

**MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**January 14<sup>th</sup>, 2009**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 a.m. on Wednesday, January 14<sup>th</sup>, 2009 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks; Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Annette Graham, LSCSW, Director, Department on Aging; Ms. Marilyn Cook, LSCSW, Executive Director, COMCARE; Ms. Iris Baker, Director, Purchasing Department; Deputy Fire Chief Rick Brazill, Fire District; Ms. Kristi Zukovich, Director, Communications; and, Ms. Kristi Vermillion, Deputy County Clerk.

**INVOCATION**

Moment of Silence

**FLAG SALUTE**

**ROLL CALL**

The Clerk reported, after calling roll, that all Commissioners were present.

**CONSIDERATION OF MINUTES** Regular Meeting December 17<sup>th</sup>, 2008

**MOTION**

Commissioner Welshimer moved to accept the minutes as read.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Abstain
Commissioner Parks	Aye
Commissioner Welshimer	Aye

**Commissioner Norton** said, "Ok at this point I understand that we would like to move a couple

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of items up in our agenda and I would entertain a motion to do that.”

**MOTION**

Commissioner Welshimer moved to move Item’s E and F, Election of our Chairman and Election of our Pro Tem to the front of the agenda.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

**Commissioner Norton** said, “Ok, now would you call Item E?”

**SELECTIONS**

**E. SELECTION OF ONE MEMBER OF THE BOARD OF COUNTY COMMISSIONS TO SERVE AS CHAIRMAN THROUGH JANUARY 13, 2010.**

**Commissioner Norton** said, “Commissioners, we have to elect a new Chairman and a new Pro Tem today and we have moved that item up and I would open the floor to nominees from the floor in accordance to Roberts’ Rules of Order.”

**Commissioner Welshimer** said, “Mr. Chairman I would like to nominate Commissioner Kelly Parks as Chairman of the Sedgwick County Board of County Commissioners.”

**Commissioner Norton** said, “Ok, we have Kelly Parks as nominated. Is there any other nominations? I will call one more time. Are there any other nominations? I would say there are no other nominations so at this point we will close and have a vote. All in favor of Kelly Parks as Chairman for 2009 Sedgwick County Board of Commissioners indicate by saying aye.”

**All Commissioners** said, “Aye.”

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**Commissioner Norton** said, "All opposed same sign. We have a new Chairman."

**F. SELECTION OF ONE MEMBER OF THE BOARD OF COUNTY COMMISSIONERS TO SERVE AS CHAIR PRO TEM THROUGH JANUARY 13, 2010. .**

**Chairman Parks** said, "I will quickly call for the clerk to read Item F for Pro Tem. Do I hear any nominations for Pro Tem for the Pro Tem of the Board of County Commissioners?"

**Commissioner Peterjohn** said, "Chairman Parks, I would like to nominate Commissioner Welshimer."

**Chairman Parks** said, "Ok, Commissioner Welshimer has been nominated. Do we have any other nominations for Pro Tem? Hearing none we will call a vote. All in favor say aye."

**All Commissioners** said, "Aye."

**Chairman Parks** said, "All opposed same sign. Congratulations Commissioner Welshimer. And as my first official action we are going to call for a five minute break so we can get some of the logistics and chairs set around. The Board of County Commissioners will be in recess for five minutes."

**RECESS: 9:07 a.m.-9:11 a.m.**

**Chairman Parks** said, "I would like to bring the meeting of January 14<sup>th</sup> back to order. Clerk, call the next item."

**NEW BUSINESS**

**A. DIVISION OF HUMAN SERVICES**

- 1. AGREEMENT WITH REMOTE DATA SERVICES TO PROVIDE MEDICAID BILLING SERVICES FOR SEDGWICK COUNTY TRANSPORTATION.**

**Ms. Annette Graham**, LSCSW, Director, Department on Aging, greeted the Commissioners and said, "This is a contract with Remote Data Services, which provides Medicaid billing services for Sedgwick County Transportation's non-emergency medical transportation program that qualifies for Medicaid reimbursement. RDS is compensated at 3% of all claims paid to the County by

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Medicaid. This is a renewal agreement, the first agreement was initiated by the County in 1998. This revenue helps stretch County mill levy dollars and this has proved to be a very efficient contract with them having expertise and providing Medicaid billing for other agencies across the state and they keep up with all the recent changes, all the programs and policies so it has been a very efficient utilization of resources for us and I would be happy to answer any questions.”

**Chairman Parks** said, “Are there any questions? If none I would call for a vote...motion.”

**MOTION**

Commissioner Welshimer moved to approve the agreement and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, “Clerk, call the next item.”

**2. GRANT APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR FUNDING OF THE SEDGWICK COUNTY RURAL TRANSPORTATION PROGRAM.**

**Ms. Graham** said, “Commissioners, this is a one year grant renewal that provides operating assistance for specialized transportation to rural Sedgwick County citizens residing in Andale, Bentley, Cheney, Clearwater, Colwich, Garden Plain, Goddard, Mount Hope, Peck, Sedgwick, Schulte, and Viola. The renewal would also continue to fund a volunteer transportation program that is provided in Bentley, Mount Hope, Garden Plain and Clearwater and that is where we work with the senior centers in those areas to expand transportation. The first agreement with the Kansas Department of Transportation was initiated by Sedgwick County in 1995. The total funding requests is \$191,690. That is Federal Transit. Administration share is 50% at \$95,845.

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The Kansas Department of Transportation share is 20% at \$38,338 and local match is 30% at \$57,507. The match funding was approved in the mill levy budget. These fund programs to expand services and provide services for the general population in rural areas of Sedgwick County and I would be happy to answer any questions.”

