

TERM OF COMMISSION: June Session of the May Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

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

The regular meeting of the County Commission was called to order at 9:30

**Subject: Appoint to the Board of Mental Health**

Commissioner Stamper stated that the Commission was reappointing Kay Kallison and Robert Whittet

Commissioner Vogt commented that Mr. Whittet was the chair of the Committee, and that he has been very helpful in that post and Kay Kallison was fulfilling a term for someone else and this would be her first full term. Commissioner Vogt then moved the Boone County Commission appoint Robert C. Whittet for a three year term and Kay Kallison for a three year term to the Boone County Board of Mental Health.

Commissioner Miller seconded

The motion passed 3-0 **Order 283**

**Subject: Presentation of the Annual County Audit (CAFRE)**

Commissioner Stamper welcomed June Pitchford and Steven Smith, a representative of Williams Keepers. He then stated that before the Commission proceeded they would like to wish Commissioner Vogt a Happy Birthday, as she turned 29 again the previous day.

June Pitchford explained that the audit of the previous fiscal year is an annual event and that Mr. Smith was there to answer questions concerning the audit.

Steven Smith stated that this was a large undertaking. He explained the outcomes and the findings of the audit, which can be found in the audit located in the County Clerk's office. They found the Boone County books to be in good shape. Highlights included general fund balance increased by \$1,464,000, revenues exceeded transfers and expenses and the fund balance at the end the year was \$7,000,000.

Commissioner Vogt stated that the report was quite extensive and Commissioner Stamper agreed

Commissioner Stamper then stated that he appreciated Williams Keepers participation in the audit, that it was great to be able to work with a local firm. He then went on to state that June Pitchford did a good job.

Commissioner Miller stated that other commissioners across the state were very impressed with the audit and budget.

Commissioner Stamper requested that the audit become part of the public record of the County of Boone. Commissioner Stamper further requested that the auditor provide copies to the library.

**Subject: Report on the Central Missouri Counties Human Development Corporation**

Commissioner Stamper welcomed Anita Sandruff and friends.

Commissioner Vogt stated that she had reviewed the information and believed it all to be appropriate documentation for the County Commission to sign.

Anita Sandruff explained that the contracts were renewal contracts for the section 8 housing program and requisitions for bringing money to pay for monthly payments to landlords and tenants.

Commissioner Vogt move that the Boone County Commission accept the contracts and authorize the Presiding Commission to sign the Annual Contribution and Voucher contracts.

The motion passed 3-0 **Order 284**

**Subject: Law Enforcement Bid Approval**

Commissioner Stamper welcomed Rebecca Jackson

Rebecca Jackson stated that this was bid number 27-20May98 and that during the bid process, it was decided that a group award would be in the best interest of the county due to the variety of items needed. She recommended that the Commission deny the bid by Gall Inc. for section 4.7. She further recommended the following rewards: for section 4.7 JB Battle Uniform Company; 4.8 JB Battle Uniform Company; 4.9 Tuxall Uniform and Equipment; 4.10 Law Enforcement Equipment Company; 4.11 Tuxall Uniform and Equipment; 4.12 Ed Roehr Radio Company; 4.13 Ed Roehr Radio Company; 4.14 Tuxall Uniform Equipment.

Commissioner Stamper moved to accept the bid as presented by the Boone County Purchasing Department and authorize the Presiding Commissioner to sign.

Commissioner Vogt seconded

The motion passed 3-0, **Order 285**

**Subject: Report on the Boone County Retirement Center**

Commissioner Miller stated that as a Board Member and Commission Liaison, she has had the opportunity to work with members of the board and the Division of Aging to find a solution that would be acceptable to the public.

Patty Brock stated that on behalf of the board she would like to read a prepared statement:

Last night the Board of Directors of Boone Retirement Center after carefully exploring all their options unanimously voted to relinquish our license to the Boone County Commission. We feel this body can best continue uninterrupted care for our residents which is our first priority. The Planning and Development Committee of the Center consisting of Ron Smull, Vice President, Keith Boles, who is with the Department of Health and Informational Services at the University concentrating on the concern of aging, and Mental Health, Myrtle Rapp a nurse who is our longest term board member, will be working with the Commissioners to preserve the integrity of Boone Retirement Center as non-profit corporation with the mission of caring for the indigent elderly of Boone County. The Board especially wants to thank the Lt. Governor, Roger Wilson and Representative Vicky Riback Wilson for their loyalty and support throughout this ordeal and for working with the Division of Aging in bringing about this agreement.

