was up for a position, it was said that the county was not going to fill this position and he talked with Commissioner Vogt over the phone and she personally mentioned something about the lack of qualifications. Well, he is as qualified as any. So now it is obvious the commission is operating off of a two yard stick system. He would like for that to be part of the public record, because he is going to come back and get it. But you are operating off a two yard stick system, and you brought it up because you are the one that mentioned you lowered your standard--

Commissioner Stamper replied they did not lower--

Mr. Foster interrupted, stating his second question is, is Stan Elmore on the payroll.

Commissioner Stamper replied in answer to Mr. Foster's first question, and he will take up the second one when he is ready to take it up, the commission did not lower the standard--

Mr. Foster stated Commissioner Stamper said that.

Commissioner Stamper stated they allowed a grace period to allow the individual to achieve his license as an engineer and the commission allowed that because it wanted to encourage employment of African Americans or minorities.

Mr. Foster replied he is not an African American.

Commissioner Stamper replied he is a minority.

Mr. Foster stated but Commissioner Stamper did say that the county lowered its standard, and they will go back to the record of the meeting, he is going to call for all of the records--

Commissioner Stamper stated in answer to Mr. Foster's second question, Mr. Elmore is not on the county payroll. He is a subcontractor to the county to supervise the construction of the Courthouse Square project.

Mr. Foster asked is Commissioner Stamper saying that as a contractor, he is not on the county payroll?

Commissioner Stamper replied he is being paid a fee per hour. They are not paying what he would describe as a typical benefit package to Mr. Elmore. He has no health insurance. They do not deduct for federal deductions, FICA, Medicare, that kind of thing. He is a contractor.

Mr. Foster stated he is not even a taxpayer and he is receiving our tax dollars and he is not putting anything back into the kitty. You just said that.

Commissioner Stamper asked how is he not a taxpayer?

Mr. Foster replied Commissioner Stamper just said you are deducting no taxes.

Commissioner Stamper stated that is his responsibility, not theirs.

Mr. Foster stated, Mr. Stamper, he would like to say the man is involved in an illegal firing that the commissioners have to take up and for him to be on the payroll and a young African American male and his family that are suffering based on an illegal firing is again another two yard stick system.

Commissioner Stamper stated that is Mr. Foster's opinion.

Mr. Foster stated you are operating one way with whites and another way with blacks. What about this attorney that we have in St. Louis that my tax dollars are paying for coming in to represent you in a discrimination suit and at the same time you do, we do, have a lawyer don't we? Doesn't the commission have a lawyer?

Commissioner Stamper replied your question has been asked. Commissioner Stamper asked Mr. Patton if he has acquired outside legal counsel for the defense of a case on the commission's behalf.

Mr. Patton replied the county is involved in an insurance trust which administers claims and they hire whoever they chose to hire to handle claims the insure. He does not have anything to do with that.

Mr. Foster stated his question is that we do have an attorney?

Mr. Patton replied yes you've got one, he is right here.

Mr. Foster stated so when matters come up regarding the commissioners, you should handle them. Resources that are taken from Boone County

Mr. Patton stated that is Mr. Foster's opinion.

(Several people spoke at one time. Unintelligible)

Mr. Foster stated this was public comment, wasn't it sir?

Mr. Patton replied it is not public debate.

Commissioner Stamper stated the comment has been made and asked Mr. Foster to allow Mr. Patton to answer the question.

Mr. Patton stated the answer is that claims that are made against the county for monetary compensation that are covered by our insurance are administered by our insurance carrier. That is true of every governmental entity in Missouri and is true of most states. The county has insurance and when a claim is covered by insurance, they determine who defends it, how it is defended, whether it is settled or not, and basically make all decisions with respect to the claim, because they insure it.

Mr. Foster said thank you. Based on the information that has just been discussed and all the things which have been said, it appears to him as a citizen, as a taxpayer, as a very concerned citizen, and involved, that the County Commission is operating off a two yard stick system. You call for

requirements, you ask that we be more qualified than the people who lead us. We are turned down for positions when all of our commissioners have high school diplomas and it is suggested that we can't work even when we have masters degrees. It is a two yard stick system. It is inappropriate. It is wrong and he will be here at every commission to state this until election time, next year, or whenever somebody else comes up. He is not fighting a four year battle with two people, but he will fight a year battle with anybody. What you are doing here is wrong. What you have done has been continued to be wrong. You have taken our tax dollars and are using them illegally. You have fired a gentleman, and brought on the same gentleman that they are going to go into a suit about. These are his dollars.