**Chairman Parks** said, “Well, Ms. Graham I am certainly familiar with this program and I am going to be supportive of it. The only thing that I would ask is there a number that you can state so it can be part of the record so we can have that for the people that might want to make that contact?”

**Ms. Graham** said, “For the...”

**Chairman Parks** said, “For the services.”

**Ms. Graham** said, “Ok. 660-5150 is the number to call to arrange for transportation and to make application with our department for that.”

**Chairman Parks** said, “Well, thank you very much. I know that some people are operating with this service in my area and it is a pretty good service. Commissioner Peterjohn?”

**Commissioner Peterjohn** said, “Good morning. I have got a question. You mentioned an expansion under this grant; could you clarify or provide more details on how this is expanding over previous years please?”

**Ms. Graham** said, “Well, it is not really expanding at this time. In the past we have added on the additional program where we work with the senior centers and those are the senior centers in Bentley, Mount Hope, Garden Plain and Clearwater so we started that program a couple of years ago and then last year we added another senior center and that is where we work with them to reimburse them for coordinating the transportation out of their senior centers. So we are not expanding it at this point and time with those programs but over the last couple of years we did add that new program on.”

**Commissioner Peterjohn** said, “Well I hope you will bear with me as the newest Commissioner up here, I have a few questions from time to time and I hope my colleagues will bear with me just a little bit. One more question, has this program been affected at all as the State renewed new highway programs during the last...since it was enacted. We had at least one major

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highway program come through in the late 1990's. Is this grant affected at all in anyway by that?"

**Ms. Graham** said, "No it has not been negatively impacted."

**Commissioner Peterjohn** said, "Well, impacted in any way. Thank you very much."

**Ms. Graham** said, "No."

**Chairman Parks** said, "Thank you Commissioner Peterjohn and I would like to say to all the Commissioners, there are no unimportant questions or please feel free to ask those questions when those things come up. We need to be open and transparent to make sure that the public knows all about the items that we are discussing. If there is no further discussion, seeing no further discussion, do I hear a motion?"

**MOTION**

Commissioner Unruh moved to approve the grant application and authorize the Chair to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, "Clerk, call the next item."

**3. ELEVEN AGREEMENTS TO PROVIDE COMMUNITY SERVICES TO PERSONS WITH PHYSICAL DISABILITIES.**

**Ms. Graham** said, "Commissioners, this is 11 agreements and these...is what the County has

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contracted with most of these providers for over 10 years to provide services that promote accessibility, education, job training, work and health and safety for persons with physical disabilities. Under these programs we serve, each program varies, but each of these programs can provide services to individuals with physical disabilities and there is no age requirement so the programs in total serve people of all ages. Not every program but some of the programs do. So under this we have a total of \$486,922 and the programs that you have the contracts for in front of you are for the Employment Program with Cerebral Palsy Research Foundation for \$27,102; Emergency Equipment with CPRF and that is \$135,733; therapy provided by CPRF and that is \$47,291; flex & home modifications provided by Independent Living Resource Center, \$53,266; information and assistance provided by Independent Living Resource Center for \$26,852; Meals on Wheels program provided by Senior Services, Inc of Wichita and that provides meals for physically disabled individuals under age 60 for \$64,652; vision services provided by Rainbows United, that is \$54,558; adult day services by Catholic Charities for \$52,953 and then Foster Grandparent Program provided by Catholic Charities for \$4,315; epilepsy education provided by the Arc of Sedgwick County for \$10,200 and respite care provided by ROCKO for \$10,000. I would request that you approve the agreements and authorize the Chair. These funds were approved in the mill levy budget for last...that was approved last year and I would be happy to answer any questions.”

**Chairman Parks** said, “Are there any questions of Ms. Graham? Seeing none, I’d entertain a motion.”

**MOTION**

Commissioner Welshimer moved to approve the agreements and authorize the Chairman to sign.

Commissioner Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye

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Commissioner Welshimer           Aye  
Chairman Parks                    Aye

**Chairman Parks** said, "Clerk, call the next item."

**4. SEVEN VENDOR AGREEMENTS TO PROVIDE SPECIALIZED TRANSPORTATION.**

- 1. American Cab**
- 2. ABC Taxi Cab**
- 3. Cerebral palsy Research Foundation/Timber Lines**
- 4. Thunder Enterprises**
- 5. Wisdom Travels**
- 6. First Class**
- 7. Kansas Elks Training Center for the Handicapped**

**Ms. Graham** said, "Commissioners, these are contracts with seven vendors that provide door to door transportation. This is provided to transient dependent individuals and this service is available, the transportation, 24 hours per day, seven days a week and these services provide access to medical appointments, social services, and work in order for these individuals to remain independent and in the community. These are renewals with the first agreements provided under this program that were initiated in 1998. The number of trips provided in 2007 were 27,008 rides and what we do is we take a funding for a variety of different services and then provide the transportation brokerage, what receives, does the intakes and sets up the rides and coordinates the rides and works with vendors so the vendors we currently have under this agreement are with American Cab, ABC Taxi Cab, Cerebral Palsy Research Foundation/Timber Lines, Thunder Enterprises, Wisdom Travels, First Class and Kansas Elks Training Center for the Handicapped. So you see on your agenda item a variety of different funding sources and these are Federal, State and mill levy dollars that provide this specialized transportation. The first and last cost centers at \$122,000 and \$163,038 for a total of \$285,038 are the Aging and mill levy PD funds. The second one is the \$150,000, the second cost center, is new urban funding that comes through Federal, it is Federal funds that come through the State and then they put some match with that. The next one is the General Rule Transportation that again comes through Federal, comes from Federal through the State at \$153,658 and then the next one is \$141,840. That is New Freedom Funding that comes from Federal through the State to us so when people call we determine if they are eligible for which program, we determine which program we can fund them under and then we coordinate the right so it makes it really simple for the individuals, they don't have to know what program they are eligible for, we just figure that out based on their application and their income and their individual situations. We coordinate



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the rides and make those rides available to help them remain in the community. So I would be happy to answer any questions and I would request that you approve the seven agreements and authorize the Chair to sign.”

