

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

JUNE 10, 1998

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., Wednesday, June 10, 1998, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Mark F. Schroeder; with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Thomas G. Winters; Commissioner Melody C. Miller; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Ms. Becky Allen-Bouska, Director, Bureau of Finance; Mr. David C. Spears, Director, Bureau of Public Services; Mr. Darren Muci, Director, Purchasing Department; Mr. Fred Ervin, Director, Public Relations; Mr. Ed Randels, Assistant County Counselor; Ms. Deborah Donaldson, Director, Bureau of Comprehensive Community Care; Mr. Mark Masterson, Director, Department of Corrections; Mr. Tom Pollan, Director, Emergency Medical Service; Mr. Doug Roth, District Attorney's Office; Mr. John Nath, Director, Kansas Coliseum; Ms. Lynne Melton, Assistant Director, Department on Aging; and Ms. Linda M. Leggett, Deputy County Clerk.

GUESTS

Mr. Joseph Tedesco, 625 North Abilene, Valley Center, Kansas
Mr. Wesley Roberts, 1649 South Hydraulic, Wichita, Kansas
Mr. Charles Mosqueda, President, Teamster Union Local 795, Wichita, Kansas

INVOCATION

The Invocation was given by Mr. Bob Bruner of the Christian Businessmen's Committee.

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES: Regular Meeting, May 20, 1998

The Clerk reported that all Commissioners were present at the Regular Meeting of May 20, 1998.

Regular Meeting, June 10, 1998

Chairman Schroeder said, "Apparently we have not received those Minutes as of yet so we will delay that to a future meeting. Next item."

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS

Ms. Becky Allen-Bouska, Finance Director, greeted the Commissioners and said, "You have previously received the certification of funds for expenditures on today's Regular and Sewer District Agenda. I am available for questions if there are any."

Chairman Schroeder said, "I see no questions, Becky. Thank you. Before we go to the next item, I think it would be appropriate for the Board of County Commissioners to express to the family and friends of the loved ones who were lost at the DeBruce Grain Elevator. We extend our sympathies to you. Our hearts are with you and our prayers are with you. It is a difficult time. We can only wish the best to you and I need to let you know that we are doing all that we possibly can as a County government. The City is here to help us. The State is here. The federal government is here. FEMA is participating 100% in this process. It is very difficult for all of us, but we just want to let everyone know that we are thinking about you and we hope the best. We also want to thank all of the emergency services people that have participated in this rescue effort from across the region. I think some of us were out there yesterday at the news conference and talked to the families. I know it is a difficult time for them. I visited late last night and our folks are going 24 hours a day. They are doing their best and working diligently to bring the situation to an end and hopefully something positive will come out of it. Again, our hearts and prayers are with those families and their friends. We hope the best and wish the best to all of you. Next item please."

APPOINTMENTS

A. APPOINTMENTS.

1. RESIGNATION OF DENNIS RADER FROM THE SEDGWICK COUNTY ANIMAL CONTROL ADVISORY BOARD.

Mr. Richard A. Euson, County Counselor, greeted the Commissioners and said, "Commissioners, this resignation has been submitted to you and we recommend that you accept it."

Regular Meeting, June 10, 1998

MOTION

Commissioner Gwin moved to accept the resignation.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

2. RESOLUTION APPOINTING LINDA DURHAM (COMMISSIONER GWIN'S APPOINTMENT) TO THE SEDGWICK COUNTY ANIMAL CONTROL ADVISORY BOARD.

Mr. Euson said, "Commissioners, we have prepared this Resolution. This would fill the unexpired term just vacated on this Board. This is a ten member board in which members serve four year terms. This would be a term to expire on February 28, 1999. The Resolution is in proper form and we ask that you adopt it."

MOTION

Commissioner Gwin moved to adopt the Resolution.

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Is Ms. Durham is here today? Thank you. Next item."

CITIZEN INQUIRY

B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING UNIONIZATION OF SHERIFF'S DETENTION DEPUTIES.

Mr. Charles Mosqueda, President, Teamsters Union Local 795, greeted the Commissioners and said, "That's a copy of the PEER (Kansas Public Employer Employee Relations) Act and the PERB (Public Employee Relations Board) Law which you probably have already familiarized yourselves with. My name is Chuck Mosqueda and I'm President and Principal Officer of the Wichita Teamsters Local 795, here today to speak to you on the right to representation. In the private sector it takes about 30% to petition for an election with the National Labor Relations Board. In the public sector, the law is the same as far as percentages. The Kansas Public Employer Employee Relations Act also requires that the governing body vote for a majority to come under the Act. I received the required signed cards from the Sedgwick County Detention Officers call for election. When I petitioned before the election I was informed by the presiding officer at the PERB office the following: A, PERB has no jurisdiction over Sedgwick County and B, Sedgwick County Commissioners have never voted to come under the PEERA. Employees will be deprived of the right of election unless the County Commissioners vote this unit under PEERA. My recommendation to the detention officers was to come to you and ask you for their unit to be voted under PEERA. The Unions position is A, all citizens, public or private sector should not be deprived their constitutional rights to join organizations of their own choice or to refrain from joining and be represented by such organization in their employment relations in dealings with its employers or public agencies.

Regular Meeting, June 10, 1998

“Yesterday, in the Wichita Eagle, Mr. Hancock said I would have to show how the union would be in the County’s best interest. The Act itself was created for the best interest of the employees and government as well as the taxpayers. Here is part of the act. The people of this state have a fundamental interest in development of harmonious and cooperative relationship between government and its employees. The denial by some public employers of the right of the public employees to organize and the refusal by some to accept the principle and procedure of full communication between public employer and public employees organization can lead to various forms and strifes and unrest. That in itself is why this act was created. These workers are asking for full communications and feel through a union is the way to be heard. The governing body of any public employer by a majority vote of all members may elect to bring such public employer under provisions of the ‘Public Employer Employee Relations Act’ which would then obligate the PERB office to conduct an election for these detention officers to have representation of their choice.

“Just as the county administrator and the city manager has a right to negotiate the terms of their employment, detention officers have the same right. I am an advocate of the workers and the right to representation. If you, the County Commissioners do not vote to come under the PEERA you would deprive these workers their inherit right to an election through a democratic process. Mr. Winters stated that he thinks the County already has a strong system for handling employees concerns. Mr. Winters, you think wrong. Go to the workers in the County and ask them about the smoke and mirror grievance procedure. A system where the procedure goes to the committee if you are lucky. If the employee does get a favorable recommendation, so what says the County Manager or the Sheriff and denies the recommendation. But most of the time, agreements never get out of the supervisor’s hands and employees do not get a voice in their safety or work environment. I do not put the blame on the Sheriff’s management. They have their hands full trying to cope with over crowded jails. The Union and the County labor relations could better handle the employee’s complaints. Sometimes a supervisor is too close to the actual problems and will not back off to reach an agreement. The employees need a voice on the job. The Commissioners, supervisor employees only see their side. What about the side of the workers? Even right now, workers are fearful of retribution. They are fearful the upper command will retaliate because they exercised their right to ask for representation. We all know that it would be illegal for the County to allow retaliation or retribution and charges can and would be filed if that did happen. So workers should not be subject to any type of harassment or cohesion for their union activities.

Regular Meeting, June 10, 1998

“Seventy-five percent of the workers have signed cards for representation. There are real problems in the jail. Problems of unsafe work conditions caused in part from under staffing. Safety rules are ignored. There are not enough people to do the job safely. These officers know they are in a risky environment but they also know when they are being forced to take unnecessary risks. The pay scale is comparably lower in Sedgwick County causing a high turnover of employees and forcing mandatory overtime and working with inexperienced co-workers. Just recently, an inmate held a woman hostage with a pencil. Other officers are attacked or abused on a regular basis. Inmates themselves do harm to one another and there is not enough staff to prevent these bad situations. Building a new jail house takes care of the over crowding, but if the safety programs and safeguards are not designed, the safety of the workers are still at risk. Properly staffing the jail should be a priority. We believe it would be in the best interest of the County to have the Union to negotiate protection for these workers. Teamsters already have over 40,000 law enforcement workers in contracts with the correctional facilities all over the United States, including a contract with Shawnee County Commissioners here in Kansas. I would like to say that the present system of labor relations is not working. These detention officers have reached out to the Teamsters for assistance. I told them I would come and make this presentation. If you do not come under the PEERA, I’ve explained their options if they were not under the Act and prohibited practice of the Act, it would not apply to them.