Commissioner Stamper stated, for the record, Mr. Elmore was not fired, he resigned of his own accord. Commissioner Stamper asked Mr. Foster to please not libel anybody with his comments. Allow him to clarify the public record, he resigned, he was not terminated, nor fired.

Mr. Foster replied he should have been terminated--

Commissioner Stamper stated that is Mr. Foster's opinion.

Mr. Foster stated he is on the payroll and another gentleman isn't, and again, he would just like to go back to Mr. Abart. You claimed that you lowered your standards to hire an African.

Commissioner Stamper replied that is your claim.

Mr. Foster replied that is what you said.

Commissioner Stamper replied that is your claim. Please proceed with your comments.

Mr. Foster stated he would like to get a copy of the public record from the last budget hearing you had.

Commissioner Stamper replied submit it in writing and you will receive it in a few days. Please conclude your comments.

Mr. Foster stated you said that we lowered our standards to hire a minority or African American, is your quote verbatim.

Commissioner Stamper replied I said, and I will clarify that for you today so you are perfectly clear when you leave here, that we allowed a tolerance on a period of time for that person to achieve their professional certification as an engineer in order to hire them into that position, because we felt that they were qualified with background and experience.

Mr. Foster asked, we are talking about the African?

Commissioner Stamper replied yes sir.

Mr. Foster stated with regard to Mr. Abart there was no yardstick system implemented. You just hired him.

Commissioner Stamper replied that is simply not true. We took interviews and applications of engineers and non-engineers, according to the posting, and we hired the person we felt was the most qualified, irrespective of the color of their skin.

Mr. Foster replied but he is not qualified, nor is he a licensed engineer. Is he a licensed engineer?

Commissioner Stamper replied no he is not, but the position allows for an engineer or someone with an equivalent level of experience and education.

Mr. Foster stated he would like to thank the commission for permitting him to come and make public comment. But his public comments are direct, and they have been researched, that the position is that the commissioners have dealt with the community that I live in and the community that I represent on a two yardstick system. And that is wrong and it is illegal. You are charged to

represent everyone. You represent me and everyone else. And you have not done a good job of it and I would just like to let you know that we in the African American community are offended and I don't have to come up here with 5,000 people, I don't have to come up here with people. I can come up here by myself and express my discontent, my dissatisfaction at the way you are doing things and ask you, in a common sense, please, please, please, stop the madness. Let's work together. We can only serve to make Boone County a better place. All right?

Commissioner Stamper stated we appreciate your public comment.

Commissioner Vogt stated she has a comment. It has to do with Mr. Abart's hiring. When we hired Mr. Abart, our job description allows us to hire someone who is an engineer or someone who is not an engineer and at the time we hired him we did have a search and interviewed many people and determined that the best thing for that department was Mr. Abart and that he had a public administration degree was an advantage to the department. She just wants to clarify that our job description does not say we have to hire an engineer into that position.

Mr. Foster questioned and it wasn't based on signatures that were brought up at the Public Works Department, and things of that nature. The signing of the employees wanting--

Commissioner Vogt replied certainly not.

Mr. Foster replied okay. Okay. All of these things are a matter of public record. And I am sure, and I heard you tell me that they were not, that if in any instance that I could prove rather than then we'll know who's right and who's wrong, and I know that you know that I know that you are wrong. That you have been operating off a two yardstick system, that in terms of me being hired as Assistant Director, I was turned down, and I was turned down because you were not going to fill the position. Well I am as qualified as any, but it is the color of my skin, the contents of my character that you don't like. The thing is that you are wrong and we are going to prove that you wrong.

Commissioner Stamper replied you are entitled to the public record and so are we and that is your opinion, sir, and does not reflect consensus of this body.

Mr. Foster replied you are wrong. You are wrong.

Commissioner Stamper asked do you have anything else?

Mr. Foster replied no I don't, thank you. I'll see you tonight.

The meeting adjourned at 10:24 a.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner