

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

December 9, 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, December 9, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Ron Holt, Assistant County Manager; Ms. Marilyn Cook, Executive Director, COMCARE; Ms. Irene Hart, Director, Community Development; Ms. Iris Baker, Director, Purchasing; Mr. Steven Cotter, Director, Emergency Medical Services; Ms. Kristi Zukovich, Director, Communications; Mr. Kelly B. Arnold, County Clerk; and Ms. Katie Asbury, Deputy County Clerk.

GUESTS

Ms. Denise Wren, At-Large Appointee, Juvenile Corrections Advisory Board

Mr. Kelly Wendeln, P.O. Box 1817, Wichita, Kansas

Mr. Thomas D. Borniger, Attorney, Rural Water District #3

INVOCATION

Led by Pastor Kurtis Haynes, Westview Baptist Church, Wichita

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

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All Commissioners were present

Chairman Parks said, "Have you all had a chance to read the minutes of November 4th, and what's the will of the Board?"

MOTION

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Commissioner Welshimer moved to accept the Minutes as read for the Regular Meeting of November 4, 2009.

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

APPOINTMENT

A. RESOLUTION REAPPOINTING DENISE WREN (AT-LARGE APPOINTMENT) TO THE SEDGWICK COUNTY JUVENILE CORRECTIONS ADVISORY BOARD.

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “Commissioners, we prepared this resolution of reappointment of Ms. Wren to this position. She is the educational professional representative on this Board, and if you approve this resolution, she will serve an additional three-year term. And I recommend you adopt resolution.”

MOTION

Commissioner Norton moved to adopt the Resolution.

Commissioner Unruh seconded the motion.

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

VOTE

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

Chairman Parks said, “Is Ms. Wren present to receive this?”

Ms. Euson said, “She is.”

Chairman Parks said, “If you will come towards the podium and the County Clerk, Kelly Arnold, will swear you in.”

Mr. Kelly B. Arnold, County Clerk, greeted the Commissioners and said,

“I do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Kansas, and faithfully discharge the duties of the office of Sedgwick County Juvenile Corrections Advisory Board, so help me God.”

Ms. Denise Wren, At-Large Appointee, Juvenile Corrections Advisory Board, greeted the Commissioners and said, “I do.”

Mr. Arnold said, “Congratulations.”

Ms. Wren said, “Thank you. I just simply want to say thank you for this opportunity. I do a lot of great things in my job, and this is certainly one of them. So thank you for putting your trust in me, and I will continue to serve faithfully in this area. Thank you.”

Commissioner Unruh said, “Thank you.”

Chairman Parks said, “If you will remain there for just a little bit, we do have a couple comments. Commissioner Norton.”

Ms. Wren said, “Okay.”

Commissioner Norton said, “Well I know those of you in education right now have a tough row to hoe with cuts and the things you’re faced with, and I continue to be amazed that you continue to serve other parts of the community at the same time when you’ve got a pretty daunting task just in front of you in the educational system. I applaud you, Denise, for your service, for all the years and

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certainly understanding the problems that kids have, and how education and juvenile justice really play a part of knowing each other to solve the problem. So thank you for serving..."

Ms. Wren said, "Thank you."

Commissioner Norton said, "...really appreciate it."

Ms. Wren said, "Thank you very much."

Chairman Parks said, "And I was going to say some of the same things there about the education and juvenile justice. We all know that the better education that our kids have, the more they are going to stay out of our system, so I would like to thank you for serving on the Board."

Ms. Wren said, "Thank you very much. Appreciate it. Thank you."

Chairman Parks said, "Thank you."

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING JUSTICE CONCEPTS.

Mr. Kelly Wendeln, P.O. Box 1817, Wichita, Kansas, greeted the Commissioners and said, "The title of my speech today is, 'Is Justice Concepts a Big Fat Con?' I can appreciate the Sedgwick County Commission's efforts to lower the jail population and eliminate the expense of expanding the jail. I realize there have been recent developments which may have changed this situation. In case the situation changes again at some point in the future, I offer this. You might want to write down some of these points. Number one, how many red flags are there? Two, does the word wary or skeptical come to mind? Three, have they followed and completed their contracts on time? Four, have they accomplished anything yet? Five, is there any penalty for them not fulfilling their contract, and on time? Six, how long have they been in this business? Seven, do they have a track record from other counties? Eight, are they bonded? Nine, has anyone run a civil and criminal history record check? Ten, do they tend to exaggerate?"

Mr. Wendeln continued, "Eleven, what about this 40 percent thing, lowering the jail population by 40 percent claim? Twelve, do fraud artists almost always initiate the transaction? Thirteen, are out-of-state contractors any more difficult to prosecute for fraud? Fourteen, are they accessible to the news media? Fifteen, does the county have any recourse if a second agreement ends up like the first? Sixteen, is this what they call throwing good money after bad money? Seventeen, how does that go? I think President Bush kind of screwed this one up; fool me once, shame on you. Fool me

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twice, shame on me. Number 18, did I miss anything? I find it interesting that two longtime former businessmen, Norton and Unruh, are shying away from this deal. Thank you.”

Chairman Parks said, “Mr. Wendeln, could you repeat number seven for me, please?”

Mr. Wendeln said, “Sure. Number seven, do they have a track record from other counties?”

Chairman Parks said, “Okay. Thank you.”

Commissioner Welshimer said, “Mr. Wendeln.”

Commissioner Peterjohn said, “Kelly.”

Chairman Parks said, “Mr. Wendeln, would you please go back to the microphone, Commissioner Welshimer has a question of you.”

Commissioner Welshimer said, “Mr. Wendeln, we did check out all of those things that you mentioned on Justice Concepts, and they did pass with flying colors. They are very well qualified for the job that they did. You give your address as box number 1718? 1817?”

Mr. Wendeln said, “Eighteen. Did I miss anything?”

Commissioner Welshimer said, “Are you a resident of Sedgwick County or are you renting a box?”

Mr. Wendeln said, “I have an address, box number 1817, Wichita. I also have an address, a street address, in Chanute; 919 South Highland, Chanute, Kansas.”

Commissioner Welshimer said, “So you don’t live in Sedgwick County?”

Mr. Wendeln said, “I beg your pardon?”

Commissioner Welshimer said, “So you’re not a Sedgwick County resident?”

Mr. Wendeln said, “I claim dual residency, a box number in this county and a street address in Chanute.”

Commissioner Welshimer said, “Okay. Thank you.”

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Mr. Wendeln said, "Yes."

Chairman Parks said, "I'd like to comment on a couple of things in that Justice Concepts did get the pretrial [services] going that was scheduled for the previous consultant back in 2003 or 2004 that was employed by Sedgwick County Commission. They had the same recommendation about pretrial reviews of people that were in jail, and they did get this going. And I feel like that did add a lot of credence to their contract, and that they did keep a couple hundred people per month out of the jail on that. However, that should have been done with the first review, but it wasn't. As far as background, they did get rave reviews, the most recent one out of Florida, a couple of counties in Florida that they had letters of reference on. And I know I heard 25 percent at some time, I don't know where the figure from 40 percent, but I can be corrected, I've never heard, or don't remember, that figure of 40 percent. So, Commissioner Welshimer."

Commissioner Welshimer said, "Just for the record, if our side of this issue had been what it was represented to be in the beginning, I believe that Justice Concepts could have accomplished much more of what they promised. They were told that we had a record keeping system and a database that they could use to sort out the individuals that could be put into another type of facility that was not as costly as the one we have next door. And when they got started here, they found out we have no such thing, and we are unable to identify the populations that can be moved into medium or minimum security. Had that been available to them as they were told, then this could have come out with a much different result. Also, in the process, Commissioners did not require of staff to cooperate and give them other information that they needed, and Commissioners were not unanimous in supporting them and in working toward reducing the jail population, so Sedgwick County itself has much blame to accept for not having this been a success in the eyes of probably the media. But, actually, there's been quite a bit of success, and we've learned a lot. And we've learned what it is that we were unable to see. And we've also learned that this system is under the auspices of several different officials who need to talk to each other and share information on detainees, which hasn't been done, and so you can't have different entities just going along and doing their own thing and trying to run a system with that, it just goes in all different directions, and trying to pull it together takes a liaison and cooperation and that was not done."

Commissioner Welshimer continued, "So, I'm pleased with the results that we have had so far. And I am very worried that without this type of critical analysis, with a group in here telling us what we need to do and what we need to know, and not what we want to hear and want to know, without that, I don't believe we'll be successful in avoiding the building of the jail."

Chairman Parks said, "Commissioner Unruh"

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Commissioner Unruh said, “Thank you, Mr. Chairman. I wasn’t prepared to discuss this issue today, but I would just like to say that I disagree with many of the statements that have just been made by Commissioner Welshimer. And we just disagree, I suppose, perhaps some of it isn’t agree and some of it’s a matter of fact, but when we get to an Agenda item where we’re actually talking about this, well then we can perhaps air out our differences of opinion. But I just want to say that I do not agree with much of what Commissioner Welshimer has said. And I think the Commissioner knows that, so I’m not saying anything new here.”

Chairman Parks said, “What’s the will of the Board? Next item.”

No action was taken on this item.

NEW BUSINESS

C. SEDGWICK COUNTY 2010 LEGISLATIVE PLATFORM.

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, “Before you today is the 2010 Legislative Platform for your consideration. As you know, we’ve had much discussion about the platform over the last couple of weeks. The last several months we’ve asked our departments to identify issues and areas that would be important to Sedgwick County during the next legislative session, and we’ve gone through a few draft versions of this platform, and we had quite an extensive discussion yesterday in staff meeting about some proposed changes, and some revisions and some revised language. So before you today is a final draft, if you will, of the platform, as we have discussed, and as proposed, and the items contained within our platform focus on the areas of transportation, economic development, general government, health and human services, which includes aging, mental health and developmental disabilities, of course public safety, and then we do have a section about our core principles or policy statements that, again, just to help remind the legislators of what our intent and focus in Sedgwick County is. So today before you, I present the final of version of our platform and I stand prepared for any changes that you might have today, any last changes, and perhaps we can proceed to approval so we can get ready to present this to our legislators before the session begins in January.”

Chairman Parks said, “Just to clarify a few things, Ms. Zukovich has worked hard on this, and, however, you made the comment final version. Now this is a living document, and it may be changed. There are various factors that come in that change this document throughout the legislative session. To let the people know a little bit about the process that we use for that, we hash a lot of this out in staff meeting. There are some things in there that we had some 3-2 consensus on, we had some 4-1 consensus on, so it is not always 100 percent of the things that we want to take, but it was of the majority of the Board to take this document to our representatives. Just wanted to

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let the people know how we do arrive at that, and I anticipate a little discussion on a few of the items today. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Well thank you, Mr. Chairman, but procedurally, since we do have a rather full Agenda, I’d like to suggest, and I’d be willing to make it as a motion, that we defer this item and place it after the Consent Agenda so that we can work through the rest of the Agenda, and if we’ve got time at that point, like you said, it is a living document, it does deserve some attention. I believe it does deserve some discussion, and rather than give it short shrift here at the beginning of our meeting, or have it extend out, depending upon how long the other items take, I’d like to suggest we move it to after Item J on the Agenda and defer it to a little later in the meeting.”

Chairman Parks said, “Any other comments? I’ll get back to you if you want to make a motion on that, but Commissioner Welshimer.”

Commissioner Welshimer said, “I don’t know, let me ask Commissioner Peterjohn, do you want to have a long discussion on each of these like we did yesterday?”

Commissioner Peterjohn said, “Well we did have a long discussion. I don’t know how long it would be. I agree with the Chairman’s comments that it’s a living document, and it may be up for further revision, particularly by events that occur that are not in front of us today, but I would like to have some discussion, because we are talking about not only issues directly impacting Sedgwick County, but we’re talking about issues that are impacting the citizenry and the state. And even though we, as a Commission, are just like all the other citizens out there, in terms of talking with our elected legislators and the Governor, it is important, we do have a little bit bigger soap box than a lot of citizens do when it comes to this, so I think this issue has importance. We’ve got a number of important items on it. We had an extended discussion yesterday, and I wouldn’t want our meeting today to get tied up in all the details here, at this point, and that’s why I suggested deferring this towards the end of the meeting.”

Commissioner Welshimer said, “I thought we came to a decision of a generic piece here that we could send to the legislators. There are some things I would rather see in there, but we’re not sending anything that prevents that in the future, where we could lobby for that. So, I don’t have a problem myself with passing it as it is today.”

Chairman Parks said, “Do you want to make a motion to amend the Agenda item and move it?”

MOTION

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Commissioner Peterjohn moved to amend the Agenda and move Item C to after the Consent Agenda (Item J).

Chairman 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 Welshimer	Aye
Chairman Parks	Aye

Ms. Zukovich said, "I'll see you in a little while then."

Chairman Parks said, "We will take that up after some other business."

D. PUBLIC HEARING ON A PETITION TO ATTACH LANDS TO RURAL WATER DISTRICT NO. 3, SEDGWICK COUNTY, KANSAS.

Mr. Thomas D. Borniger, Attorney, Rural Water District #3, greeted the Commissioners and said, "Since I am technologically challenged, I didn't get any slides prepared, but if I may approach the bench, I do have a handout for each one of you that might make things a little easier to follow my presentation."

Chairman Parks said, "Certainly."

Mr. Borniger said, "What you have before you is an abbreviated packet of what has actually been filed with the County Clerk, ignoring the first page, which is just the Agenda request item, the next two items you have in front of you are to help you kind of situate where Rural Water District #3 is. There are a couple of maps that are pulled from KRWA, which is the Kansas Rural Water Association. A rural water district is a quasi-municipal entity. It is formed ultimately by a petition by over 50 percent of the landowners in an area that is ultimately brought in front of the County Commission and the approval granted which incorporates that entity. From that point on, that entity functions very much like a co-op. Whenever that entity seeks to expand its territory, it again comes back to the County Commission, because that's the power that you have is to talk about what the extent of their boundaries are. In this particular case, you'll notice that Sedgwick County Rural

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Water District #3 is right in the southeast corner of Sedgwick County; essentially it's starting at McConnell and K-15, and it's everything south and east of that. It continues on into Butler County, it continues on to Cowley County and continues on into Sumner County.

“The reason that you always get every item on expansion brought before you is that because the majority of the land that is within Sedgwick County [Rural Water District] #3 is in Sedgwick County. You are the parent commission, so whenever we do anything that's talking about boundaries, we're always coming to you, even though, as in this case, the property actually lies in Cowley County. The second is just a little closer map to show you the location of Sedgwick County Rural Water District #3. We filed a petition, according to statute, which basically asks that a couple tracts of land be added onto the boundaries, the district. Rural water district cannot provide service to those outside its boundaries, and in this case, we had two pieces of property, both of them in Cowley County, combining in aggregate something less than three quarters of a section, where we had one individual who sought to change where his home location was and to build a new house, and he needed water service for it. So, in order to be able to provide water service from lines that we had that were close by, we needed to bring his property inside the boundaries of the district. That's why we're here if front of you today.

“The petition has been signed by me on behalf of those homeowners, those property owners; they are 100 percent of the landowners, so there's no one else that hasn't petitioned to have their land brought in that is affected by this whatsoever. You have the metes and bounds description before you, you have the verifications, the various certificates. There's been 100 percent approval of this by the Board of Directors of Rural Water District #3. Essentially, they are willing to have this land brought into their district and to provide service to it. There is a notice that has been given which we mailed out pursuant to the statutes.”

Mr. Borniger continued, “In this particular case, since these pieces of property are not within the fringe areas of any city that has a planning program, which essentially means it is outside the three mile ring of any city in either Cowley or Sedgwick County, adjacent to those properties, statute KSA (Kansas Statutes Annotated) 19-270, which requires further additional notice is not applicable. So the notices that have been given are those that are required by statute, and basically that is to notify the Chief Engineer of the Division of Water Resources of what the property is and to notify the district that this hearing is actually going to occur. I did provide you with copies of the statutes, in case there are questions. And finally, the last two pages of the material before you is a copy of the proposed order that we are requesting this Commission enter, which basically finds that these are properties that are in need of water service, and that notice has been given as required by statute,

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and granting or consenting to the attachment of these particular properties to the boundaries of Rural Water District #3.

“As I say, the reason this is in front of you is that you are the parent entity, as it is, of Rural Water District #3, so anything having to do with the boundaries comes before you for consent. It also goes in front of the Cowley County Commission. We were originally scheduled to be in front of them last night, but they cancelled the meeting, so that has been moved to December 15th, but we expect no problems there. The order before you is typical of the orders that have been entered by this Commission before on various other attachments over the years. There have probably been six to seven attachments, where either small or large pieces of property have been attached to the district, so there’s nothing new there. This is kind of a quickie run through of all of this. If there are any questions, I would be more than happy to try and answer them.”

Chairman Parks said, “Seeing no questions, I’ll open the hearing of the Rural Water District #3. It is a rather unique district. We’ve had several actions since I’ve been on the Commission with the Rural Water District #3, and I would like to ask at this time if there’s anybody in the gallery that would like to speak to this? I’m not aware of any other printed material or any other communication on this from anybody. Is there anyone in the audience who would like to speak to this today? Seeing none, I’ll close the public hearing. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Yes, I would like to ask the petitioner, Mr. Borniger, a couple of questions just for the record.”

Mr. Borniger said, “Sure.”

Commissioner Peterjohn said, “You said 100 percent of the property owners have requested, and these are all in Cowley County according to the documents, can you tell me how many acres or square miles this would expand the size of the water district?”

Mr. Borniger said, “It’s going to be less than three quarters of a section. There is one individual, even though we have to do the metes and bounds, but actually it’s one person that owns a quarter section and another person that has a half section of property, that is essentially west of a creek, so it’s something less than half a section, so all together it’s going to be something less than 480 acres, and it’s owned by two families.”

Commissioner Peterjohn said, “I very much appreciate that. Just also for the record, how many square miles or acres will the rural water district be today before we approve this, or take this up for a vote? And how many customers do you have in that district?”

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Mr. Borniger said, "I don't know the actual area of the district. I would say it's probably somewhere in the nature of 225 to 250 square miles. If you take a look on the map, on all of that area, with each of those little squares being a square mile, it's pretty significant. It serves right now, I believe, something like 2,300 water benefit units, which is 2,300 customers or family units. So it is the largest one in Sedgwick County."

Commissioner Peterjohn said, "Thank you, Mr. Chairman."

Chairman Parks said, "Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chair. Mr...."

Mr. Borniger said, "Borniger."

Commissioner Unruh said, "...Borniger. Thank you. Perhaps I missed it in your presentation, but exactly where is this located on these maps, the part that you are going to include? Can you tell me, I see the map and I see the area of your rural water district, but where is it in relation to Mulvane?"

Mr. Borniger said, "Where in relation to Mulvane? Okay."

Commissioner Unruh said, "Yeah, I mean that's one way to help me locate it."

Mr. Borniger said, "If you look at Mulvane, come all the way across to the end of the district, the end of the gray area, and then it is down below that, below the dark line."

Commissioner Unruh said, "So it's directly south of Mulvane and just a little west, or is it way east of Mulvane?"

Mr. Borniger said, "It's way east of Mulvane."

Commissioner Unruh said, "Okay. So, in relationship to one of the municipalities, it's quite a distance away from there."

Mr. Borniger said, "It's something like eight or nine miles away from Mulvane."

Commissioner Unruh said, "Okay. Well, the purpose of my question is, you're aware there's some conflict between municipalities and water districts in some areas, and I just wondered if this was going to create another issue, and I'm assuming that all those issues can be worked out amicably, but just wanted to make sure this wasn't right next to a municipality."

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Mr. Borniger said, "It's not. It's not. And one of the things that, you're right, the water districts and cities sometimes do have differences. What I will say is that we have met repeatedly, and by now, by we, I am referring to the district, that the district maintains a dialogue with, and consistently meets with, and despite having some differences of how we are doing things, we have a friendly working relationship with both Derby and Mulvane, we're on their outskirts, so it's not a real adversarial, dogfight type relationship. We call up and talk to one another about things. We are in the process of working with Derby right now regarding their annexation of some properties. So we try to be cooperative to see if we can't work things out. If we end up in court, or if we end up having some kind of dogfight, both of our clients lose."

Commissioner Unruh said, "Alright. Well I appreciate that. And you haven't had any protests from municipality, county, anywhere?"

Mr. Borniger said, "No. There are really none of them, in terms of municipalities, there are none of them that are within, I think the closest is maybe Udall who's five or six miles away..."

Commissioner Unruh said, "Okay."

Mr. Borniger said, "...and so for both Mulvane and Udall, it is so far outside their service range, they have absolutely no interest in these clients, and they are talking about running one line for basically one house, and for none of them is it economically feasible to do that. The only reason it's economically feasible for the district to do that is that we have lines that were less than a mile away."

Commissioner Unruh said, "Okay. Well thank you for your response. That's all I had, Mr. Chair."

Chairman Parks said, "I do have a question, maybe an opinion of yours that might be valuable in this. Why do we, as a Board of County Commissioners, serve as a governing body as opposed to a township or something else in this realm?"

Mr. Borniger said, "Actually, you are not a governing body. The County Commission has absolutely no authority or power over the rural water district except as it comes to its boundaries. Once it is formed, in other words, once the landowners petition to have this entity created, and once you determine that the proper notices have been given and that more than 50 percent of the landowners have consented to this, then the County Commission's authority is to form the district as the entity. Thereafter, it is solely to grant the authority to expand its boundaries. Other than that, it operates totally independently as a quasi-municipal entity, it is a quasi-municipality, which means

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it has the same open meeting law requirements and same other things as any other governmental type entity.”

Chairman Parks said, “So, in terms of governance, we do have the boundary authority and that’s...”

Mr. Borniger said, “And that’s essentially it.”

Chairman Parks said, “...and that’s what we’re looking at here today.”

Mr. Borniger said, “And frankly, even in some of that, at least as I read the statute, and that is that if there are more than 75 percent of the landowners that have requested attachment to the district, then the statutory language basically says the County Commission shall. I suppose you could argue whether it’s mandatory or not, but I do think the authority that you have is to take a look, make certain the notices have properly been given, that you do have the appropriate percentage of the landowners that have signed to do all of this, and it is a way to bring this entity back so that you can resolve any conflicts that might occur, you know, to have a hearing, if there are cities or counties or other entities that are having a conflict with the district. One of the reasons that there’s probably so little governance from some outside entity is that rural water districts have absolutely no taxing power whatsoever, and so, as I said before, they function like a co-op. If someone doesn’t want to get water service from them, they never have to get it. They never have to pay for it. They can ignore the entity and the water district has absolutely no authority over them.”

Chairman Parks said, “And I think they are a great thing to have in the State of Kansas for the rural people, and I had one other question. Not lighthearted, but if everybody might take this, are you interested in getting some free water? In the southern part of your area there, in Sedgwick County?”

Mr. Borniger said, “I can assure you that the district is always interested in quality water sources.”

Chairman Parks said, “I think you may want to contact some of our staff later, because we have, especially in Commissioner Norton’s district, we have some wells that we’re pumping to the river and might be a valuable resource there for you to tap into some of those wells that we’re putting into the river and have a pipe running to your tower. Having said that...”

Mr. Borniger said, “I appreciate the information.”

Chairman Parks said, “...I am serious about that, but some may think that that may be a farfetched idea.”

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Mr. Borniger said, "Thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I'm going to second your comments that you just made, and I take your comments, Mr. Chairman, absolutely seriously. My question was more of a procedural one. I understand what you're saying, if a person didn't want to, if I'm unhappy, I'm on city water where I live and if I don't want city water service, I can call them up and tell them to stop and they will, and it sounds like you operate the same way. But I'm curious, if a person says they no longer want to be included in the water district, can they step outside of it, or basically once you're in, you're in?"

Mr. Borniger said, "Basically, in terms of the territory, once you're in, you're in. Although there are procedures where people literally change one district to another, and there are possibilities to deannex [sic] pieces of property. Deannexation occurs somewhat automatically when you have a situation whenever a city annexes and expands into a district, and there are statutes that talk about what happens then, in terms of how service is transferred and the acquisition of the service by the city in that particular area, because the rural water district doesn't have the authority, without the consent of the city, to necessarily go in and provide service inside city limits anyplace, it doesn't. And the places where we do provide service in those cases has always been with the consent of the city. And there are some situations where we've done that where they haven't expanded their system yet to that point, so we continue to provide service into recently annexed areas for them. There has not been a situation, if you have a piece of property and you are in the middle of the district, will your property be carved out so now there is a little square on the map of the territory of the district. No, that won't happen, unless you are annexed..."

Commissioner Peterjohn said, "Unless you're annexed by the city?"

Mr. Borniger said, "...but, again, it's kind of like being in an area, well it's even less onerous than being inside a city. Inside a city they can pass an ordinance that would basically say, you are only going to get service from the city. Whereas in the water district, we can't do that. A person can drill their own wells, they can truck water in, they can acquire water any way they want to, and we can't do anything about it. It is just that we have to have a contiguous area. And so, I guess the reason I'm saying all that, is that when you actually form the district, it is required to have a contiguous boundary and it requires 51 percent or more, but even when it's formed, it doesn't have 100 percent of the territory. So theoretically you could have a situation where you had, in a section, you could have three landowners, one person, or two people, each owning one acre and one person owning all of the rest of that section, and if the two people consent to be brought within the district, you can literally bring the whole section in. And a lot of times that has to be done in order to have a

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contiguous boundary, to reach other sections that are coming in. And, again, I think the reason that this is done is there is absolutely no negative to being inside the boundaries of a rural water district, because it has no taxing authority and no governance authority over these individuals. They can do what they want to on water. It is solely up to them as to whether or not they wish to acquire water from the district.”

Chairman Parks said, “Seeing no further questions, what’s the will of the Board?”

Commissioner Welshimer said, “Do we need a motion to...”

Chairman Parks said, “Yes.”

Commissioner Welshimer said, “...approve an attachment?”

MOTION

Commissioner Welshimer moved to approve the attachment.

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

Mr. Borniger said, “Thank you very much.”

Chairman Parks said, “Thank you.”

E. DIVISION OF CULTURE, RECREATION & ENTERTAINMENT.

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1. RESOLUTION FOR THE LIMITED EXERCISE OF COUNTY HOME RULE POWERS WITHIN THE BOUNDARIES OF THE COUNTY OWNED SITE FOR THE INTRUST BANK ARENA.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, “Because of its location within the city limits, the Intrust Bank Arena is subject to certain regulatory requirements stemming from the city code, which does not apply to operations at the Kansas Coliseum. These requirements include city controls over sale and consumption of alcoholic beverages, entertainment production venues and sales by itinerant merchants. These provisions would require a city license for the arena as an entertainment establishment, and as a drinking establishment/restaurant, and also could include license requirements imposed by the city code provision related to itinerant merchants. This is the third in a four step process to exempt the Intrust Bank Arena from these codes. You remember last week I reported to you that the city had suggested this process, and the city and county staff have worked together with the following solutions. The first step was the county adopt a resolution requesting the city consent to the exercise of county home rule within the Intrust Bank Arena boundaries, to exempt it from these codes, and you passed that resolution last week. Then yesterday the city received the request and they approved it at their City Council meeting yesterday, so this third step, here today, that the county then would adopt a home rule resolution exempting the Intrust Bank Arena from those stated city code provisions. The last step, once and if you adopt this resolution today, would be for the approved and signed resolution to be published once in the official county newspaper.”