**Chairman Parks** said, “I do have one question and maybe this is better suited to the Manager. Of the funding sources from the State of Kansas that are passed through from the Feds, are we in any danger of losing any of this or is this already funds that are there and are solidly available to us in light of what we have been hearing lately from the State passing through these funds.”

**Mr. William Buchanan**, County Manager, greeted the Commissioners and said, “Chairman Parks, we know a lot and we don’t know a lot at this stage. Our Chief Financial Officer yesterday advised us in email to not jump to conclusions of what we read in the budget until we have a full opportunity to analyze it because in the past what we’ve known is what people jump to conclusions based on things that aren’t necessarily accurate and so this would be one of the programs that we would look at and make sure the funding is there. Although this is a pass through from the Federal government and the assumption that I would make is that we are pretty safe.”

**Chairman Parks** said, “And I guess my question of legal might be if these fundings weren’t there, the funding wasn’t there for this that the contract could be determined null and void at some time during the time of this contract.”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “Yes sir. All of these contracts contain a provision in them that relates to the cash basis law as well as termination for convenience.”

**Chairman Parks** said, “I just wanted the public to be able to hear that and let that be known, that this can be something that we can get out of. Commissioner Peterjohn?”

**Commissioner Peterjohn** said, “Yes, Ms. Graham a couple of questions just to clarify for me. You said that the first and the last item, I believe it was \$122,000 and \$163,000 were from County funds approximately \$285,000 and in background information I have in front of me, it said that the trips provided in 2007 were a little over 27,000.”

**Ms. Graham** said, “Yes.”

**Commissioner Peterjohn** said, “Do you have any idea how much the County, how many trips the County paid for out of those 27,000, out of those two programs, out of all five or is there any easy way to break that information out?”

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**Ms. Graham** said, "About 40% mill levy."

**Commissioner Peterjohn** said, "About 40%? Do you have a ballpark idea in terms of looking at these numbers and the number of trips provided? Do you think the number of trips provided in 2008 were about the same as in 2007?"

**Ms. Graham** said, "Yes, it was pretty close. What we do with our funding is we look at the total amount of funding and then we kind of budget that out for number of trips per month so that we don't exceed the amount of our funding so we monitor that very closely and unless the funds were to increase we really can't increase the amount of rides so we watch that very closely."

**Commissioner Peterjohn** said, "Ok because let me ask you, if we go ahead and approve this and we have roughly the same number of trips can you give me a ballpark idea of how much we are spending per trip?"

**Ms. Graham** said, "Yes, we have an average cost per trip. It is about \$30 so that is averaging looking at all the rides and then, of course, we have the General Rule, we have our rides in town so we have to look across this page because the rides that are, of course, longest and thus cost more and the rural rides cost more so when we look at that total program, the average cost is around \$30."

**Commissioner Peterjohn** said, "Do you have any idea then I guess how long the average ride happens to be? Any estimate on that?"

**Ms. Graham** said, "No, we don't look at the time really as much as the miles. So we really look at total..."

**Commissioner Peterjohn** said, "Well, let me rephrase it...the miles of the average...how much an average trip is in terms of length."

**Ms. Graham** said, "We don't have that information with us today but we can certainly get that for you Commissioner."

**Commissioner Peterjohn** said, "Ok, thank you."

**Chairman Parks** said, "Ok, are there any other questions. Hearing none entertain a motion."

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**MOTION**

Commissioner Unruh moved to approve the agreements and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, "Clerk, call the next item."

**5. CONTRACT WITH CITY OF WICHITA FOR COMCARE TO PROVIDE A MENTAL HEALTH COURT PROGRAM COORDINATOR AND REQUEST TO ADD ONE QUALIFIED MENTAL HEALTH PROFESSIONAL, RANGE B322 TO THE COMCARE STAFFING TABLE.**

**Ms. Marilyn Cook**, LSCSW, Executive Director, COMCARE, greeted the Commissioners and said, "Welcome Commissioner Peterjohn to the Commission. I am Marilyn Cook. I am the Executive Director of COMCARE, which is the State designated community mental health center for Sedgwick County and I am looking forward to you coming around and seeing the services we offer. This agenda item is the addition of a clinician for the newly formed Wichita Mental Health Court. Mental Health courts are problem solving courts, is the category that they are called and they are designed to reduce recidivism for mentally ill individuals who repeatedly commit crimes due to the nature of their mental illnesses. Without close monitoring of treatment and court appearances these individuals commonly continue in that cycle of committing a crime that leads to arrest and booking and in many cases, confinement at the local detention facility. In a study that was done by Wichita State, I think it was in 2003, a snapshot of the folks that were in our detention facility at the time; 62% of the individuals in our detention center are or were at the time COMCARE clients and they averaged in that small snapshot 14 previous arrests.

