

(Published in the official county newspaper on the 20th day
of December, 2010)

RESOLUTION NO. 16 - 2010

A RESOLUTION TRANSFERRING TO THE COUNTY HUMAN RESOURCES DEPARTMENT ALL ACCOUNTS PAYABLE FUNCTIONS AND DUTIES EXCEPT THOSE REQUIRED BY STATUTE TO BE PERFORMED BY ANY OTHER COUNTY OFFICE AND SETTING FORTH GENERAL GUIDELINES FOR THE EXECUTION OF SUCH FUNCTIONS AND DUTIES.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

WHEREAS, the County in the form of its duly elected governing body has the authority under K.S.A. § 19-101 to determine its local affairs and government, and to transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to listed limitations, restrictions and prohibitions of law, and;

WHEREAS, powers granted to counties are to be liberally constructed for the purposes of giving to counties the largest measure of self-government, K.S.A. § 19-101a(a), and;

WHEREAS, the County in the form of its duly elected governing body has the authority under K.S.A. § 19-212 to exercise control over the County's financial matters, and;

WHEREAS, the Board of County Commissioners of a County has, pursuant to K.S.A. § 19-229, exclusive control of all expenditures the County accrues, and;

WHEREAS, the duty to prepare accounts payable is not expressly listed as a statutorily mandated duty of the County Clerk listed in the general powers conferred upon the office in K.S.A. § 19-301 et seq., and;

WHEREAS, Cherokee County should transfer by this Resolution to the County Human Resources Department all accounts payable functions and

duties except those expressly required by statute to be performed by any other county office, and;

WHEREAS, Cherokee County should set forth in this Resolution general guidelines for the execution of such functions and duties, and;

WHEREAS, the Board finds that the interests of Cherokee County are best served when the accounts payable functions are handled by the Human Resources Department, the employees of which can receive concentrated training and experience in accounts payable issues, as needed, and;

WHEREAS, the Board finds that the accounts payable functions and duties as set forth herein should be transferred to the Human Resources Department, which has an employee with extensive experience in performing such duties and functions, who is presently the most experienced employee of Cherokee County to perform these duties, and;

WHEREAS, the Board finds that the preparation of accounts payable could be performed more efficiently and more effectively if handled by the Human Resources Department, and;

WHEREAS, Cherokee County desires its employees handling the preparation of accounts payable to be as skilled and efficient as possible, and;

WHEREAS, the Human Resources Department is staffed with individuals specifically trained in the performing accounts payable functions and duties and such employees will add greater efficiency and more services to the employees of Cherokee County and the citizens the employees serve, and;

WHEREAS, the assignment by the board of county commissioners to a department or office, not the County Clerk's Office, of the duties and functions of preparing payroll for county employees was specifically approved in a decision by the Kansas Supreme Court that interpreted the laws of the state of Kansas, in Perry v. Board of Franklin County Comm'rs, 281 Kan. 801, 132 P.3d 1279 (2006), and;

WHEREAS, the relevant laws so interpreted by the Kansas Supreme Court have not changed since the issuance of the aforesaid opinion to the date of the passage of this Resolution, and;

WHEREAS, there are no laws that would bar the transfer by the Board of County Commissioners from the County Clerk to the Human Resources Department of the functions and duties of preparing accounts payable functions;

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 13th day of December, 2010, does hereby resolve as follows:

Section 1. Transfer of Accounts Payable Functions to the Human Resources Department. The Cherokee County Human Resources Department is hereby designated as the office that will perform the functions and duties of preparing and completing accounts payable, except those duties specifically required by statute for the County Clerk to perform.

Section 2. Human Resources Department Duties. The Human Resources Department shall forthwith conduct the following duties, under the direction and supervision of the Board of County Commissioners:

- A.) Identify and conduct all necessary accounts payable surveys;
 - B.) Assist all departments with accounts payable information, as needed, understanding any limitations imposed by law with respect to elected officials' autonomy in this area;
 - C.) Provide information necessary to assist Cherokee County in the defense or prosecution of any litigation concerning accounts payable;
 - D.) Provide information to County Department Heads to insure compliance with all applicable federal and state laws as these directly relate to accounts payable;
 - H.) The Human Resources Department shall also undertake the responsibility of preparing the accounts payable of Cherokee County. This duty shall include but not be limited to: the preparation of all accounts payable checks or deposits, except that all signatures required by statute to be placed upon the checks shall still be required by the proper party; distributing
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such payments to vendors; the preparation of all necessary reports for outside agencies; serve as the contact for all outside agencies regarding verification of claims and vouchers made to the county; verification of supporting documentation for such claims; preparing documents necessary for the Board of County Commissioners to perform all of its duties related to accounts payable; and shall have the responsibility for ensuring county compliance with all applicable state and federal regulations;