“Alcohol regulation is not dependent on the city licensure requirements, the State of Kansas also provides for enforcement of its own liquor laws regarding consumption, overconsumption, underage drinking and sales to minors, and although the county Sheriff’s Deputies, which will provide security at arena events, cannot enforce city ordinances, they certainly can enforce state laws. Exempting the arena site from city alcohol regulations will allow Sheriff’s Deputies to be responsible for all law enforcement activities on the arena property without confusion created by limited enforcement jurisdiction. Deputies will still be able to call upon the Wichita Police Department for backup as needed. The entertainment licenses for the performance, producers and the vendors they bring in tow would not produce sufficient income to justify regulation of individuals already subject to operating agreements with SMG. Moreover, eliminating these fees and the administrative burden that they represent will favorably impact the booking of entertainment acts for the arena. This action, bottom line, would also place the arena on the same footing as Century II, as the city has waived such fees for acts appearing there. The county and SMG would still be subject to other city code provisions, including but not limited to building and fire codes, and would be subject to state and federal laws as well. For example, although the arena would not be required to have a city liquor license, it would still have to have a state liquor license,

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which it is already acquired. So with that background, and based on the actions you took last week, and City Council's actions yesterday, Commissioners, I would be happy to answer any questions. However, I would ask you to approve the resolution."

Chairman Parks said, "Mr. Holt, the state liquor tax that is derived from this, that in fact they are talking about taking away from the cities anyway in this next legislative session, would that be affected by this at all or would that still go to the City of Wichita until such time as the state decides to take that away?"

Mr. Holt said, "It would still go to the City of Wichita until, and unless, the state decided to do something different."

Chairman Parks said, "Had we deannexed that as I had suggested in 2007, these wouldn't be necessary, as would the \$80,000 worth of city permits that we paid for, is that correct?"

Mr. Holt said, "If we had deannexed this property, and the city agreed, then we would have been under county regulations, resolutions, both for permitting, as well as for actions we're taking today without having to do the limited home rule. We would have that established."

Chairman Parks said, "All right. I won't belabor that anymore. Commissioner Welshimer."

Commissioner Welshimer said, "Ron, now that we're down to this point, and we start working under this change, what if we have capital improvements, will we still be subject to building permits with the city?"

Mr. Holt said, "We would still be subject to building permits when and if they are required, yes. All other city ordinances, except these three that we've identified here, we would be subject to, the arena would be subject to, SMG would be subject to."

Commissioner Welshimer said, "Okay, thank you."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes, Mr. Holt, I want to clarify, particularly for the record, when you say we would be complying with the city fire and building code, so it would be the city Fire Marshal and Central Inspection committee who would be having regulatory oversight on this project, am I correct in that assumption, sir?"

Mr. Holt said, "That would be correct, yes, sir."

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Commissioner Peterjohn said, “Thank you.”

Chairman Parks said, “What’s the will of the Board?”

MOTION

Commissioner Unruh moved to adopt the Resolution.

Commissioner Norton 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

2. APPROVAL OF DELEGATE AGENCY FUNDING CONTRACTS.

Mr. Holt said, “These contracts that are before you today outline legal relationships between the county and five agencies: the Arts Council, Inc., Kansas Junior Livestock Show, Inc., Kansas African American Museum, Inc., Sedgwick County Fair Association, Inc. and the Wichita-Sedgwick County Historical Museum Association, Inc. This is the method by which Sedgwick County provides funding for these agencies, and this funding has been approved in the adopted 2010 budget. These are renewal agreements. The county has provided some funding for these agencies for several years. So unless you have questions, Commissioners, I would recommend you approve the contracts and authorize the Chairman to sign.”

MOTION

Commissioner Norton moved to approve the Contracts and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

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Chairman Parks said, “There’s a motion and second. There is a little bit of discussion on my part. None of these contracts go beyond the budget year that we’ve encumbered this money for, is that correct?”

Mr. Holt said, “That’s correct.”

Chairman Parks said, “Okay. Thank you. Seeing no further discussion, call the vote.”

VOTE

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

Mr. Holt said, “Thank you, Commissioners.”

F. CONTRACT FOR COMCARE TO PROVIDE CASE MANAGEMENT SERVICES FOR UNITED METHODIST OPEN DOOR SUPPORTED HOUSING CLIENTS.

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, “United Methodist Open Door received a grant from HUD (United States Department of Housing and Urban Development) for a permanent housing project called the Safety Net program. Part of the grant award included funding for a part-time mental health case manager to assist the 10 to 12 individuals living in these apartments who have mental illness to successfully transition out of homelessness. UMOD, United Methodist Open Door, subcontracted with COMCARE to provide these case management services, since that is what we are known for doing. This case manager will do what our case managers do in other programs, and that is complete a strength assessment on the individuals that are living there, assess their needs, provide an array of services to them and help link them to identified services.

“To give an example of how this is working, our case manager was assigned to one of the individuals who was one of the first clients who moved into one of the Safety Net program apartments in the spring of 2007. After working with the case manager, this man has been successfully living in an apartment, working full time, he’s going to be graduating from this program this month, and he now earns enough money to live independently and he’s developed a

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support system with coworkers and his employers. So he can stay in that apartment and pay the rent like any other citizen, or he can move to another apartment, given the fact that he now has a full income. So we can see that this has been very successful already. We're recommending that you approve the agreement and authorize the Chair to sign. I would be happy to answer any questions I can on this."

Chairman Parks said, "Commissioner Peterjohn"

Commissioner Peterjohn said, "Yes. Thank you, Mr. Chairman. Ms. Cook, I noticed there's some Medicaid funding that would be tied in with part of that, could you speak to that and particularly in light of the fact that Governor Parkinson's recent announcement talking about reduction in Medicaid funding, would that be impacted on this proposal, and if so, by how much?"

Ms. Cook said, "Well, the proposed allotment from the Governor Thanksgiving week required a 10 percent reduction in Medicaid rates for any Medicaid provider. That would be doctors, dentists, hospitals, us, as Medicaid providers. The hope is that those rates will be reinstated in the near future. That could be three months, six months. So, yes, it will impact the rate. I will say, in this case, this is a .65 FTE (full-time equivalent) position, and while we are required to provide some match, no cash will be expended on this, and the rate that we get for case management is sufficient, even with the 10 percent reduction in a temporary way to not have to expend any cash. So it should cover the expense of the program, and in fact provide a little income."

Chairman Parks said, "Thank you. What's the will of the Board?"

MOTION

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

Chairman Parks seconded the motion.

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

VOTE

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

Ms. Cook said, "Thank you."

G. DIVISION OF COMMUNITY DEVELOPMENT.

1. APPROVAL OF 2010 MEDIATION CENTER AGREEMENTS.

Ms. Irene Hart, Director, Community Development, greeted the Commissioners and said, "Today I'm bringing to you two contracts that were approved in the adopted 2010 budget. They are renewal programs; we've funded them for a number of years at about the same level. The first one, this Item G-1, is approval of the Mediation Center agreement. What the Mediation Center does is provide trained volunteers who mediate disputes primarily in Small Claims Court. The desired result is that there is an agreement arrived at between the parties without court action. I can say that about two-thirds of the cases that they mediate are between consumers and merchants, and landlords and tenants, so they are able to get people to come together without having to go into Small Claims Court and the court take action. The agreement is in the amount of \$8,000 that provides for a coordination training and administering of the program itself. I would be happy to answer any questions you might have."

MOTION

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

Commissioner Welshimer 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

2. APPROVAL OF THE MID-AMERICA MINORITY BUSINESS DEVELOPMENT COUNCIL AGREEMENT FOR 2010.

Ms. Hart said, “Again, this is an agreement that’s in the approved budget, it’s a renewal program in the amount of \$20,000. We assist the organization in their efforts to connect minority suppliers with majority business owners; some of the federal programs encourage certified minority business enterprises, this organization does that certification of such entities. They provide training, they provide networking, linkages, doing a good job and a number of our local entities are corporate members or organizational members and use the organization’s skills and services. I would be happy to answer any questions you might have.”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “Ms. Hart, I was interested, since this is a renewal of an existing agreement that’s been in place for a number of years, I was wondering how the Mid-America Minority Business Development Council, how their 2009 has gone compared to 2008, considering how difficult the economy has been, and wondered if there’s any preliminary information? Irene, I realize we’ve still got a couple weeks left for this year, but was interested, in terms of how this is performed in the past, since the objective for next year is to increase the number of minority business enterprise employees 30 percent of this year’s numbers, and increase the number of certified, I’m not sure what certification fully entails, but increase that by 15, and the other criteria that’s listed in the backup material?”

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Ms. Hart said, "I don't have their report with me for 2008, and I'll get that information and send you all an update. For certification, they have already reached their 15 in the first three quarters of this year, it looks like the number of employees has not been as much as we had hoped, but they haven't decreased any. Looks like at the beginning of January, there were 324 full-time employees by certified minority businesses, and now there's 355, so let me see what I can get comparing it to last year and I'll provide that to you."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "I do remember during budget times, I believe we were all pretty well briefed on this."

MOTION

Chairman Parks moved to approve the Contract 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
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Hart said, "Thank you."

Chairman Parks said, "Thank you."

H. PUBLIC WORKS.

- 1. APPROVAL OF AN AGREEMENT WITH WESTAR ENERGY FOR RELOCATION OF LINES FOR SEDGWICK COUNTY PROJECT 803-S ½**

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**Q THRU U: 135TH STREET WEST FROM US-54 TO K-42. CIP# R-303.
DISTRICT 3.**

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “Item H-1 is an estimate from Westar Energy, Inc. for relocation of electric power lines for the road improvement project on 135th Street West from US-54 to K-42, designated as R-303 in the Capital Improvement Program (CIP). Sedgwick County will only be responsible for the portion of line located in the private easement at an estimated cost of \$200,000. Recommend that you approve the agreement and authorize Chairman to sign.”

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Parks said, “Motion and a second. Does the Board need a chance to have any more information on this? Commissioner Peterjohn,”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. Since this is in my district, I’m going to move that we approve the agreement and authorize the Chair to sign, but I’d like to get an idea, in terms of how long this is going to take, Mr. Spears, and what sort of financial implications there are for this, for the record, please?”

Mr. Spears said, “Well, the financial implication, it’s \$200,000. The lines will not be able to be relocated until we obtain all of the right-of-way. We are in the process right now of doing that. In our office, we called all the landowners in that wanted to come in and visited with them, and we are in the process now of getting that. So, as soon as we get the right-of-way, we’ll get with Westar and get the lines relocated. I would say, hopefully by the middle of next year all that will be accomplished.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman.”

Chairman Parks said, “We already do have a motion and a second on...”

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Commissioner Peterjohn said, “Oh, I’m sorry.”

Chairman Parks said, “...the floor on that. Seeing no further comment, call the vote.”

VOTE

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

2. PRESENTATION DEPICTING ROAD AND BRIDGE CONSTRUCTION PROJECTS COMPLETED DURING 2009. ALL DISTRICTS.

VISUAL PRESENTATION

Mr. Spears said, “I’d like to report to you on all the projects that were constructed in the year 2009, including roads, bridges and preventative maintenance. I do want to preface all this by saying this was one of the largest years we’ve ever had with roads and bridges, and that might seem strange with the economic times that we’re in right now, but we received more federal funds this year than we ever have. We’re pretty proud about that. I’ll get into that in more detail as I get into the report. I think that’s a major item that I wanted to stress today. This year, we completed 14 and a half miles of cold mix and chat seal. The roads are selected by our staff in January and you are notified by memorandum accordingly. In addition to these projects, the 2009 construction program can be summarized as follows: 25 and a half miles of roads were treated with the latex modified slurry seal, 20 miles of asphalt rejuvenation were constructed, 23 miles of nova chip were constructed, five bridges were constructed, or are under construction by contract, 15 miles of roads were constructed, or under construction by contract, seven bridges were constructed by our crews, 43 miles of rock shoulders were constructed. Back on that cold mix, I said that there was 14 and a half miles, five and a half of those were done, one in each Commission district. Commissioner Welshimer had one and a half miles in hers, because we had to go back and do that other mile on MacArthur Road, that half a mile on MacArthur Road. Then the other nine miles are recycled cold mix that we do because of rutting in some of the roads and I’ll have some pictures of those later.

“All of the projects were in accordance with Sedgwick County’s Capital Improvement Program. In total, improvements were made to 98 miles of the 500 miles of paved road that Sedgwick County is responsible for, and this means that 20 percent of the county’s road system was improved for the year 2009. Of course, that is our goal each year to do something to 20 percent of our roads and that

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way every five years we have a complete turnaround and a complete renewal of our road system. A memorandum depicting the expenditures on our projects was sent to you December 2nd. In general, the expenditures for 2009 were \$4,108,707 in actual bridge project costs. And in total we were \$801,043 under budget on bridge projects. And with respect to road projects, we spent \$14,524,930, which was under budget by \$2,085,375. Now, of major significance, a total of eight KDOT (Kansas Department of Transportation) projects will be shown in the presentation for bridges and for roads. These projects were let by KDOT for a grand total of \$37,432,005. Sedgwick County's matching share for these projects totaled \$11,609,000 and KDOT's share totaled \$25,823,005. This is the largest amount of federal funds Sedgwick County has ever received for roads and bridges in any one year."