Commissioner Miller stated in meeting with the Division of Aging, their first priority was the residents of the center and the second to the employees. She then explained that because Boone Retirement Center was a Quasi-Governmental Organization the employees have a 457 pension and retirement plan and this could not be transferred to any private corporation. She further explained that the Division of Aging proposed that the Boone County Commission hire an administrator and the board would stay intact as the financial agent in the interim time only which allows the employees' to keep their retirements intact. This arrangement would proceed until a long-term plan is created. She went on to say that the Boone Retirement Center Inc. and the County Commission would plan out how the financial questions would work out. She then stated that she had received a consent agreement and the County Commission could state their intent to

sign but could not sign until the County Attorney had a chance to look over the paperwork. However John Patton did prepare the application for a license to operate and signed off for the presiding Commissioner to sign these documents. John Patton also made an agreement with Mr. Floyd Sims to act as an interim administrator at a flat rate fee as a consultant in the short term.

Commissioner Stamper asked if the Board of Directors ratified the document presented?

Commissioner Miller replied that was correct.

Commissioner Stamper stated that it was important for the consent agreement to be read into the record.

This agreement is entered into by and among the Missouri Department of Social Services, Division of Aging, hereafter referred to as the "Division", the Boone County Commission hereafter referred to as the "Commission," and Boone Retirement Center, Inc. hereafter referred to as such,

WHEREAS, the Commission owns the land and building upon which Boone Retirement Center, Inc. operates and the Commission leases this property to Boone Retirement Center, Inc.; and

WHEREAS, Boone Retirement Center, Inc. has operated the Boone Retirement Center, a 122-bed nursing home that is licensed by the Division as a skilled nursing facility; and

WHEREAS, Boone Retirement Center, Inc. and its administrator, Patrick Rackers, hereafter referred to as "Current Administrator," have been found guilty of two felony counts of criminal neglect of residents of the facility; and

WHEREAS, the Division has determined that under these circumstances the Division should not continue to allow the current operator and the current administrator to operate the nursing; and

WHEREAS, the Division has notified the Board of Boone Retirement Center, Inc. of its intent to revoke the operator's license; and

WHEREAS, it is the desire of the parties to assure the uninterrupted operation of the nursing home and the continuity of care of the residents of the facility; and

WHEREAS, the Commission has submitted an application to the Division to be licensed as the operator of the Boone Retirement Center; and

WHEREAS, under the provision of Section 198.026.5, RSMo, the Division may enter into a consent agreement which allows the Commission to operate the nursing home pursuant to a probationary license during the term of the consent agreement;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Pursuant to Section 198.026.6 RSMo., the Division agrees to issue the Commission a probationary license to operate the Boone Retirement Center as a skilled nursing facility, effective from June 23, 1998 through September 15, 1998, upon the terms and conditions set forth herein;
2. Boone Retirement Center, Inc. acknowledges and agrees that effective upon the execution of this Consent Agreement on June 23, 1998, the license of Boone Retirement Center, Inc. shall be null and void. As a consequence thereof, the Division shall not institute proceedings to revoke the license of Boone Retirement Center, Inc.;
3. The Commission shall secure the services of a management company or a licensed administrator, hereafter referred as "management company," which shall be responsible for the day to day operation of the nursing home, specifically including having immediate responsibility for matters affecting resident care;

4. The management company shall be directly accountable to the Commission;
5. The Commission shall ensure that the management company operates the nursing home in compliance with all statutory and regulatory requirements which are applicable to skilled nursing facilities;
6. The Division shall have the right to monitor the ongoing compliance of the nursing home with state licensing standards by inspecting the facility at such times as the Division deems necessary and the Commission, shall ensure that the management company cooperates fully with the Commission in Conducting such inspections;
7. The Commission shall ensure that the management company provides to the Division by August 1, 1998 and by September 1, 1998, written reports regarding the operation of the nursing home;
8. The Commission shall not permit the current administrator to be an employee or agent of the management company or to have any ongoing responsibilities for or control over resident care. However, it is understood that this shall not preclude the management company from seeking information from the current administrator from time-to-time to ensure the ongoing operation of the nursing home;
9. The Commission agrees to voluntarily surrender the probationary license if the Divisions determines that the nursing home is not being operated in substantial compliance with state licensing standards or the terms of this Consent Agreement;
10. The Commission agrees to fully cooperate with the Division in arranging for the transfer of residents or the transfer of the operation to another entity if, in the opinion of the Division, such action becomes necessary;
11. The parties understand that upon mutual agreement they may extend the term of this Consent Agreement. They understand that the division shall have no obligation to extend the term of the Consent Agreement or the probationary license that is issued pursuant hereto. They also agree and understand that by entering into this consent agreement the Divisions not agreed to issue a probationary or regular license to any other person or entity for the continued operation of Boone Retirement Center;
12. The Commission shall make best efforts to secure a permanent license for the ongoing operation of Boone Retirement Center and that any potential license may not employ the current administrator as an administrator or employee;
13. The Commission shall submit written reports to the Division of the status of its efforts to secure a permanent license by August 1, 1998, and September 1, 1998;
14. The Commission shall notify the Division of any pending change of operator or change of ownership interest as defined in Section 198.015 (1)-(3), RSMo. as soon as is reasonably practicable after such change becomes known to the Commission;
15. It is agreed and understood that the terms and conditions of this Consent Agreement shall be applicable for the period to which this Consent Agreement applies unless it is extended by mutual agreement of the parties.