COMCARE has collaborated with the City of Wichita to obtain this funding for a mental health court. In fact, we have submitted two previous grants trying to get some money before this one was

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finally awarded to the City. The granting source is the Bureau of Justice Assistance, the City of Wichita received word late in 2008 that they received this three year grant. The first six months of the grant are supposed to be designated for planning for the court and then the last two and a half years to actually implement it. I would also remind you that the criminal justice coordinating council's 2004 master plan specifically recommended that a mental health court at some point be implemented in Sedgwick County as part of that plan. So we are glad that we were able to find some external funding for that. The mental health team will consist of a municipal judge and that judge has already been named, that is Judge Abbott, a part time prosecutor, a probation officer, a defense attorney and then the mental health coordinator; the position we are talking about here. It is our intent to have 100 participants enrolled in the program at any given time and it is estimated that at least half of the individuals who will be involved in this mental health court will have what we consider to be severe and persistent mental illnesses.

The primary goal of the program or goals of the program would be to reduce recidivism of the mentally ill in the justice system, to increase jail diversion strategies and to increase connectivity to mental health services that are very, very needed for this population. We are anticipating that participants will be involved in the program for a minimum of a year, a maximum of two years and I will say that in our research in preparing this grant and collaboration with the City we did see that results from similar mental health courts nationwide; in those mentally ill offenders who complete judge supervised treatment are less likely to commit crimes again than those who simply serve jail terms and time with no treatment intervention. So they have demonstrated effectiveness in other parts of the county.

The contract you have in front of you spells out the terms and agreements with the City of Wichita and COMCARE to hire one full time clinician to coordinate this program. It would be a Masters level clinician and we do this in a very similar way that we do with municipal drug court program that we have been involved with for eight years now. It provides...the grant pays the salary and benefits of the clinician as well as a laptop and an air card for that individual so that individual will be able to take the laptop to the court. The City will also pay, as part of this grant, for travel and training to the National Psych Visit, which is mandatory one time a year as well as traveling expenses to Ohio where another mental health court program that was funded by the Bureau of Justice Assistance is there and part of their agreement with the Bureau of Justice Assistance is to have that be a model program for people to see so the grant also pays for that trip. The planning phase has begun and it is estimated that the court will be in operation sometime this spring and Commissioner Peterjohn, I normally have a story that accompanies services that we provide and since we have not started this yet I don't but believe me there will be some stories that come from this adventure that we are starting. So we are recommending that you approve the contract and the addition to the COMCARE staffing table and authorize the Chair to sign. I would be happy to answer any questions."

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**Chairman Parks** said, “Just for the record, this is for the City of Wichita Municipal Court, it does not include any other cities or any...”

**Ms. Cook** said, “Right it is the Municipal Court and the reason for that Commissioner is that they handle the bulk of the misdemeanor crimes and that is where most of these fall into. These are non person crimes so they are more minor in nature.”

**Chairman Parks** said, “Ok it appears we have a couple of questions. Commissioner Welshimer?”

**Commissioner Welshimer** said, “How does a mentally ill person who has committed a crime get into this program, I mean, where do you put together the patient with the program?”

**Ms. Cook** said, “There are a number of ways that people will be referred to the program. That can come from judges themselves, it could come from booking, it can...we are also...we have always seen a mental health court as one end of a bookend to our offender assessment program. The other being the CIT program, the Crisis Intervention Team program, so we have a growing number of police officers and Sheriff officers who are being trained in the CIT program so some of them will bring these individuals to the attention of the court, where those decisions need to be made.”

**Commissioner Welshimer** said, “How many people can the court deal with at any given time?”

**Ms. Cook** said, “Well, we are saying we are going to serve around 100 open cases at any given time. Judge Abbott is really enthusiastic about this.”

**Commissioner Welshimer** said, “Ok, thank you.”

**Ms. Cook** said, “You’re welcome.”

**Chairman Parks** said, “Commissioner Unruh?”

**Commissioner Unruh** said, “Thank you Mr. Chair. Marilyn, I think you partially answered my question in how does this interface with our SCOPE program and the first contact with the individuals will be through SCOPE and then they are...”

**Ms. Cook** said, “It may be. Right now, SCOPE is a post booking process. When we get more and more law enforcement officers trained in the CIT model and in fact there are \$3,000 in this grant that the City is getting that they are going to put into that endeavor to purchase materials. It is the hope that eventually 25% of WPD and law enforcement officers in this community will be trained in that model so our hope is that they will be able to identify individuals and try to get them

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involved prior to booking but if that can't happen and that is where SCOPE steps in. If that can't happen we will accept people in a similar way, after a first appearance hearing as we do now. Judges sometimes ask for that, attorneys sometimes ask for that and our own assessment folks will make that recommendation for a judge to decide on. The interesting part about these courts is that the judge becomes very much a part of the treatment team and follows these individuals. They will make court appearance. They have to agree to minimum of coming to court one time a month. Sanctions can vary just like for drug court they can vary in terms of incarceration if they don't follow through, you could also be terminated from the program if that is deemed appropriate although we really try to not do that. In one mental health court in the Seattle area, one of the consumers that was attending really hated coming to court and when one of the judges said that his sanction for that activity was to sit in the courtroom all day and it was a long time before he came back so those are very individualized sanctions and it is based on the treatment team meeting and functioning like a team."

**Commissioner Unruh** said, "Well, thank you. I am going to be supportive. I think that it is significant that the cooperation between the different governmental agencies, you know, County and the City and the judges, law enforcement, our mental health...the cooperation there to me implies an understanding that we do have a problem that affects not only recidivism and the overcrowding of the Sedgwick County Jail but a problem in the community that the best practices indicate that we can do something about it. We can impact it and we can make an impact, not only financial but in our general culture so I am happy that our professional team has worked very hard on bringing us to this point and that we can go forward with what I think will be a positive program so I am going to be supportive."