"Okay, now we're ready to go through the show. There's the map of the whole county and it gives you an idea where all the projects are. You can see the legend and I'll show that again at the end. Road projects by contract. You can see the locations for major road projects, and this is the county's budgeted versus actual on each one of them. All these are KDOT funded partially: Ridge Road between K-96 and 53rd North, Meridian between 47th and 71st, 199th West from US-54 to 21st and then 63rd Street South between Broadway and Hydraulic. You can see we are under budget on each one of those. Now, this is going to show you before and after pictures just to give you an idea. On these, it won't be an after picture, it will be a during picture. So this is before up on Ridge Road between K-96 and 53rd. Another before, you can see the alligator cracking and longitudinal cracking. This is the pump station going in, a multi-million dollar pump station to help with drainage in the area. This is during, of course. In total, this is a \$9 million project. The county's share budgeted was \$2.9 million and so far spent \$2.8 million and so we're currently under \$74,867.

"Meridian, down in Commissioner Norton's district, between 47th and 71st, this is some before pictures. This is a two-lane road, rural. This is during, see that construction is going on now. And this was an earmark project, so it wasn't an 80/20 split. It's a nice thing that we got the earmark because we weren't even expecting that, so we wouldn't have got the \$2,994,000, but we did and that helped out. And so the total project is \$7,764,000. Okay, this is 199th West. This project is completed. It's Commissioner Peterjohn's district. US-54 to 21st, a before picture. You see the alligating [sic] there. This was a cold mix road, very narrow road, which we widened it. You can see the result. We got it widened with the rock shoulders. Turned out very nice. You see we made some improvements on the bridge there with the flared guardrail. And so total project was almost \$3.4 million, our share was \$702,000, under budget by \$160,000.

"This is 63rd Street South, Broadway to Hydraulic, we're going to take this to four lanes. This is a before picture. This is how it will be over the winter while we wait until next spring to finish up. You can see on the edge there with the curb that that's not all the way to the top yet, so we have another lift to go, but this is a nice improvement, went under the turnpike down there at the west

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end. And that's about a \$2 million project and our share is \$420,000, currently under by \$224,000. Road summary, these KDOT type projects, total road costs of \$22 million, our share about \$8.7 million. That's a little high because the pump station we had to pay for; KDOT would not participate in the pump station. This is asphalt, this is going to go through all of our preventative maintenance, which in our opinion in Public Works is the most important thing that we do. I mean, the big projects are glamorous, and this is not glamorous, but this is what saves our investment. We have roads out there that we built in the '80s that are just as good today as they were then. We have extended the life of them."

Mr. Spears continued, "Now, this is asphalt rejuvenation, about 20 two-lane miles. This is over on 21st North and Zoo between Ridge and the floodway. That's a before, before. Now here's an after. This is a really nice looking project. See all the traffic here, also. I got to thank Mara. Mara took the pictures, put together the Power Point, Mara Elman, and I think sometimes she almost takes her life in her own hands out there taking those pictures with all that traffic. Now there's one, you had to be standing on a median there. This is Windmill Road, same area. We did the same thing to it. That's a before, before. Here's the after. Now this is Central out in, Commissioner Unruh this is in your district, between K-96 and 143rd. This is an after picture, didn't get a before on that. This is Pawnee relocate between the turnpike and Rock Road. Before, also before. There's an after. This process that this company uses recycles one inch of asphalt and then adds another inch of virgin material on top of that, so you're getting an extra inch of thickness on these, plus the recycle of the top inch. It's a really great process. Still on Pawnee. Now this is Clifton, down in Commissioner Welshimer's district, between, well you say MacArthur and 55th, you know how Clifton goes up and ties into K-15 there by the railroad tracks. That's before. Here's an after. This is 143rd Street East between Central and 13th, a before picture. And there's after. And that's after. I like this picture because it shows the 143rd Street Bridge over the turnpike in the background, and we'll show you that in a minute when we get to the bridges. Altogether, on all those projects, budgeted \$1.665 million and we came in under about \$14,000.

"Now here's a nova chip process, which puts about a half inch overlay on the roads. Twenty-three miles this year, you can see the locations on the map. This is 101st Street between Meridian and Broadway before, and that's after. This is 79th Street South between Webb and 159th Street East, Commissioner Welshimer's district. A few before. That's after, still after. And this is 95th Street South between K-15 and 159th Street East. Before, a lot of crack sealing on that one. This is after. This is over in the Sedgwick County Park, North Shore Boulevard before, and some other roads in there. Before all of you were here, all of this was gravel years and years ago. We paved it and the park became really popular. Now this is after. We also did the bike trail, walking path this year and I'll show you pictures of that in a minute. Greenwich, this is Greenwich between 53rd and 125th North before. This is after. And Shilling Construction out of Manhattan came down here and got that project, the nova chip, and you can see it was budgeted \$1.4 million and we were under about

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\$140,000. This is the BM-1, and you can see where we did this was on the bike paths. You may not realize there are 8.5 miles of bike paths in Sedgwick County Park. That's hard to believe but they're there. You can see on that map, the little purple lines are all the bike paths and that's what we did. That's a before. There's after, after and after. Just took a few pictures of that. That was budgeted at \$150,000, came in under about \$23,000."

"This is a latex modified slurry seal. This does not really put an overlay on a road but it seals a road and keeps water from getting down through it, about 25 and a half miles this year. You can see the locations on the map. This is a before picture on 61st Street North up by Andale. Before again. This is after. Pretty good looking project. This is 21st Street North between the Wichita city limits and 167th West, goes by the YMCA (Young Men's Christian Association) and the new hospital facility. There's some before. After. You see the turn lanes for the hospital there. Nice thing about this project, you can do it close to urban areas and get it down, and within a couple of hours, traffic can go on it. Now this is 63rd Street South between the Arkansas River and K-15. Before, before. This is an after. Here again, these types of projects just add life to your road. 29th Street North between 167th and 247th, this is out by Saint Marks [United Methodist Church], you can see. This is Webb Road between 23rd Street South and 47th Street South. Before. This is after. Greenwich Road between 29th and 45th. Before and after. City of Viola, various roads. Before. And this is after. We have what are called connecting links in many of the small cities that are under 5,000 population that we're responsible to take care of. Ballou Construction did that project and it was \$1 million. We came in about \$12,000 under.

"This is the cold mix. Like the lighter blue is what we did in each district, that's new, that was done on a gravel road which is now a cold mix road, or paved. And the solid darker blue is recycled cold mix and we do that on old cold mix that has rutted and then this takes the ruts out of it. But this is 69th between West Street and Hoover before. Before. And this is after. It looks white because there's a chat seal on top of that and the rock is white on that, so they won't look black. 53rd Street North between Oliver and Woodlawn. There's after. After. That was a complicated project that we worked with a couple of small cities and a school. This is 29th Street North between 135th and 151st. Next year we'll go the next mile over on 29th and that will complete a grid up there and I think will be really handy for other people to drive on to get off of 21st, 21st is becoming really crowded. This is after. This is Hoover between 71st Street South and 79th Street South, Commissioner Norton's district. This is after. And this is 143rd Street East between 63rd and 71st, by Cook Airfield, I believe, in Commissioner Welshimer's district. This is before. This is after. We get a lot of compliments on these types of roads. They're not complicated to do. They're simple really, but we get a lot of compliments because people, in most cases, have always lived on a gravel road and now they're on a paved road and they really appreciate that. And that's what that cost for those five and a half miles that we did."

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Mr. Spears continued, “This is more cold, this is the recycled cold mix now, 61st Street North between 215th and 247th. Before, and this is after. Those are chat sealed also, that’s why they’re white colored. 37th Street North between Greenwich and a half mile west. 79th Street South between Meridian and Broadway, after. 87th Street South between Meridian and Broadway, before. This is after. 215th West between US-54 and MacArthur. And Hall Brothers did that for us. We actually laid the material down. They recycle it, but our personnel use the motor graders and lay it down. I think they do a great job doing that without any other devices other than their motor grader. So anyway, budgeted at \$700,000 and we came in under about \$16,000. Nine miles of recycled we did this year. Rock shoulders, we do this ourselves. We have a rock shouldering machine, 43 miles we did this year. You can see the location on the map. This is just the operation. It’s what it does. That’s just a safety thing we do. Forty-three miles, about \$80,000. Here’s your summary of all the R-175, which is the preventive maintenance. Budgeted \$6 million, we spent \$5.8 million this year. Like I say, I think that’s the best investment the county can make.

“Bridge projects by contract, you can see the locations, five of them. There’s budgeted versus actual. It shows four of those are KDOT, one is all our funding. We’ll go over each one of those now. You see some of these pictures are kind of dramatic showing you the difference. That’s a before. There’s after. So budgeted at \$325,000 and came in at \$232,000, under by \$93,000. This is the bridge on Hydraulic over the floodway, before picture. That’s just getting started, so we’ll have more on this next year. But that’s what it did look like. It’s gone now and that’s the hole that’s left in the floodway and they’re working on that as we speak. That’s KDOT funded. You can see it is \$6.6 million and our share is \$1.35 million. So looking forward to that next year. This is the bridge on 143rd Street East over the turnpike and we worked diligently to get funding for that, as Commissioner Unruh will remember. And that’s what it looks like right now. Actually, all that’s left to do is the striping on it and we plan to do that Friday. We’re supposed to have better temperatures on Friday. We can’t do it when it’s cold. Then it will be opened up. And total project cost, \$4.4 million on that project.

“This is 71st Street South between 295th and 311th. This is over the Ninnescah, very nice bridge now. That bridge was over 50 years old and actually had holes in it. We were constantly patching it. And you can see that it’s about a \$2.7 million project and our share was \$520,000. This is a bridge on Central between 375th and 391st. Not too good of shape. This is what it is now. Nice project. Here again, KDOT funded and the total was \$1.2 million, our share was \$231,000. This is a summary on all the bridge projects. You see about \$5 million budgeted, we spent about \$4 million.

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This is the summary of the four KDOT bridges that we received funding for. We like splits like that.”

“Now here are the bridges that our folks did this year. See the locations on the map, seven of them. There’s a list of each one, we’ll go through each one now. These aren’t expensive bridges. Some timber, some precast, one is a culvert. This is a bridge on 87th Street South between 103rd and 119th. This is a before. That’s the after. Total cost \$35,000. That’s a before picture. That doesn’t look too good. By the way, when we went to the KAC (Kansas Association of Counties) Conference, we found out there we can apply for funds to eliminate those rails, those old concrete rails, and we have submitted an application for that. And that’s the replacement, precast, \$16,000. This is a before picture on 231st West between Pawnee and Kellogg. That’s the after. Just put in pipes on that one, \$9,000. Bridge on 151st West between Pawnee and 31st, before. There’s an after, \$25,000. This is the one that had a problem on that we had to close down and get fixed. It wasn’t going to be in the program, but when you have an emergency, you put it in the program and put off something else. But all we put back in there was a pipe, so it wasn’t a big deal but it did disrupt traffic in the area. There’s a bridge on Webb between 85th and 93rd, before. After.

“We have 629 bridges in the county we are responsible for. That’s \$22,000. So it’s a never ending job. 127th Street East between 77th and 85th North. There’s an after, \$36,000. Special partnership project. This is 135th and Kellogg. We did signalize the intersection and put in a frontage road on the south side. KDOT, county and Wichita were all involved in this. There’s the frontage road during and there’s the light, this is after. The light is there, signal is there now. That’s the bridge on the frontage road. \$4.2 million project, our share was \$500,000 of the three partners. So, I like this slide, the KDOT summary of everything, all eight projects: four roads, four bridges. You see the KDOT share, the county share and total spent \$37 million. Like I say, that’s the biggest year we’ve ever had.

“Just wanted to, this is not part of the road and bridge program, but the salt brine people, we started that this year and bought a mixer to do that. I’ll show you a couple of pictures. Some of the Commissioners have had questions about it. And this worked really well on the event that we just had because it just turned it into slush and you save money because you’re mixing salt with water and you’re not using as much salt now. But we put about 120 gallons of miles, we pre-treat the bridges, intersections and curbs. And then we also add it to our mix on the salt/sand. But I think a Commissioner asked the other day, what are the little white lines going down the road? And there you can see, that’s a truck doing that. This is actually out at our west yard where you put salt in this and then the water comes in there and all this is automatic. That to the right, the yellow, was what you just saw that in, and then you can see the whole operation, the little control booth, the storage tanks and then the trucks come and fill up. We have some trucks that have the tanks in them then.”

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Mr. Spears continued, "So it's all made at the west yard. You're welcome to come out. That's inside the control room. Budgeted about \$250,000, came in at \$207,000, so we have one brine maker, we have storage tanks for every yard, we have five slide-in spray tanks for five trucks and then we have five calcium chloride tanks also. So just wanted to bring you up to date on that. Here again is the same map with all the projects on it in the county that we did in 2009. And that's it. Some people say I look like a pirate there. That concludes the show. I'd be glad to answer any questions if you have any."

Chairman Parks said, "By and large, the number of those cold mix roads and the project roads are outside of the city limits over 5,000?"

Mr. Spears said, "The cold mixed roads, most of them are outside of any, I'm trying to recollect, I don't think we've done any cold mix inside any small cities that I can recall. But there's some very near some of the small cities."

Chairman Parks said, "Okay. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you. Mr. Spears, if you could mention briefly, I was trying to catch and maybe I overlooked, we had an emergency pop up where we lost a bridge down in Erie Township, I believe it was on 111th Street South, did I miss that in your presentation?"