Commissioner Stamper stated that it had been ratified by the Boone Retirement Board and then asked if there were any questions pertaining to the agreement.

June Pitchford asked if the County would then enter a fiscal agreement with the center and then asked if the County would be directly involved with Medicaid.

Commissioner Miller replied that the county would receive the receipts and then transfer them to the Boone Retirement Center account.

June Pitchford then asked if the Boone Retirement Center would receive any money directly or would it all go through the county.

Commissioner Miller replied that that would be part of the fiscal agreement and that Mr. Patton felt like any concerns that June Pitchford had could be worked out at the time the fiscal agreement was made.

June Pitchford then asked if the Division of Aging had any jurisdiction over these fiscal matters.

Commissioner Miller replied that they did not assuming patient care meets standards.

Commissioner Vogt then asked how long would the agreement with Floyd Sims last and asked Commissioner Miller to give some background information on Mr. Sims.

Commissioner Miller replied that he would work until September 15. She went on to explain that Mr. Sims was retired and worked for Candlelight Care when it was going through its difficulties and was able to turn that facility around and that Mr. Sims wanted the job only in the short run.

June Pitchford then asked to review the agreement with Mr. Sims to make sure that it is a contractual agreement.

Commissioner Miller replied that Mr. Patton wrote it.

June Pitchford then stated that Mr. Patton does not make the decisions that the IRS did and they have very strict guidelines to determine.

Commissioner Vogt expressed her thanks to Patty Brock and the Board of Boone Retirement Center for all their hard work.

Patty Brock replied that she appreciate all the help that Commission had given.

Commissioner Stamper stated that the process was long and the action of the day was aimed at benefiting the elderly of Boone County.

Commissioner Stamper then moved the Boone County Commission authorize the Presiding Commissioner to sign an application for temporary license to operate a long term skilled nursing facility known as Boone Retirement Center and expresses its intent to approve a consent agreement between the Division of Aging, the County of Boone, and the Boone Retirement Center Inc. for transference of the operational responsibilities to the County of Boone subject to the approval of the County Counselor.

Commissioner Miller seconded

Commissioner Miller then stated that through her discussions with the board members, she found this to be the best possible solution and that she was proud to be doing this.

The motion passed 3-0 **Order 286**

**Subject: Commissioner Reports**

Commissioner Miller stated that she had the honor to issue a proclamation for Irene Callahan. It is as follows:

**Whereas**, June 22, 1998, will mark the beginning and much deserved retirement life of Irene Callahan's, and;

**Whereas**, Irene has worked for the Boone County Sheriff's Department since February 12, 1979, and'

**Whereas**, Irene has served a very distinguished law enforcement career as Booking/Bonding Clerk, Warrant Officer, Secretary for the Detectives, Receptionist, and Records Clerk, and;

**Whereas,** During her career Irene has been known for her love of Boone County Sheriff’s Department; Being totally dedicated and acting as “Mom” to everyone, and;

**Whereas,** We have it on good authority that Irene makes the best “gooey butter cake” and the most fantastic “green pickles”, and;

**Whereas,** the 19 years of service to the County of Boone have allowed Irene adequate time to make a lot of baby quilts and afghans for new arrivals to the staff of the Sheriff’s Department, and;

**Whereas,** Irene has a reputation for a “heavy foot” and the most intoxicating delicious “brandy slush’s” but all kidding aside the retirement of Irene marks the end of an era of excellence and commitment which will be missed, therefore;

**Be It Resolved:** That through Irene’s 19 years of service to the Boone County Sheriff’s Department should be commended, and;

**Be It Finally Resolved:** that June 22nd is here by declared as Irene Callahan’s Day in Boone County and all Citizens are called on to honor this distinguished citizen.

Done this 22nd day of June, 1998

Commissioner Vogt seconded

The motion passed 3-0 **Order 287**

Commissioner Miller reported that the commission received the first check for the Union Cemetery trust. The check was from Evelyn Schwabe and for \$250.00. She also reported that she visited Hamilton cemetery and it was in good condition thanks to the work done by the Cornerstone Boys’ Home and the Commission really needed to thank them.

Commissioner Stamper reported that he had a conversation with Mr. Beck the previous day about the Health Department Building and that the Commission would discuss his concerns during the next work session. He further reported that at that work session the would discuss the task force for the fair grounds

Commissioner Stamper then asked for public comment-no one responded.

The meeting adjourned at 10:37 am

Attest:

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Don Stamper  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Linda Vogt  
District II Commissioner