**Chairman Parks** said, "Thank you. One of the critical parts of this team that I am familiar with, that have been operating over the country for about a decade now, in fact, and we are just now getting in, it's fairly new, the CIT is a Crisis Intervention Team and when a police officer in the field goes out and identifies a potential mental health problem and can take the person to the appropriate place instead of our County jail, I think that is significant and I think that will result in long term significant savings for our jail bed space also. Are there any other questions? Seeing none, I will entertain a motion."

### MOTION

Commissioner Unruh moved to approve the contract and addition to the COMCARE staffing table and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.

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There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Ms. Cook** said, "Thank you."

**Chairman Parks** said, "Clerk, call the next item please."

**B. PUBLIC WORKS**

- 1. APPROVAL OF THE FORCE ACCOUNT CONSTRUCTION ENGINEERING INSPECTION SERVICES AGREEMENT FOR SEDGWICK COUNTY PROJECT 811-J, N ½ K; WIDENING OF RIDGE ROAD BETWEEN K-96 & 53<sup>RD</sup> STREET NORTH. CIP# 4-282. DISTRICT 4.**

**Mr. David Spears**, P.E., Director, Public Works, greeted the Commissioners and said, "Item B-1 is a Force Account Agreement with the Kansas Department of Transportation to reimburse Sedgwick County for engineering inspection services performed during construction of the road widening project on Ridge Road between K-96 and 53<sup>rd</sup> Street North. This project is designated as R-282 in the Capital Improvement Program and will have 70% reimbursement. The maximum amount of Federal funds the County can receive is \$138,897 and I recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Parks** said, "This is in my district and I am going to be supportive of this. Do we have any questions? Commissioner Peterjohn?"

**Commissioner Peterjohn** said, "Mr. Spears, could you...you said 70% is coming from other funding sources, could you be more specific in terms of the State/Federal breakdown or is it all State or all Federal...?"

**Mr. Spears** said, "The 70% is for construction. This before you today will get 80%, on this today is the inspection services. All those funds come from the Federal government. They

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funnel through the State and then through us.”

**Chairman Parks** said, “Did that answer your question or do you want to know when that check is going to be written I guess? We have a lot of uncertainty here with the new administration and the State budget crunch and so I think that is what is promoting some of these questions from all of us actually and we don’t know about a lot of these things but now on this project those have been let and those contracts have in fact been signed, have they not, by the State?”

**Mr. Spears** said, “I don’t know if the State has signed those. We have some more paperwork on this to bring to you here in a couple of weeks. We have a CIP amendment to do with the construction part of that but this part...this is part of the paperwork that we have to do so we, our inspectors are highly trained, certified inspectors to do this work and we are paid by the...from the Feds to the State to us to do the inspection and testing and so this is a reimbursement of and it is at an 80% rate.”

**Chairman Parks** said, “After studying this I feel confident that we are going to get paid and reimbursed for this so...”

**Mr. Spears** said, “Well, I think we will. I am really not worried about this. This has nothing to do with the State budget, this is Federal funds that the State Highway Department allocates throughout the State and they have certain obligations that they do have to meet and have to spend this money or they could lose the money for the following year so it is very complicated but I don’t think we are in any danger of losing this money.”

**Chairman Parks** said, “Well it is a much needed project and I know Director Spears has, and his staff, have worked very hard not to create condemnation in this area and I was very pleased with that and with that I would make a motion that we approve this supplement agreement for the Kansas Department of Transportation and authorize the Chairman to sign.”

### MOTION

Chairman Parks moved to approve the agreement and authorize the Chairman to sign.

Commissioner Peterjohn seconded the motion.



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There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, "Clerk, call the next item please."

**2. APPROVAL OF A SUPPLEMENT AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR THE SEDGWICK COUNTY BRIDGE REPLACEMENT PROJECT 606-4950; 53<sup>RD</sup> STREET NORTH OVER THE BIG ARKANSAS RIVER. CIP# B-269. DISTRICT 4.**

**Mr. Spears** said, "Commissioners, Item B-2 is a supplemental agreement with the Kansas Department of Transportation for the bridge replacement project on 53<sup>rd</sup> Street North over the Big Arkansas River designated as B-269 in the Capital Improvement Program. This is a reconciliation of final costs for construction inspection and the County will receive an additional \$8,501 and I would recommend that you approve the agreement and authorize the Chairman to sign."

**Chairman Parks** said, "I did have one question that was brought up just by one of my constituents recently. Is this going to be a Super-2 or on the replacement of this, is this going to be a deck replacement, what is this going to be?"

**Mr. Spears** said, "That bridge is already constructed. That is the one that is just west of the new Walmart on 53<sup>rd</sup> over the Big Arkansas River."

**Chairman Parks** said, "Correct but are there going to be any other improvements on that?"

**Mr. Spears** said, "No, no...the project is complete and this is a reconciliation of the inspection that we had on it to just final it out."

**Chairman Parks** said, "So the supplemental agreement is just kind of a finalization and there won't be any other construction on this?"

**Mr. Spears** said, "That is right."

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**Chairman Parks** said, “They will be glad to hear that. We know that that was a fairly new bridge and just wanted to make sure that that wasn’t going to be shut down again.”

**Mr. Spears** said, “Yeah I think in total we received about \$90,000 for this inspection all together.”

**Chairman Parks** said, “Ok, thank you. Are there any other questions? Seeing none, entertain a motion.”

**MOTION**

Commissioner Peterjohn moved to approve the agreement and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Mr. Spears** said, “Thank you.”