Mr. Spears said, "No you didn't. You're talking about the fire..."

Commissioner Peterjohn said, "Yes."

Mr. Spears said, "...that burnt up the bridge? That has not been replaced yet."

Commissioner Peterjohn said, "Okay."

Mr. Spears said, "We're going to do that next year. There's not a lot of traffic on that road, it hasn't been a big problem. Not a lot of calls. But we are going to replace that next year."

Commissioner Peterjohn said, "Okay."

Mr. Spears said, "Yes, sir."

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Commissioner Peterjohn said, "Let me just ask, for county line roads and bridges, how do you handle it if it's actually right on the county line between us and a neighboring county?"

Mr. Spears said, "Well, there's a map and each road is either ours or theirs. It's not split. So a bridge is either our bridge or their bridge. You don't cut them in half. So the miles are all outlined, I have a map back at the office, and each county around us has a map, as well as townships have maps that show on the borders whose responsibility it is. But it's the entire width of the mile. You don't cut it down the middle."

Commissioner Peterjohn said, "Thank you."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Well I just wanted to hear David tell us, how important is infrastructure?"

Mr. Spears said, "Oh, it's the mother's milk of economic development."

Commissioner Unruh said, "Oh, thank you."

Mr. Spears said, "Sorry. I took that out. I thought you were getting tired of that. Any further questions?"

Chairman Parks said, "What's the will of the Board?"

MOTION

Commissioner Unruh moved to receive and file.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, "Motion and a second. Thank you, David. That's always enlightening. I really like those before and after pictures. I hope you give your help a vest if you send them out in the middle of the roadway like that, maybe even with some blinking lights on it or something."

Mr. Spears said, "Yeah, we don't want to lose her."

Chairman Parks said, "Having said that, no further discussion, call the vote."

VOTE

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

Mr. Spears said, “Thank you.”

Chairman Parks said, “Thank you.”

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING ON DECEMBER 3, 2009.

Ms. Iris Baker, Director, Purchasing, greeted the Commissioners and said, “The meeting of December 3 results in eight items for consideration today. First item;

**1. TOUCH SCREEN LAPTOP COMPUTERS – EMERGENCY MEDICAL SERVICES
FUNDING – EMS OPERATIONS for POSTS**

“Recommendation is to accept the low quote from Dell in the amount of \$97,902. Item 2;

**2. DESKTOP COMPUTERS – COMCARE
FUNDING – SEDGWICK COUNTY OFFENDER ASSESSMENT PROGRAM (SCOAP)**

“Recommendation is to accept the low quote from Dell in the amount of \$56,225.40. Item 3;

**3. SNOW PLOW BLADES – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

“Recommendation is to accept the low responsive bid from Berry Tractor & Equipment Co. and establish unit pricing for one year with two one-year options to renew. Item 4;

4. PROGRAMMING and SCHEMATIC SERVICES for a SOUTHEAST COMMUNITY CENTER – COUNTY MANAGER’S OFFICE

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FUNDING – OPERATING RESERVE

“Recommendation is to accept the low proposal from Schaefer, Johnson, Cox and Frey for a cost of \$28,000. Item 5;

- 5. UPGRADE TO COX LINE – DIVISION OF INFORMATION AND OPERATIONS
FUNDING – DIVISION OF INFORMATION AND OPERATIONS**

“Recommendation is to accept the quote from Cox Business Services and establish contract pricing for 60 months at a rate of \$367 per month. Item 6;

- 6. CHANGE ORDER #6, NATIONAL CENTER FOR AVIATION TRAINING – FACILITIES DEPARTMENT
FUNDING – JABARA CAMPUS**

“Recommendation is to accept the change order with National Contractors, Inc. for \$255,965 and an additional 19 days to the contract time. Item 7;

- 7. MOBILE FILING SYSTEM – FORENSIC SCIENCE CENTER
FUNDING – CONST R FORENSIC SCIENCE CTR ANNEX & CNTRL**

“Recommendation is to accept the low bid from Scott Rice Office Interiors in the amount of \$33,299.80. And Item 8;

- 8. LARGE INTERMEDIATE 4 DOOR SEDANS – FLEET MANAGEMENT
FUNDING – FLEET MANAGEMENT**

“That recommendation is to accept the low bid for two vehicles from Don Hattan in the amount of \$19,225 each and the low bid for two vehicles from Parks Motor, one at \$19,145 and one at \$19,875, for a total cost of \$77,470. I’d be happy to answer any questions and I recommend approval of these items.”

Chairman Parks said, “What’s the will of the Board?”

MOTION

Commissioner Welshimer moved to approve the recommendations of the Board of Bids and

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Contracts.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, "Having a motion and second, I would like a little bit of a breakdown on number eight if you could. We see two vehicles, the difference in these are just maintenance manuals or what was the..."

Ms. Baker said, "The intent of this bid was to acquire four vehicles immediately so we solicited all of the dealers in the area to see what they had on their lots. So what's been provided is bids for vehicles that meet the specifications defined in the bid document that were on the lots. So Don Hattan's bid offers 2010 Chevy Impalas, Parks Motors offers 2010 Dodge Chargers. Then there would be a slight difference based on the options, or accessories, and so forth on those vehicles."

Chairman Parks said, "And could you tell me, were those police packages or were those just..."

Ms. Baker said, "No."

Chairman Parks said, "...stock cars off the lot?"

Ms. Baker said, "They're just cars off the lot, they're not police packages."

Chairman Parks said, "Okay."

Ms. Baker said, "Three of them will be used for the Offender Registration Unit for investigators and one of them will be used for the Exploited and Missing Children's Unit."

Chairman Parks said, "Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. I just wanted to make a comment on Item 4 for that southeast community center funding. I think this is a project that we cooperated with the city on some initial investigation into what the needs of the community were, and I was supportive of that. This particular item, I would prefer that the city also partnered with us on this item. It seems to me that it should be, for the most part, a city initiative, but I know that Commissioner Welshimer

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has been working very diligently for some time on trying to bring this concept to fruition and I know it's important to her. I will be supportive of this to this level, however, I think going forward, I just want to make a comment that we need to have the City of Wichita, their participation in this project. But just a comment to explain my perspective on this item, but I'll be supportive at this time."

Chairman Parks said, "We're in the preliminary stage of this. I guess there might be some room for more participation from City of Wichita in the future on this particular project. Would that be a fair assumption?"

Commissioner Unruh said, "I certainly hope so."

Chairman Parks said, "Okay. Commissioner Welshimer."

Commissioner Welshimer said, "Well, I think it's very important that we move ahead. The city has been unable to participate in this for whatever their reasons are financially. We need to get on with this so that we can have a drawing of what it is we want to develop in this southeast area that will house our aging activities and some healthcare, a place for COMCARE to be, other features that will enhance this Plainview in southeast Wichita area. Without these drawings, we can't go to benefactors and ask for money to build or develop. And right now they've lost most all of their services. And I think, as Commissioner Unruh mentioned, we had the neighborhood looked over and evaluated by a professional group, that is where the city and the county came together to pay for that. One of the statements they came back with is that there are significant quality of life issues at play in this area, especially in Plainview, and they require a large scale public and private investment to enhance the current infrastructure and services capacity of the area. They declare the situation there as critical. And the area has been deteriorating over a number of years, actually decades. There's no place to have meetings or just about anything else you would want to do down there, so we're not looking for anything elaborate. We're not asking the county or the city, either one, to build us a new senior center or any other type of center. We just need our drawings so that we can go ahead and see if we can find that financing wherever we can find it. Thank you."

Chairman Parks said, "It sounds like then there are some plans for the private sector to get actively involved in this and seeking out the funds."

Commissioner Welshimer said, "We hope so. And without plans to take to them, we have no way to approach the issue with them."

Chairman Parks said, "I think that's a good way to do business on this particular project. Commissioner Norton."

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Commissioner Norton said, “Well I see Steve Cotter here, and on Item 1, if you look at the 37 computers at \$2,600 apiece, that looks pretty pricey. I mean, you can buy a laptop for a lot less than that. We might want to comment, since that’s almost \$100,000 for laptops, on why they have to be this rugged laptop that has certain features to it, so \$100,000 is a pretty good chunk for just that few computers.”

Mr. Steven Cotter, Director, Emergency Medical Services (EMS), greeted the Commissioners and said, “These computers are designed with touch-screen features and they’re a semi-rugged version. We looked at the completely ruggedized version, which is similar in nature to what we carry with the crews to document patient care. We looked at this semi-ruggedized version, in comparison to the ruggedized version, the ruggedized version is anywhere from about \$3,500 to \$3,700 per unit. The touch-screen in this is designed for us to interface with the CAD (Computer-Aided Dispatch) system, the new program for mapping in the trucks that we’re bringing online, so that the crews can more safely do their job without having to manipulate the keyboard and the mouse features in comparison to the touch-screens, so that they have less time spent viewing the screen, quicker interaction to get en route and map themselves to the calls and still arrive quicker to the call. This is actually the less costly of the two options that we looked at to minimize cost on this project.”

Commissioner Norton said, “That’s all I had. I wanted to be sure that they knew that there’s a more expensive version, obviously, and we picked a version that will fit our needs pretty well, but still pretty pricey.”

Mr. Cotter said, “Yeah, it is pricey comparative to a normal laptop. But that’s fairly standard pricing with regard to the touch-screen interfaces on laptops, when you go to the touch-screen versions of laptops.”

Commissioner Norton said, “These are also detachable and can be taken outside the unit to be used too, can they not?”

Mr. Cotter said, “We do not normally detach these. They can, but we leave these permanently mounted in the unit. That’s why we’re buying the semi-ruggedized version versus the ruggedized. If we had to take them out, we would probably have to go to the more expensive model.”

Commissioner Norton said, “Right.”

Mr. Cotter said, “Okay.”

Commissioner Norton said, “That’s all I had, Mr. Chair.”

Chairman Parks said, “Okay.”

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Commissioner Norton said, “Thanks, Steve.”

Chairman Parks said, “I’ll add a little bit to that, coming from a public safety background. Fire trucks, EMS and law enforcement vehicles have a little bit different use, usually employees are in a hurry when they’re going somewhere and I think this is a good purchase, a good application for the EMS to buy these ruggedized computers. So I’m certainly in support of that. What’s the will of the Board?”

Commissioner Welshimer said, “We’ve got a motion.”

Chairman Parks said, “Have a motion and second. Seeing no further discussion, call the vote.”

VOTE

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

Ms. Baker said, “Thank you.”

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. Range Reallocation for the Coliseum – Fiscal Associate, B216 to Administrative Officer, B321 and Coliseum – Administrative Assistant, B218 to Pavilions Manager, B325.**
- 2. Schedule public hearing for Cable Franchise Resolution.**
- 3. Affiliation Agreement with Successful Independence, Inc.**
- 4. Second Amendment to agreement with Youth for Christ for a gang intervention program, “City Works.”**

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- 5. Approve the application for permit to use common area of Simon Property (Towne East & Towne West) to provide free H1N1 vaccination to the public.**
- 6. Three (3) Permanent Drainage Easement, Seven (7) Right of Way Easements and One (1) Temporary Construction Easement for Sedgwick County Project 803-s 1/2 Q thru U: 135th Street West from US-54 to K-42. CIP# R-303. District 3.**
- 7. General Bill Check Register of November 18, 2009 – November 24, 2009.**
- 8. General Bill Check Register of November 25, 2009 – December 1, 2009.**
- 9. Payroll Check Register for the week of November 21, 2009.**

Mr. Holt said, “You have the Consent Agenda consisting of nine items before you. I’d recommend approval.”

MOTION

Commissioner Norton moved to approve the Consent Agenda.

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
Commissioner Welshimer	Aye
Chairman Parks	Aye

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Chairman Parks said, "And we're going to take up Item C from the first of the Agenda for the legislative items. Before we do that, we've been at this quite a while, let's take about a ten minute break come back here at 11:04 a.m."

The Board of County Commissioners recessed at 10:52 a.m. and returned at 11:05 a.m.

C. SEDGWICK COUNTY 2010 LEGISLATIVE PLATFORM.

Chairman Parks said, "We're back in session. Taking up Item C, legislative agenda. Ms. Zukovich, would you like to just kind of outline what we're going to take up here today, also?"

Ms. Zukovich said, "Sure. Before you is the version of the legislative platform that we concluded with at the end of staff meeting on Tuesday. There were a number of changes that were proposed and we talked through those and presented those. This is the version of language that we ended with. I know there was still, at least in the area of annexation, perhaps there was a little bit of desire to perhaps have a little bit more conversation, and as was indicated earlier in the meeting, that we do know that there were will be issues that will come up during the legislative session that may not be in the platform and that we will be addressing as those occur. And there may be things that we find during that time as well that we would want to add or bring up to our legislators. This is a living document. This is a place where we can start today and hopefully we can get some approval to move forward and use this as a message to send to our delegation about what we need and how we'd like to work in Sedgwick County with their help."

Chairman Parks said, "I'm going to be a little less formal in this portion of the meeting and kind of open it up to dialogue and do it like we did yesterday, conduct business like we did yesterday, basically one page at a time. And just ask if anybody has anything on page 1 that they want to clarify or change? So page 1 is as it stands. Page 2? Several things impacting law enforcement and 911 on page 2, I think that's pretty well been hashed out and decided. Page 3? On eminent domain, Commissioner Peterjohn, I know, has some dialogue on that. Go ahead."