- I.) It shall be the duty of the Human Resources Department to prepare a statement each time an accounts payable is complete detailing the amounts to be paid by each department and the line items from which funds are to be taken. This information is to be presented to the County Treasurer for the purpose of allowing the Treasurer to perform any necessary function expressly stated in K.S.A. § 19-501 et seq.;
 - J.) All departments are directed to fully cooperate with the Human Resources Department regarding the undertaking of these duties. This includes: the providing of all accounts payable files and records, access to all accounts payable history and computer files, and timely responses to all inquiries regarding accounts payable; and,
 - K.) In the event the County is audited by the United States Department of Labor, the Internal Revenue Service, or the Kansas Department of Labor, or any other entity having jurisdiction over issues relevant to the County's accounts payable, the County Clerk will be responsible for complying with all accounts payable information requests for records or methodologies prior to the effective date of this Resolution; and,
 - L.) Perform all other duties assigned by the County Commissioners; and,
 - M.) All duties and functions related to the preparation of accounts payable, not expressly specifically required by statute or law to be performed by the County Clerk, shall be
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performed by the Human Resources Department. The Clerk shall perform only the minimum duties and functions related to accounts payable that are required by statute or law, except those additional duties or functions as may be subsequently designated by the Board of County Commissioners to be performed by the County Clerk. The following duties and functions shall continue to be performed by the County Clerk related to accounts payable:

- 1.) Sign, but not prepare, all orders issued by the board for the payment of money;
- 2.) Preserve and file all accounts acted upon by the board, with their action thereon;
- 3.) Designate upon every account which shall be audited and allowed by the board, the amount so allowed;
- 4.) Deliver to any person who may demand it, a certified copy of any record in such clerk's office, or any account on file therein; and,
- 5.) Keep, but not prepare, a book in which the County Clerk shall keep the expenditures of the county.

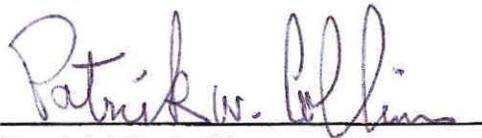
Section 3. County Records. All accounts payable records relating to the functions to be performed by Human Resources wherever held are to be provided to the Human Resources Department immediately upon request, unless such records are specifically authorized to be held by another department or office pursuant to Kansas statutes. The County Clerk shall promptly upon receipt thereof, provide to the Human Resources Department all vouchers and invoices submitted to the County Clerk that are necessary for the preparation of accounts payable by the Human Resources Department, or, in lieu thereof, shall provide copies of all such vouchers and invoices to the Human Resources Department.

Section 4. Cooperation. All departments are to provide their full cooperation and support to the Human Resources Department in order for it to perform the functions and duties related to accounts payable set forth herein.

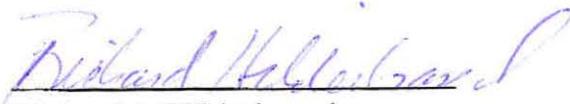
Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 6. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county newspaper.

Adopted this 13th day of December, 2010, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



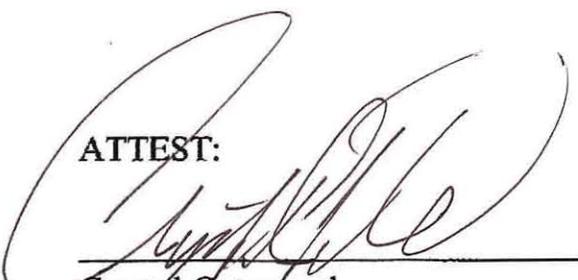
Patrick W. Collins
County Commissioner



Richard J. Hilderbrand
County Commissioner

Jack G. Garner
County Commissioner

ATTEST:



Crystal Gatewood
County Clerk of Cherokee County,
Kansas
Resolution No. 16 - 2010

Prepared by:
Kevin Cure, Attorney