**Chairman Parks** said, “Clerk, call the next item please.”

**C. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING  
ON January 8, 2009.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of January 8<sup>th</sup> results in four items for consideration today. First Item:

**1. CUSTOM PUMPER/TENDER FIRE APPARATUSES AND CHASSIS-SEDGWICK  
COUNTY FIRE DEPARTMENT**

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**FUNDING—FIRE DEPARTMENT**

The recommendation is to accept the overall low proposal meeting specifications from Smeal Fire Apparatus Company and Danko Emergency Equipment for the amount of \$1,188,064.00. Item Two:

**2. ELECTRICAL LAMPS AND BALLASTS—FACILITIES DEPARTMENT  
FUNDING---BUILDING MAINTENANCE**

The recommendation is to accept the low complete bid from Star Electric Supply, Inc. in the amount of \$18,959.28. Item Three:

**3. OILS AND FLUIDS---FLEET MANAGEMENT  
FUNDING---FLEET MANAGEMENT**

The recommendation is to accept the low overall bid from Heathwood Oil and establish unit pricing for one year. Item Four:

**4. ½ TON CARGO VAN---FLEET MANAGEMENT  
FUNDING—VEHICLE ACQUISITION**

The recommendation is to accept the low bid from Rusty Eck Ford in the amount of \$17,253.00. I would be happy to answer any questions and I recommend approval of these items.”

**Chairman Parks** said, “Ok, Ms. Baker, I do have a question on number four, the ½ ton cargo van. I see that those were all Fords...was there some specification that the other companies didn’t bid on this?”

**Ms. Baker** said, “It would appear that they were Ford specs. Fleet Management would need to speak to why they didn’t have a larger variation in this. And I can get you some information if you would like.”

**Chairman Parks** said, “I just wanted to make sure that that is a plausible explanation so thank you.”

**Ms. Baker** said, “Ok, I will get back with you.”

**Commissioner Norton** said, “On Item number one, I mean that is a large amount of money so I would like a little more discussion on that. You sent out to 35 different vendors and it looks like six people responded and at face value it doesn’t look like you took the low bid because there is one or

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two lower, would you talk to that, why they didn't maybe meet specifications, what was different? And is the...is it Smeal?"

**Ms. Baker** said, "Smeal."

**Commissioner Norton** said, "Fire apparatus and Danko, is that somebody we have done business with before, so I guess that is a series of questions."

**Ms. Baker** said, "We do have Smeal Apparatus in the District. We have a variety of different manufacturers in various fire apparatuses within the District. In terms of the 35 vendors we have a comprehensive bid list of all of the vendors that can provide any kind of fire apparatus. Some of those vendors are exclusive to large vehicles only, some to small, some will do a variation. In terms of the number of vendors, the six who did provide responses, it was a request for proposal where we identify the critical specifications that we need in a vehicle and those are set based on the needs of the Fire Department, the configurations, because the Fire Department's desire, and this is with all public safety. Their desires are consistent within the equipment...within the vehicles and apparatus that they are working with so when they develop the specs they take that into consideration. In all public safety apparatus; ambulances, various fire trucks, the manufacturers themselves, the processes consist of something called make to order so what we do is we put our specifications together, we send the document out to everyone. They evaluate the specifications, they make the determination as to whether or not in the make to order process if there is anything in that spec that requires a customization or a modification to their standard processes and that could be their production runs, that could be the types of inventory they carry...they will look at all the efficiencies that are needed based on the requirements of our product. They will also look at the cost associated with and if...generally it is really an economic decision that those vendors make. If they are willing to or if it fits within the confines of what their plans are they will make exactly to what we want, what we have asked for. If it doesn't quite and they are not willing to, say go out and buy something that is not part of their standard to make it special to them, it is their decision as to whether or not they want to buy a different size box to put in here or a different length of hose based on what we have asked for. Sometimes they will, sometimes they will just not bid it, other times they will say this is what our standard is, take it or leave it.

In the evaluation process we look at the impact to the business practices and the cost and then the final evaluation considers whether or not it is efficient or not, to be considered what is called an irregularity. So that is how we get to where we are and of all of the vendors there were two that met 100% of what we asked for in the base requirements and that was Smeal and that was Sutfin and then of those two they took the lower response."

**Commissioner Norton** said, "Ok, I see Rick Brazill here and let me ask him, does this replace an item that we are getting ready to take out of our inventory or is it a new item?"

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**Deputy Fire Chief Rick Brazill**, Fire District, greeted the Commissioners and said, “This request is for two tendered pumpers. One is to replace one, that one will be Engine 31 that goes up in the Andale area. What that does is... this type of apparatus carries a little bit more water than our conventional pumper. Right now we have a tendered store up there in an individual’s out building. He has been very gracious to let us keep that up there so we can maintain our ISO rating. The other option is to keep that truck up there and build a building so that will eliminate us building a structure to have to house this tenured truck in and we will move that older vehicle into reserve and then get rid of an older vehicle so yes it is replacing, long answer there, it does replace a vehicle and the second one, Engine 39, will be for the new Fire Station Southwest.”

**Commissioner Norton** said, “Ok, and the money is available in our Capital Improvements Budget? This has been planned over the years for replacement so...”

**Chief Brazill** said, “Yes sir, this was in our vehicle replacement program and also when we went through the ISO study and the Fire Station relocation plan, this was following that plan. It has been in place for about four years now.”

**Commissioner Norton** said, “Fire apparatus is very, very expensive but it is very, very critical to your needs so I mean there are two conversations that have to go on. I just wanted to be sure that we vetted it a little more so thanks, that is all I had Mr. Chair.”

**Chairman Parks** said, “Chief, before you leave there, if you could just tell the people what a tender is and what it does but if you would just kind of define it a little bit so that the general public will know what that is.”