Commissioner Peterjohn said, "Well, I was thinking more of on page 3, we had modified the language somewhat. I think it clarifies where we would be coming from, in terms of condemnations for private parties and the private economic developments [inaudible]. I was more interested, in terms of the next item down, Mr. Chairman, which was the area on annexation, because that was one that we had spent a lot of time on and I thought we had less resolution on. If there's a viewing on eminent domain, we worked on that in the staff meeting yesterday and I would actually like to jump down to the next item unless someone else wants to have the comment on eminent domain."

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Chairman Parks said, “Okay. I certainly think that, in terms of checks and balances, the annexation, as it stands now, I know we don’t want to be the referee in all these things that come up, whether it be water district, or water district boundaries that we just had today earlier, or annexations. However, having no other checks and balances in there, I think that we do need to leave that out and just that we would support, that we would oppose municipal land annexations that negatively impact other taxing jurisdictions. I guess, saying that, if we need to have a motion on that or before dialogue on that, that Sedgwick County opposes municipal land annexations that negatively impact other taxing jurisdictions, I would like to just leave it at that at this time. I know that if I ask for more than that, I will meet very strong resistance from some of my colleagues here. Please, let’s have a dialogue on that.”

Commissioner Peterjohn said, “Well I’m willing to...”

Chairman Parks said, “Commissioner Peterjohn.”

Commissioner Peterjohn said, “I’m willing to dialogue or discuss this issue. I mean, I think it’s important where in the Kansas Constitution where it says, ‘All political power is inherent in the people.’ It’s in the Bill of Rights section of the Kansas Constitution. And unfortunately, when it comes to annexation, Kansas is an extremely restrictive state to allow citizens to have a role, in terms of preventing their property from being involuntarily annexed unless they’re in a parcel that has over 20 acres. I know there’s been some discomfort that this has led the legislature to go forward with this, and I think we’ve improved the language that we had because the language we were sitting with, and the way I was reading it, basically sounded like we were very happy with the status quo and would be in lock step with the municipalities, which are also happy with the status quo. I think we’ve addressed a portion implicitly that covers our fire district. We weren’t explicit, in terms of what we were talking about with other tax jurisdictions, but that is what we were talking about yesterday. And for the folks who weren’t able to participate, or didn’t hear about or see our discussion, when it says unilateral annexations that negatively impact other taxing jurisdictions, we’re mainly talking about Sedgwick County Fire District #1.”

“So I don’t know whether there’s a comfort factor, in terms of other taxing jurisdictions and maybe adding a phrase like Sedgwick County Fire District #1 into this platform or not, because the way we’ve got it worded now, it’s general and it’s across the board, but I know our concern is with the fire district. My concern is a little broader than that, but that’s why I appreciate the opportunity to have this dialogue and glad we’ve got a little time here before some of the public side will drop off, in terms of being able to watch our discussion.”

Chairman Parks said, “Well, and I believe that the people that I represent that are out in the county that don’t have a city councilman to go to, to be represented, need to be represented in these things, and that’s why I have thought that this language would be appropriate, and if there’s

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somebody out there that would want to bring up some other language, in terms of this, or if you say that we're not going to support legislation that would have the BOCC (Board of County Commissioners) approve the unilateral annexations, I'm afraid I'm not going to be in support of that. So, just having said that, I guess we can move on."

Commissioner Peterjohn said, "Well, I'd be happy to make the suggestion, and whether I need to make it in the form of a motion or not, in terms of this annexation, the last sentence where it says, 'Sedgwick County opposes municipal land annexations that negatively impact other taxing jurisdictions,' I think it would be perfectly appropriate to add, and I'd like to see the phrase added like, 'Sedgwick County Fire District #1.'"

Chairman Parks said, "You mean put that in parentheses in behind that?"

Commissioner Peterjohn said, "Well not in parentheses, but add it..."

Chairman Parks said, "Oh."

Commissioner Peterjohn said, "...add it to that sentence."

Chairman Parks said, "Okay. What are the other Commissioners thinking along that line?"

Commissioner Norton said, "Well, I was okay with the way this is worded yesterday with the addition. I understand Commissioner Peterjohn's thought process with the taxing jurisdictions. Having been on the municipal side at one time, and also understand that I think the reason we originally built this in there is that we put ourselves at risk of always being adversarial with municipalities, and I don't think we want to be at that stage. The municipalities, by state law, have the ability to unilaterally annex, and unless we're going to advocate to change all the legislation, then I'm okay with staying just where we are right now. Now I know that's a philosophical thing. I know the Chairman has some different thoughts on that, but I'm okay with the way it's worded right now with the addition of the fire district. And then have that conversation at some other time besides this year maybe."

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Chairman Parks said, "Having worked for municipalities myself for 33 years, I do appreciate municipal government, but I think the checks and balances need to be in there. And just within the last six months, we've had a city come in and we've had testimony that a person had a diseased tree in their yard, it wasn't in their yard, it was on the right-of-way, on the city right-of-way, and they had to pay to remove it because the city staff had told us that they didn't have the resources to be able to do this. Well, I just don't think that they should be going out there and annexing the land if they don't have resources to take care of it. Commissioner Unruh."

Commissioner Unruh said, "Mr. Chairman..."

Chairman Parks said, "Go ahead."

Commissioner Unruh said, "...I really don't have an objection to the addition of the language that Commissioner Peterjohn suggests. My main concern in this particular item is that we continue to leave the language in that the BOCC is not going to get in the business of approving all unilateral annexations. In my opinion, that's the most important thing, from my perspective. Adding the language about the fire district makes that pretty specific, but I don't think it changes materially the force of the plank, so I don't have any objection to it."

Chairman Parks said, "Well, I assume then in the future that you all would welcome any residents that want to come in and speak about annexation and state law and et cetera then under our five minute rule where the people can speak to this?"

Commissioner Unruh said, "Yeah. I think that's part of our Agenda, or part of..."

Chairman Parks said, "Okay."

Commissioner Unruh said, "...our way of doing business."

Chairman Parks said, "Okay. Anything else on that item? Anything else on page 3?"

Commissioner Peterjohn said, "Well, Mr. Chairman, I spoke yesterday about trying to come up with a way of putting us in support of trying to be as open as possible within the exceptions that currently exist for open access to public records, open government in general and open meetings. I wanted to put in language for expanding, trying to word that in a way, I don't know if there's any of my fellow Commissioners' additional thoughts, in terms of trying to come up with a way of trying to reach the point I was trying to get to without putting us in contradiction of the position where we've been, but I bring that up because I still think that that's important and would like to see if we could figure out a way around that situation. Because we've done some things this year, we talked

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about it yesterday, in terms of putting the county checkbook online, and Commissioner Norton made the excellent point that for a lot of the counties out there, and I think that's true for government in general in Kansas for a number of these folks, they're struggling to be able to do what they've done in the past, but I think the principle of trying to be as accessible and open is something that we need to work towards and I think that's true, Commissioner Welshimer made the point that this is something that the state needs to work on too. And when we talk about open government and open access to records, it's our position to support, and I think it's true for government at all levels, not just one that the area where we have direct responsibility. So, I throw that out as a couple of other points as part of our discussion on this."

Chairman Parks said, "And certainly when someone brings us a Freedom of Information Act request and we have three days to provide that, it's provided by state law. If there's a question on that, we can take that to our legal staff and, I believe, in the future there's going to be a request for either an Attorney General's opinion or something else on some county court warrants and some other things that are out there that we don't want to be adversarial with our citizens about, and just think that we will deal with those in a different manner. But I'm okay with the wording on both of these, and even though the law change that came about did stifle business what not, because we're all afraid of doing serial talks, we're doing more of that, I guess, from the bench and we just have longer meetings and I guess it does, to those people that made that law about the serial meetings and talked about that at the Attorney General's conference, they're okay with that. Commissioner Norton."

Commissioner Norton said, "Well, after we kind of hashed this out yesterday, I read through these a second time trying to think of wordsmithing that would work. I think where we're hung up, particularly on open government, is that there are exceptions, but are all the exceptions at the state level required, and needed and appropriate? And without going through the 40, or that many, to say which ones we kind of weigh in on, yes or no, I think we almost have to leave it like it is. Now, I tried to think about where it says exceptions are needed, maybe a language that would say some limited exceptions are needed and important, which gives us a little caveat that we'd like to look at the 40, and maybe 30 is appropriate, or 25. I'm not sure exactly how many exceptions there are to the open, but it's a pretty good laundry list. As I read through them, I probably need some legal purview before I'd say, well, we need to just throw that one out, because some of them are based in legal kinds of things and making sure that we don't talk about things out in public that should be a private issue, like personnel and legal kinds of things. So that was one of the things I thought we might be able to add to kind of constrict it a little bit, but I don't know that I'm ready to propose

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that. I'm okay with the way it is right now, but I think there are things that we could look at over the next year to narrow it down and make suggestions of things that we think would make government a little more open and transparent."

Chairman Parks said, "Maybe this is something that in the next 30 days the Manager can have a workshop with us where we can, of course, notify the media that we're having the workshop and then sit down and discuss some of these things. Actually, I think a workshop might be needed for the entire living document, as we call it, before the legislative session, maybe sometime the first couple weeks in January, to go over some of these things. Because once the legislative gets this in hand, then that's kind of their Bible for us, and we don't want to be able to take that, say well return this and here's our new one, our new revised version, so even though it is a living document."

Commissioner Norton said, "Well, I'm not sure that I can speak chapter and verse to all the exceptions. I know there's a pretty good laundry list of them. Some of them I kind of know what they are, others I'm not sure that I understand them, or we need to maybe have more clarity. I'm okay with it the way it is today, but I realize that we could take a good look at that and come to different conclusions."

Chairman Parks said, "Mr. Euson, would you be prepared to do a workshop and work with the Manager's Office on securing a date for us on that?"

Mr. Euson said, "Yes, sir, I would."

Chairman Parks said, "Okay."

Mr. Euson said, "And I think we would like to understand, is the issue one of there's some exemptions you don't like, and I think that was mentioned yesterday, or is the issue that we want to tell the legislature that we are in favor of open government to the extent of posting notices about open meetings and doing business differently, within the framework of the existing law? Because there are two separate issues really, but I suppose we could hash that out at the workshop too."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "I don't think that the more recent additions to the Open Meetings Act are something that any level of government that it applies to can comply with. I also don't think it's enforceable. Interactive communication by itself is something that is a 24 hour activity, and in order to enforce that, or monitor that, someone from the press needs to be with us 24 hours a day, and go with us everywhere we go and be involved in every phone call we make, every person we talk to. It leaves it wide open and it puts us in a very bad position. I think that the legislature has

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made these additions to the Open Meetings Act but has not applied them to the legislature itself. And I think that they would look at this more seriously, and understand the situation we're in, if it did apply to them. So, I agree with Commissioner Peterjohn that we should let them know that this is very difficult for us and that we believe that we should expand open government and access to public meetings statewide at every level of government. I think we could do that, we could put that in this document or we could also discuss that with them when we have them here for our legislative forum in January."

Chairman Parks said, "And I certainly think that there needs to be a definition of interactive communication. One example of that is this morning, if we meet a Commissioner on the elevator coming up to 3rd floor and say, what do you think of the way those roads were treated today on a certain stretch of highway? Then we're talking about personnel in the highway department and that person can't tell us what they think about the way the roads were treated, because that's an interactive communication in some people's eye. It's one of those things that I think they need to define it if they're going to throw a new word in there."

Commissioner Welshimer said, "I would like to add another thing too, Mr. Chairman."

Chairman Parks said, "Yes."

Commissioner Welshimer said, "By doing this, it sets us in a situation where decisions are made, research is done, things are discussed by management behind closed doors, and then management lets us know what they want us to hear. They come to the conclusions and then we're just sort of a sounding board, or we say we'll go along with it or we won't, and we really don't have a lot of background and we haven't really been able to discuss much about the subjects. So I think what it does is really it reduces open government and it reduces the access to the public tremendously."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I'd procedurally like to mention, I believe the State of the Union [State] speech and the beginning of the legislative session will be January 11th, so in terms of time between now and when we're working on it, that's an important date. But probably more important procedurally is January 7th, which is when the South Central [Kansas] Legislative Delegation, I believe, is scheduled to meet and hear from us and from the city, other governmental bodies, some citizens groups and get feedback, in terms of what folks are looking for from the next session, so we have little time to work on it. I'm hearing from my

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colleagues here that, and I'd be interested if you have any thoughts or suggestions, I appreciate Commissioner Norton's suggestion, in terms of possible changes in the language in the section on open government, but we really didn't address interactive communication, and I know that's a major problem for Commissioner Welshimer.

"I want more information on it and I think it's something that if we've got a problem with it here and it's inhibiting our ability to go forward, I think a good case can be made that that is one of the problems that's appearing, we need to draft some language to include in here. Because looking at this language at this point, the interactive change that was enacted last year, the language we have in place basically really isn't any different from last year and we really didn't try and come up with a way of addressing that interactive communication side of things. I really think that that's something that not only discussion today, but perhaps discussion before we get in front of the South Central Legislative Delegation on January 7th would be needed, in my opinion."

Chairman Parks said, "So would, let me just throw out a possible addition to the support maintaining the exemptions and open meetings law, Sedgwick County asks interactive communication to be defined?"

Commissioner Welshimer said, "That would be good."

Chairman Parks said, "I'm up for any other suggestions on that. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. You know, I'm satisfied with the language in both of them. It seems to me that this legislative platform should primarily be a statement of our general policy and our general principles, and any specific issue that we have then should not be contradictory to this, because this sets our principal, our philosophy as we go forward. And at this point in time, trying to craft language for a specific initiative during the legislative session is not what we ought to be involved in here, maybe perhaps in the workshop that you talked about later. But right now, I think it's clear that we support open government and we think there are some exceptions that need to be maintained. We support open government and access to public meetings and we think there are some exceptions that need to be maintained. Those are reasonable, overall policy statements that I think we can agree on for this legislative document, and then if we have specific issues that we want to advance, through lobbying or whatever, then we ought to discuss them at another time and try to advance them. But this sets our policies, so I'm happy with the language and I think we ought to leave it at that, and then at the workshop if we want to say, hey, we've got a specific issue with specific language, then we ought to make sure it's not in conflict with this and then take it forward with that [inaudible]. That's the way I would handle it."

Commissioner Welshimer said, "Well, that was my approach to this, too."

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Chairman Parks said, "Certainly, I don't want to disagree. I agree with about 90 percent of what you said, but I'm asking you, like I would the legislature, to define some things. When you say that we're in agreement if we pass this, then the legislators think that whether it's this section or another section in there, that we may not be individually opposed, is that what you're saying?"

Commissioner Unruh said, "No. I'm just saying, as county government on these two issues that were talking about..."

Chairman Parks said, "Okay."

Commissioner Unruh said, "...that we stand, that this is our policy. We're for open government. And then that doesn't prohibit us from going forward with a very strong specific effort on interactive communication or something else like that, because it's not in conflict with our policy statement."

Commissioner Welshimer said, "Well it does say in here public meetings, we support access to public meetings equally among all levels of government."

Commissioner Unruh said, "Yeah, and that's..."

Commissioner Welshimer said, "I wasn't aware we changed that. I think that sounds great."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "One of the fears I have is if we're too nebulous with saying we want clarification on interactive meetings, that that's exactly what we'll get. They tried to clarify it last year and we got something that wasn't very workable, and in fact, I think they had to throw out the language and retool it a little bit, is that not right, Rich? Didn't they get some challenges and had to go back and look at the language?"

Mr. Euson said, "I think it was worked and reworked, but I don't recall the specifics."

Commissioner Norton said, "Yeah. I would just be cautious of the unintended consequences unless we can really nail down what we're saying, because they could come to their own conclusions about what it is and define something that we really couldn't live with, as opposed to something that was more workable for us. And I don't know that we're going to come to exactly what that looks like today. It may be that what we want to do is keep the language for these two, and as we have our workshop, take on interactive communication and have a really strong dialogue

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about what we think that is and what's most workable for the county, also understanding that it might also apply to cities, municipalities, other governing boards that are under open meetings laws and the legislature and how does all that fit together. As I've been up and down the halls, I think we work awfully hard to try to understand what the rules are and not violate them in our daily goals to understand county government and the issues in front of us. But I think the Chairman's right, having a conversation about that one item would be good. And maybe that becomes a separate platform plank that describes just that item."

Ms. Zukovich said, "And, Commissioners, I would add that, as you note, we have so many ranges of topics that are on here, and most of them have just two or three sentences, as they get into the process, and for example I'll use the Human Services, whether it's Aging, or CDDO (Sedgwick County Developmental Disability Organization), or Mental Health, they have significant white paper, significant information that goes in support of, or to clarify. So for any of these items, we can take them out and deal with and address and approach each one in that manner. These are, as was said by Mr. Unruh, kind of short statements of general philosophy or general policy and direction, but for any of them that we deem at any point, and sometimes they may not be as needed as a critical specific for that year, but other years they may, so we have that opportunity to take them in that mode each year."

Chairman Parks said, "The thing I was trying to do with that sentence was just trying to get us to move off of dead center and get through this or we'll be here all day and create a workshop here. I would be okay with doing that and calling it a general document and not to be getting any more specific. Page 3, we've beat that page to death here. Page 4?"

Commissioner Peterjohn said, "Mr. Chairman?"

Chairman Parks said, "Yes."

Commissioner Peterjohn said, "I had suggested at the staff meeting that I thought the language concerning the tax lid was behind us, I see it's still here, in terms of a revised draft. I was interested in just for purposes of dialogue if how much ongoing concern this is for my colleagues. I just think it's unnecessary, but obviously, we'll all be making a decision on this."

Chairman Parks said, "Well yesterday I heard in staff meeting that there was some movement by Commissioner Peterjohn, and I agreed with the concept if we raise taxes we should have a public vote on it, however, I did hear from the other three that they didn't necessarily want to bind themselves into that. If that's something different than what I heard and understood yesterday, let me know that now."

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Commissioner Peterjohn said, “Well, Mr. Chairman, I didn’t want to get into that at the moment. I was just, the language on page 4, we’ve had in place, and I think this goes back maybe even into the 1970s or 1980s, and definitely the 1990s, language saying that this Commission, Sedgwick County opposes a tax lid on cities and counties, and my point is that there hasn’t been one in place and while staff mentioned that these were suspended, there’s been no effort to bring them back in the last decade and I just thought that to shorten up and tighten up this document, that section really wasn’t necessary. That’s what I was trying to bring up on page 4.”

Chairman Parks said, “Do we want to just eliminate that?”

MOTION

Commissioner Welshimer moved to eliminate the *Oppose a Tax Lid on Cities and Counties* paragraph on page 4 of the 2010 Legislative Platform.

Chairman Parks seconded the motion.

Chairman Parks said, “Any more discussion on that?”

Commissioner Unruh said, “And we’re talking about the paragraph that says oppose a tax lid?”

Commissioner Welshimer said, “Oppose a tax lid.”

Chairman Parks said, “Oppose tax lid, page 4, middle of the page, *Oppose Tax Lid on Cities and Counties*. We have any further discussion on that?”

Commissioner Unruh said, “Yeah. May I have a clarification of the rationale from yesterday again? I mean, currently the tax lid has not been eliminated, it’s been suspended, is that right? Help me understand it, either Kristi or Rich.”

Mr. Euson said, “That’s my understanding is that the way the law is, as to the aggregate levy limitations, the limitations were suspended and not eliminated.”

Commissioner Unruh said, “All right. Thank you.”

Mr. Euson said, “I don’t know if the legislature draws a distinction about that, and whether you should or not as a County Commission, but it certainly means something different to me and so it seemed to me to be appropriate to leave in the language. Certainly, you can take it out and if you

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hear rumblings within the legislature that there's a bill coming out to unsuspend [sic] the tax lid aggregate levy limits then you can, I suppose, put it back in your platform."

Commissioner Unruh said, "Okay. Thank you. Mr. Chairman, if I may be allowed, I'd like to just read this so that if anyone is watching they know what we're talking about. It says, 'Sedgwick County believes that the citizens of this county, through their duly elected County Commissioners, are fully capable of making responsible spending decisions and enacting budgets without state imposed limitations. Local government officials are in the best positions to determine the appropriate level of spending for vital services in their community. Sedgwick County, therefore, opposes any attempt by the legislature to mandate such spending limitations.' And I am in support of the statement and will be voting against the motion."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "I'm not particularly for tax lids and I think, for me, it's about we are elected to set the budget here. We know our jurisdiction better than anyone. And I also worry about many other counties, as I think about the whole, that struggle every day with their budgets and continue to have to raise their mill levy, because of a lot of reasons, to keep their budgets intact. If there becomes tax lids and it's mandated through the state, it's going to make it more and more difficult for, maybe not Sedgwick County, but many counties to do their physical responsibility and budgeting because they are mandated by the state with a lot of limitations. Philosophically, I have a problem. I'm probably okay with this. I imagine today I'll vote against it, taking it out."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, Mr. Chairman, I have been deeply involved, one of the first actions when I went up to Topeka in the early 1990s was speaking in support of citizens' protection on property taxes. I was stunned when I moved to Kansas in the 1970s to discover that voters had no say on raising property taxes at the ballot box. I had lived in several other states, Ohio, California, and this was routine, and here, only school bond issues were automatically on the ballot. And so I tried to work on the tax lid, and there were people on both sides of the issue, there were people who were making arguments that Commissioner Norton and Commissioner Unruh had made, and the lobbyists for the counties and cities had made those arguments, and they were very eloquent in doing so. And the issue went around the legislature for many, many years, but about a

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decade ago, in the late '90s, this was all basically taken off the table, the rules were changed, the lid disappeared.

“And I can’t speak for 2009, because I was not up in Topeka during that legislative session, but I’m not aware of a single bill that was introduced from the late 1990s until now that would have brought back the tax lid in any form and I don’t remember hearing any hallway conversations to do so. Because the lid had so many exemptions in it that it was jokingly referred to up there as ‘Swiss cheese,’ because it had so many holes in it, so I don’t think it was really all that effective in holding down property taxes. If you look at the amount of property taxes that citizens were paying now, say in 1999, versus a decade or two decades earlier, the property taxes have gone up. Of course, they’ve continued to go up since the lid was suspended. But my purpose in suggesting that we remove this section was, if we’re still trying to fight issues from the 1990s, I was hoping this document, we could shorten it up a little bit and focus in on issues that are likely to be on the legislative agenda and those issues that definitely will be on the agenda. So that was my reason, of course, I’ll be supporting removing this language.”

Chairman Parks said, “Okay. Seeing no further discussion, let’s call the vote.”

VOTE

Commissioner Unruh	No
Commissioner Norton	No
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “Now, do we want to replace that with anything? Okay...”

Commissioner Norton said, “I think we move on.”

Chairman Parks said, “...I hear kind of a consensus that we don’t want to replace that with anything, such as voting on any tax increase. So are we finished with page 4? Done with page 4, let’s move on to page 5. Page 5 deals with many human services, mental health issues, many of these were written and enhanced by our staff, Debra Donaldson and Marilyn Cook, it’s funding for COMCARE. We all know that the state has the axe out and is cutting some programs and certainly these will be affected. I think that we’re all in pretty well agreement with these. If not, let me know now or we’ll call page 5 good and go on to page 6.”

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Commissioner Peterjohn said, “Mr. Chairman?”

Chairman Parks said, “Yes.”

Commissioner Peterjohn said, “This is just minor, but it looks like there’s some sort of a little underline on the very end of *Support Statewide Tobacco Control*, and this is strictly technical and cleanup, but there’s something, it looks like the period’s underlined. It’s just a typo that I think we need to clean up.”

Chairman Parks said, “What’s the...?”

Commissioner Peterjohn said, “I’m sorry, I’m at the bottom of page 4. It says *Support Statewide Tobacco Control*.”

Chairman Parks said, “Get back to page 4.”

Ms. Zukovich said, “We’ll fix that. It looks like that was...”

Commissioner Peterjohn said, “It’s at the end of the sentence.”

Ms. Zukovich said, “...part of the ones that were proposed to be changed, which had previously been underlined...”

Commissioner Peterjohn said, “Yeah.”

Ms. Zukovich said, “...we’ll clear that up.”

Commissioner Peterjohn said, “Okay.”

Chairman Parks said, “Okay. Just a typo on page 4. Seeing nothing on page 5, hearing no discussion on that, we’ll go on to page 6. This is kind of a continuation of page 5, only now it’s including the CDDO, developmentally disabled people. We don’t want any of those to fall through the cracks. I guess down to core principles, core principles about continuing state funding for county essential services. Is there any more discussion on any of that? Seeing none, we’ll go on to page 7. The first part is with the Health Department, juvenile justice funding, it gets into more of the level of service for the court services, the Joint Offender Reentry Initiative and developmentally disabled services. Anything that we need to change on that page? Seeing none, go on to page 8. Anything that you see on page 8 that you want to address? Nothing on page 8. Now we’re at page 9, probably the shortest page and maybe one of the most controversial, but tax equity. Just for the

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record, 'Sedgwick County supports an objective, equitable revision of the ad valorem, sales and use tax systems that will ensure that all who benefit from public services pay a fair share of the taxes that fund those services.' Commissioner Peterjohn."

Commissioner Peterjohn said, "Well, thank you, Mr. Chairman. I don't have any problem with the tax equity section that was included from the staff meeting. I did have language to create a tax equity part 2, and for our discussion and for the record, I'd like to include it. And that language that I mentioned yesterday was all local sales tax increases must be approved by voters under Kansas law. All property tax increases that raise the mill levy should also be required to receive voter approval. And when I drafted up this language to include as part of our statement, I did this for several reasons, part of which I've explained just a couple of minutes ago, but partially because Kansas has not had a provision for local government requiring local approval of property tax increases. I think that's a serious defect. I think it's a reason why we've had a lot of problems over property taxes. I noticed yesterday that there was a special election and that a property tax increase was rejected by the voters at the polls concerning a school bond issue here in, at least part in Sedgwick County and part in another county."

Commissioner Peterjohn continued, "The reason for mentioning, for bringing this up is in part to follow-up with the tax lid. The tax lid that we removed the language on earlier had not worked and was removed from the statutes in the late 1990s. Today there's been a lot more discussions on what are we going to do about the property tax issue. We've got challenges; there was a proposal last year for Proposition K that would have strictly discussed the assessed value part of this. I think there are better proposals than just simply requiring voter approval. I like the idea where you focus on having limits on the amount of revenue that's generated by property taxes by all governing bodies. And since Kansas is one of those rare states that has a property tax, not only at the city level, the county level, at the school district level, but also at the state level, most states did away with their statewide property taxes in the 1930s. Kansas did not. We are one of the rare states that has a significant major property tax. I think the fact that the language in the Kansas Bill of Rights, it says, 'All political power,' in this state, 'is inherent in the people.' We need to help bring that language to life and requiring voter approval for property tax increases is part of that. That is why I proposed this language in our staff meeting yesterday and I appreciate my colleagues' willingness to let me bring this up again today for discussion. I'd be happy to propose the language that I mentioned to staff yesterday, whether I get a second or not, we'll see, but for formal discussion..."

Chairman Parks said, "Is that a motion?"