**Chief Brazill** said, “Well basically in our fleet our two largest apparatus are major apparatuses, a pumper and a tender and again a tender is a water hauler in a rural area. We, especially out on that west tier and in the Andale area, around Garden Plan, we don’t have a lot of fire hydrants so we have got to take our water with us. These trucks are going to be dual purpose trucks. Both of them will be on the west side where we do have those water issues and will enhance our response capabilities out there and our water hauling capabilities. Again, we have made a commitment and the Commission has made a commitment to impact those insurance rates positively. We have gotten lots of phone calls about that southwest station, when we going to get it in because people are going to save significantly on their insurance rates in that southwest part of the County.”

**Chairman Parks** said, “Well, I professionally and personally thank you for the insight and keeping those ISO ratings down. Commissioner Peterjohn?”

**Commissioner Peterjohn** said, “Yes, from a purchasing perspective or Bid Board perspective I

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think first I need to thank Commissioner Norton for saving me, asking a number of questions that were in my mind. I was interested in the terms of the various delivery dates from the various vendors who bid on this and noticed that the Smeal bid could be as long as a little over a year. I wondered how that worked, how you factored that in and is the timing critical since there were some other bids that could apparently deliver much faster, get this product out faster, as much as possibly, in about three or four months.”

**Chief Brazill** said, “Timing was an issue, we did have to kind of take that into consideration. We haven’t started construction of Station 39. We probably won’t start construction on that station until probably March or April of this year so the timing will be about right for delivery of that apparatus. We did take that into consideration. And Smeal’s timeline may be a little faster than what they put in their proposal. That was worst case scenario so we may actually see it by the end of this year.”

**Commissioner Peterjohn** said, “Well, I hope you will bear with me since I am the new Commissioner and I do have a few questions on exactly how the bidding process, how those requests work through the system and end up in front of the Commission.”

**Chief Brazill** said, “Sure.”

**Chairman Parks** said, “Thank you. Are there any other questions? Well, having said that I will approve the recommendations of the Board of Bids and Contracts.”

**MOTION**

Chairman Parks moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

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**Ms. Baker** said, "Thank you."

**Chairman Parks** said, "Now we have a consent agenda before us. Mr. Manager is there anything special on the Consent Agenda that we need to be aware of?"

**CONSENT AGENDA**

**D. CONSENT AGENDA.**

- 1. One (1) Easement for right of Way for Sedgwick County project 634-27; widening to 4-lanes on 63<sup>rd</sup> Street South from Hydraulic to Broadway. CIP# R-302. District 2.**
- 2. One (1) Easement for Right of Way for Sedgwick County Project 600-11-2775; Bridge replacement at 23700 West 77<sup>th</sup> Street North. CIP# B-368. District 3.**
- 3. VAC2008-00033 – Sedgwick County request to vacate a platted utility easement. The site is generally located midway between 127<sup>th</sup> and 143<sup>rd</sup> Streets East, south of 13<sup>th</sup> Street North. The side is located within Sedgwick County and with the city of Wichita's three-mile ring subdivision jurisdiction. (District 1)**
- 4. Contract extension with the City of Wichita for COMCARE to provide drug testing services.**
- 5. General Bills Check Register for the week of December 31, 2008 – January 6, 2009.**
- 6. Order dated January 7, 2009 to correct tax roll for change of assessment.**
- 7. Plat.**  
Approved by Public Works. The County Treasurer has certified that taxes for the year 2008 and prior years have been paid for the following plat:

**Eddy's Acres Addition**

**Mr. Buchanan** said, "No sir, the Consent Agenda is in front of you and I would recommend you approve it."

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**MOTION**

Commissioner Norton moved to approve the Consent Agenda.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

**Chairman Parks** said, “Ok, now we are at the portion of the agenda that we have other things.”

**G. OTHER**

**Chairman Parks** said, “In my district this week I will start out by saying the Kansas African American Museum at 4 p.m. on Sunday there will be a Youth Musical, Voice and Instrumental. You can get more information by calling 262-7651. There is an admission price of a button that you see many of our Commissioners wearing today that commemorates the Martin Luther King Day and supports the African American Museum. If you haven’t been through that facility I would suggest that you go over and take a tour of that. This is a good time of the year to tour that facility in my district. On Monday at noon at 29<sup>th</sup> and Oliver, there will be a speaker and mass song, musical at the Metroplex also in honor of Martin Luther King and I just wanted to bring those things up and if any of the other Commissioners have anything under other... before I do want to make a statement before we leave here today. Thanks. Ok Commissioner Welshimer.”

**Commissioner Welshimer** said, “I know we are all concerned about the Governor’s budget and what is happening to us on the Federal level. It appears that this might be the best of two years if we consider next year also, it sounds like next year is going to be quite difficult unless something miraculous happens and so with your permission I would like to ask the County Manager to come up with a list for us of items where we can begin to cut costs that do not...specifically that do not effect services at this time.”

**Chairman Parks** said, “I am certain that we could have discussion on this without particularly an agenda item but are there any objections to that from any of the other Commissioners? Do you



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want to discuss on this topic?"

**Commissioner Norton** said, "Yes."

**Chairman Parks** said, "Ok, go ahead Commissioner Norton."

**Commissioner Norton** said, "Certainly no objection. I believe that what we talked about at the staff meeting yesterday with really digging in at our retreat that we have every year on that topic is probably pretty important and that would give the Manager enough time to have some of those numbers together and places and cost centers that can be affected so just a suggestion that maybe is a topic for our retreat as we really have that dialogue. It is real hard to have the dialogue up here, to get all the presentations, although that needs to happen out in the public but the truth is our retreat is an open, public meeting too so..."