Commissioner Peterjohn said, "It is, as far as I'm concerned."

Chairman Parks said, "Okay. Your motion is?"

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MOTION

Commissioner Peterjohn moved to add *Tax Equity – Part 2* that would say, ‘All local sales tax increases must be approved by voters under Kansas law. All property tax increases that raise the mill levy should also be required to receive voter approval.’

Chairman Parks seconded the motion.

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “I have a question from Legal. I’m assuming then that we can make a resolution that requires a vote on property tax increases and sales tax increases even though the state does not do that? I know we can vote on a sales tax increase, but we’re limited in how much we can do or what the state allows us, right?”

Mr. Euson said, “It would be my opinion that you cannot require a vote as a condition of raising the mill levy without legislative approval, unless you want to do some kind of an advisory election. I think you have to go to the legislature to get that approval.”

Commissioner Welshimer said, “Okay. So that would be on property tax alone. What about sales tax, the same thing?”

Mr. Euson said, “Well, sales tax always requires the voter approval.”

Commissioner Welshimer said, “Always requires a vote by the legislature. So I don’t know then how we would do this.”

Chairman Parks said, “Is it your intent, Commissioner Peterjohn, to have the legislature craft a law that says that local governments can have such a resolution that allows the wording that you expressed here earlier?”

Commissioner Peterjohn said, “Well I drafted this language, Mr. Chairman, to be as broad and open as possible for both property taxes, obviously we’re mainly focused on the county. I find the Counselor’s comments very interesting because this has, in terms of when this had been discussed in the legislature up in Topeka, they obviously have had the power to do that in the past, but for the life of me, I cannot see where the language within the authority that’s currently existing for counties, or other local units, that they could do this voluntarily. Now that’s not something we need to do at this point in time and I don’t support putting anything on the ballot. We’re strictly talking

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about a language that would go in our legislative statement to the legislature. But I think it's important that the property tax issue is not going to go away, and this is an issue that does need to be addressed broadly and, obviously, people can disagree, in terms of how state law applies. We had a major lawsuit concerning school finance and what the state constitution says and what the statutes and constitution mean and allow. My intent with this language was to put us on record supporting the same provision that we currently have for sales taxes. If there's local authority to raise a sales tax, there is not a single sales tax that can be increased at the local level in Kansas without getting voter approval. Now if I'm wrong in that, I stand for a correction. But this would just simply extend that same authority to property taxes which three of the four states surrounding us; Oklahoma, Missouri and Colorado already possess. So that's the reason for my effort in this area, Mr. Chairman."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, I don't know what I'd prefer rather than to get into legislative action for the entire state is to address this locally for our own budget at budget time, so it wouldn't be in this document. But I would like to see us have an item, every time we work a budget, an item that addresses the taxpayer, a property taxpayer, and that we evaluate the cost of living increases. We evaluate the tax level where we have them now, and we evaluate our budget, and we give attention to the fact that we have many unemployed people who can't...we'll look at how many are behind in their property tax, and give the public that attention in the budget process, rather than to leave them out of it and then figure out if we want to roll back the mill levy or increase it. I think the public should have, property taxpayers should be an item on the agenda every time we do a budget, and that gives us some local control and brings it up as an issue, ourselves."

Chairman Parks said, "Thank you. Commissioner Norton."

Commissioner Norton said, "Rich, is it true that municipalities are not under the same jurisdiction with the state on sales tax as we are?"

Mr. Euson said, "They have some additional authority, and I can't claim to understand it, but I think they have the ability to go up to three cents or something like that. And I think we were trying to get that last year and fell short. We, I mean the Kansas Association of Counties."

Commissioner Norton said, "I guess in my mind one of the conversations really goes to the tax equity is not imposing artificial ceilings but rebalancing how counties can fund their government, because, obviously, cities have a different way to do that. And counties don't have the ability to have more tools in their toolbox other than just property tax. Cities have a little more jurisdiction in

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that. Obviously, the state has an income tax, a property tax, a sales tax and they have multiple ways with other user fees to balance their budgets, yet we're very restricted. I think there's a conversation that needs to be had here. I don't like the idea of artificial ceilings being put on us as we try to balance a budget and make sure that services are provided. I also worry about that being at a statewide level, also understanding that there's a lot of counties out there that struggle every day with their property tax rate, because they have no ability to create sales tax. They virtually have no industry or commerce going on so that property tax is the only way to fund their government. And if you artificially put ceilings on them, it's really going to make it difficult for many entities, not Sedgwick County withstanding, to do their business. And I think that's, I guess my final statement is that's why we're elected, is to make those decisions and to understand our county at a very deep level, have a lot more information, not that the average citizen isn't smart and understands government, but we're at the heart of it every day thinking about it, trying to make sure that we balance that and advocate for the taxpayers. So I don't know that we need to artificially do that. I've never thought that we needed to. That's all I have, Mr. Chair."

Chairman Parks said, "Commissioner Unruh."

Commissioner Unruh said, "Thank you. I don't think I really need to say much. I think Commissioner Norton said most of what I wanted to say, and that is that the local officials, we're elected to carry this responsibility. We have the best information to make responsible budget decisions and to impose a limitation on us from the state makes no sense to me. We are the County Commissioners, we are supposed to make those decisions and our constituency will evaluate us as we do that, so I can't support the motion."

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "I guess just one final thought. The state can get it both ways. If they put the limit on the ceiling that we have and then continue to push unfunded mandates down to us, they start to dictate exactly everything we do, including adding services or subtracting services and forcing us to fund things that they say are important, statewide, that we have to perform locally. So I think that continues to compress the decisions we get to make and I think that goes against representative government in a local jurisdiction. That's all I have, thanks."

Chairman Parks said, "This is not a simple issue and it's very complex, and it has a lot of fingers out there, but I will say that I think that I am where I am now because of some campaign statements that I made about lower taxes and let the people vote. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I wanted to just point out for the record on page 4 on this draft we have the same language that we've had in the past that says concerning the county sales tax, 'Sedgwick County supports legislation that gives counties the same sales tax

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options as the cities,' so that portion is addressed in that section of the document. I appreciate Commissioner Norton's perspective, in terms of looking at this issue statewide, and I think the reason I'm here is because the voters in the third district are concerned about property taxes. When I ran last year, that was at the very top of my list of issues and I spoke out about it then, and I was privileged enough to get enough votes that I'm now here today. Because of that fact, I will be speaking about it today and tomorrow and as long as I have this privilege of serving in this office at this time. I appreciate my colleagues' dialogue on this issue, and I think it's been very helpful, and I think it's productive to the public."

Chairman Parks said, "Okay. Seeing no further discussion..."

Commissioner Welshimer said, "Can I hear the motion again?"

Chairman Parks said, "Have a motion and a second, we need the motion read back, please."

Ms. Katie Asbury, Deputy County Clerk, greeted the Commissioners and said, "I can read the first part. I have the motion to add a *Tax Equity - Part 2* under the first *Tax Equity*, for the exact wording I would have to refer to Commissioner Peterjohn."

Commissioner Peterjohn said, "Oh, okay. I'll be happy to read it, Mr. Chairman..."

Chairman Parks said, "Please do for the record."

Commissioner Peterjohn said, "...it says, 'All local sales tax increases must be approved by voters under Kansas law. All property tax increases that raise the mill levy should also be required to receive voter approval.'"

Chairman Parks said, "Okay. Seeing no further discussion on that topic, call the vote."

VOTE

Commissioner Unruh	No
Commissioner Norton	No
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Ms. Zukovich said, "Commissioners, we will make these changes as you have discussed today and make this the final version of the living document as we have it dated on December 9th. We will

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post it to the website so the public can see what you have approved today. I guess we need to go into the motion that you will approve the platform with the changes that you'll have for today and then we can proceed to post it. So I would move that you approve the version with the changes that you have shared today and that we would then proceed."

MOTION

Commissioner Welshimer moved to approve the 2010 Legislative Platform with the suggested changes.

Chairman Parks seconded the motion.

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

VOTE

Commissioner Unruh	No
Commissioner Norton	No
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

K. OTHER

Chairman Parks said, "Commissioner Norton."

Commissioner Norton said, "I just wanted to comment that last week I was not at the meeting, and not at the staff meeting, I was in Washington, DC attending a conference sponsored by HRSA (Health Resources and Services Administration), which is a Health and Human Services division. We showcased Project Access and many of the other health initiatives that we're doing in Sedgwick County. I traveled with Dr. John Rosell, Anne Nelson of Project Access, Dave Sanford of GraceMed and Dr. Ruth Wetta-Hall, a teaching professor in public health from KU (University of Kansas). We did a presentation, and then were integrally attached to the dialogue about public health, and what our role is going to be, and what a new Office of Resource Organization from Health and Human Services is going to do. They've got ten regions, districts; our district is out of Kansas City. They are going to be much more engaged, in community engagement and working with how public health dollars flow to local jurisdictions, and how they can help us organize, reorganize, rethink public health and bring their power to bear from the federal government. I think it is going to be a good partnership. Several years ago they pulled all of the local federal folks back

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to Washington, or away from anything but grant reviews, and now they are going to be more engaged in the local jurisdictions finding out what we're doing. There were eight communities that presented, and I'm proud to say that Sedgwick County was one invited to come in the nation, and I think the whole idea is that there's some pretty smart, new ideas coming out of local jurisdictions that the federal government is saying, wow, there's some good things happening locally, maybe everything doesn't need to be topside down, that there are good things happening, and if we seed them and help incubate them, maybe some of the solutions for our healthcare reform, and particularly public health, is going to be at the local level. So it was a great session. I got to meet a lot of people that I think will be good attachments to the dialogue we're having locally, at the federal level, and I was glad to represent Sedgwick County for that period of time. That's all I have, Mr. Chair."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I very much appreciate getting Commissioner Norton's report because the comments from Communications earlier about the H1N1 vaccine, and that's been a very interesting and challenging problem. I'm very glad that the flu virus that has impacted our community and the rest of the country, in fact worldwide problem, has not been as severe as some outbreaks in the past have been. But I want to reemphasize, and I want to repeat the phone number that Kristi Zukovich mentioned at the beginning, 660-5558 for the Health Department, and the fact that they are going to be having hours Saturday at the Health Department facilities that have been established down at the Harry Street Mall, and urge my fellow Sedgwick County citizens to get out and get inoculated. Because the higher percentage of the public that we can have this happen, you are going to reduce the probability that people, additional folks are going to be exposed. And a lot of people, unfortunately, have died. They die from the seasonal flu, they've died from H1N1, and it's a tragedy, and if we can do anything in our power to mitigate this, and I believe inoculation is the right step in that regard, I'd urge folks to get out there, particularly those of you who had your children have their first inoculation, they really need two. I think that this H1N1, when we look back on it, some of us who are chronologically gifted, like myself at this table, we have had some residual protection that naturally, but for younger people, if your child had the first inoculation at school and they are under 10 years of age, I would urge them to get the second inoculation.

"Mr. Chairman, I also would like to add something very notable occurred recently, and once again Communications mentioned the Zoo has a discount day today, but between now and the end of the year, everyone who goes through the door will be helping set a record. And that record is the fact that we're going to have over 600,000 people attend the Sedgwick County Zoo this year, and that's a heck of an achievement. And there are animals out and about, despite the cold weather. I'd point out to my fellow Commissioners that some of the tigers that we got out there are Siberian tigers, so this weather doesn't slow them down one bit. And we have a great opportunity for everyone going

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through the door between now and December 31st to help set a new record for the Sedgwick County Zoo, and urge people to go out there and have a good time. Thank you.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “A couple of days ago, I went down to the downtown arena for the announcement for Elton John and Billy Joel. That was quite an interesting and gala event. And of course it sold out without any ticket manipulation. I know there is a lot of concern about the manipulation of ticket sales and a lot of that is out of our hands. If there is anything we can do, we are looking at that, I’m looking at that, and to see if we can affect that in any way. This afternoon I am going to be sharing the welcoming address for the Nonprofit Chamber [of Service] at Botanica. That’s all I have.”

Chairman Parks said, “And I had a couple of things that I wanted to bring up. I think that this document that we passed today, there was a little bit of friction from the colleagues on this, and I had some problems with the document that we passed, but I passed it in a whole as rather than a piece, and I think that people being able to vote on tax increases are important. I think that that’s something that I ran on a platform of and I don’t want to take that away from the people. The annexation part, I know I will certainly encourage those people that are affected, or impacted by that, or could be futurely impacted by that, to come in and talk with us, talk to the legislature. It’s something that’s not going to go away; it’s going to come up again and again. We are one of four states that have archaic annexation laws. That should tell us something. That the other 46 states are getting in step with this, and I think we should also.

“Also, in reference to the SMG item, I just wanted to remind the people that on that contract with SMG that I voted against and was criticized by many for that. That is one of the things that was in one of my 27 items that I wanted to clarify and I am not going to belabor the point that if it had been our staff, we might have had something different, but SMG has their way of doing business, and they are the ones that have the signed contract, so that is beyond our control. And I have had quite a few calls in reference to the Taylor Swift sell out on that. I asked staff last week to do some things to press on with defining Heritage Development and where they are representing us; they are still out there saying that they are under contract with us and representing us. One of the principals in that may cause us great embarrassment in the future and I want to see if we can’t sever that relationship as soon as possible. Having said that, do I see any other business to be brought before the Board of County Commissioners?”

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Commissioner Unruh said, "Executive Session?"

Commissioner Welshimer said, "We don't have it."

Chairman Parks said, "We thought we might need an Executive Session, but Mr. Euson has told us that that is not necessary at this time. So seeing nothing else to come before the Board, we are adjourned."

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:13 p.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

January 6, 2010