**Commissioner Welshimer** said, "Well the retreat would be fine with me. I would just like to get it started."

**Commissioner Norton** said, "Yeah, I think that is a great idea and the retreat is a good place for us to have staff there, open up our heads and throw out all the stuff and try to figure out as a Commission the directions we want to go, what is important and what is not for this next year and how it is going to affect our financial position and certainly Chris Chronis is always there with his staff, with Troy Bruun and David Miller that gives us, you know, a real look inside of our financial condition so just a suggestion Mr. Chair."

**Chairman Parks** said, "If I can add to that, we need to make sure that this is in a large enough location where if we do have input from the public or we do have public...I don't know if we would have input at this function, however, we want to be able to have a gallery or some kind of a place for them to listen and have it open and transparent. Commissioner Unruh, was yours on this topic?"

**Commissioner Unruh** said, "No."

**Chairman Parks** said, "Commissioner Peterjohn, are you on this topic?"

**Commissioner Peterjohn** said, "Yes."

**Chairman Parks** said, "Ok do you mind if I take him first?"

**Commissioner Unruh** said, "No, go right ahead."

**Chairman Parks** said, "Ok."

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**Commissioner Peterjohn** said, “I strongly agree with the comments of the earlier Commissioners and I think for having...for the public out there if we could provide a little more information in terms of the retreat and I know this isn’t the time or place to make a specific announcement on details but to give at least the public an idea of what we are looking at doing and what the County does at that regard I think would be helpful.”

**Chairman Parks** said, “Some of the discretionary things I know have been discussed even for this year, for some cuts and some things so I do think that we probably need to talk about this at our next staff meeting in detail and see if we can maybe set some kind of agenda for that retreat. Is that all the discussion on the...thank you for that. And Commissioner Unruh?”

**Commissioner Unruh** said, “Thank you Mr. Chairman. I might just say I am in favor of our retreat, I am in favor of discussing the budget and seeing what we can cut, making sure that we are fiscally responsible but I do have another topic. I have been taught at various times and reinforced that if you make a public offense you should make a public apology and get the situation corrected. There was an article in this morning’s paper that the way it was worded implied that I thought the Chairman Elect or the current Chairman did not have experience. That was brought to my attention this morning and I want to say publicly that I in no way implied that, intended to say that and if there was offense taken because someone read the words to imply that I thought the Chairman didn’t, Chairman Parks, did not have experience. That is not the case. I have apologized to the Chairman privately and now I will set the record straight publicly if anyone else got that inference from the article. And that is all I have.”

**Chairman Parks** said, “Well, thank you. I did want to make a statement as Chairman. I would like to thank my peers for their confidence in electing me to the Chairmanship. We do have our work cut out for us this year especially in light of the economy. We have some challenges this Board will encounter and I think those can be remedied by not placing additional burdens on our constituents, neither through taxes or codes or regulations. Those bind up the process and a lot of times cause our constituents problems. I challenge this Board in the next year to serve all elected with essential government services. As I have stated before, the very young, the very aged and those who can’t take care of themselves have to be a priority and I challenge the companies that we have supported through tax abatements and loans to be diverse and innovative in their manufacturing and their commercial businesses to not lay off workers, try everything they can do to be innovative and to diversify to the point to where they don’t have to lay off their workers. I ask our State Legislative delegation to be bipartisan and considering all levels of local government, not only ours but the other cities in the County, the City of Wichita and the other cities in the County to throw some of these regulations and some of these things that have been in the past thrown upon them, thrust upon them that cost us money. Just because it takes care of their problem doesn’t mean it wouldn’t create another one so I have asked them to publicly hear to consider each one of these

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things when they are cutting their budget. I think we can accomplish these goals by refocusing our vision and not being afraid of changing the way we do business. We need to accentuate the positive successes and welcome new ideas and refocus our strategies and the future of our County and the future generations of this County depend on this to do that. By the end of this year, one of my pet projects is going to be ethics for our Board. I think that the time has come for us to have our own ethics before we can approach and impose laws and regulations on other people, we need to regulate ourselves and I think that although we do have some skeleton type of ethics out there I think we need to firm those up and I have about 300 pages. Not saying that is going to be what the final document is but I think at some of our staff meetings glean some of these, about 20 points of these ethics to be able to regulate ourselves before we can go out and impose laws upon other people. Tough times can be conquered by making competent decisions. I am looking forward to a successful year in serving with you all. Thank you.”

**Commissioner Welshimer** said, “Thank you.”

**Chairman Parks** said, “Having hearing no other items, Manager is there anything else for the agenda?”

**Mr. Buchanan** said, “No sir.”

**Chairman Parks** said, “Mr. Euson, is there anything else from legal?”

**Mr. Euson** said, “No sir.”

**Chairman Parks** said, “Commissioner Welshimer?”

**Commissioner Welshimer** said, “Is there a reception?”

**Chairman Parks** said, “There is a reception following. We are about 55 minutes early from what we stated, however, I think we can adjourn to the Manager’s meeting room and I would entertain a motion for adjournment.”

### **MOTION**

Commissioner Peterjohn moved for adjournment.

Commissioner Welshimer seconded the motion.

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**Chairman Parks** said, “I have a motion and a second. We are adjourned.”

**H. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:05 a.m.

**BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

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**KELLY PARKS**, Chairman  
Fourth District

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**DAVID M. UNRUH**, Commissioner  
First District

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**TIM R. NORTON**, Commissioner  
Second District

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**KARL PETERJOHN**, Commissioner  
Third District

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**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

\_\_\_\_\_  
**Kelly B. Arnold**, County Clerk

APPROVED:

\_\_\_\_\_, 2009