“The County Commissioners created a board governing Fire District #1. It is my belief that you already voted to come under PEERA. Unfortunately, the PEERA residing officer does not agree. She has dismissed the petition for election. She wrote, ‘accordingly this matter is hereby dismissed for lack of jurisdiction over the parties.’ I know you have the right to abolish boards just as you have a right to create them. The city of Wichita created a Metropolitan Transit Authority and three days into the 1997 strike, the City Commission abolished the WMTA Board and voted the transit under PEERA and we had to cease and desist on the strike.”

Chairman Schroeder said, “Chuck, how much more time will you need?”

Mr. Mosqueda said, “About two more minutes.”

Chairman Schroeder said, “Vote to give Chuck two minutes. Do I hear a Motion to approve?”

Regular Meeting, June 10, 1998

MOTION

Commissioner Hancock moved to allow Chuck Mosqueda two more minutes.

Commissioner Miller seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Okay, continue. You have two more minutes."

Mr. Mosqueda said, "Thank you. The Wichita Airport Authority also claimed dual employers but the District Court and Supreme Court both ruled the City Commission was the employer. We could spend hundreds of thousands of taxpayers money to litigate all these issues and cause grief for one another or the Commission could vote under PEERA and allow an election. Coming under PEERA would make any strike action prohibited practice under the Act, but only if they are under the Act. Every American has the right to choose representation. This Commission has the power to take away that right. Then it would be up to the employees to unite and stay strong against you if you take away their right to an election. If you feel the Union is not in the best interest of the employees or the County, then you have the right to run an anti-union campaign. This is what the private sector does, why not you? Let your employees vote their own conscience. There are over a dozen other counties under PEERA, why not Sedgwick County? In closing, my question would be, will this Commission take a vote to allow Sedgwick County Detention Officers to come under the PEERA in order that they may be entitled to representation elections supervised by the Public Employee Relations Board or will the Commission give the Teamsters Local 795 formal recognition as the employer represented if provided with 50% plus one card of authorized signed cards.

"Giving us formal recognition will do away with the need to vote under PEERA. Lastly, when would we expect a vote or return of your answer. I would like to add that there are some people here who wanted to talk to you from the Sheriff's Department if at all possible. They are your employees. A couple of them would like to address you."

Regular Meeting, June 10, 1998

Chairman Schroeder said, "Chuck, when you and I talked the other day, I said I would give you five minutes to address the Board of County Commissioners. I guess Commissioners, we'd have to decide whether we want to allow anybody to offer any other comments or opinions on this."

Commissioner Miller said, "I don't have a problem."

Commissioner Winters said, "I don't know that I have a problem. Anybody can come and speak to the Board of County Commissioners. All you need to do is get on the Agenda and Chuck is on the Agenda but nobody else is. If we want to deal with this though, I don't have a problem with it. I don't know that we're changing the rules here forever though."

Chairman Schroeder said, "That's why I was asking. If the majority decides not to then that's the way it will be. If you want to, that's fine. Can I get a consensus. How many folks are here today that would like to address the Commission? Two of you? Okay, all right."

Mr. Mosqueda said, "I'll come back for any questions you may have later."

Chairman Schroeder said, "Sure. First speaker. Please state your name for the record and you are limited to five minutes."

Mr. Joseph Tedesco, Detention Deputy, 625 N. Abilene, Valley Center, Kansas, said, "Good morning members of the Commission, members of the press and members of the public. I would just like to make a few comments this morning as to why we are here. We're here today to ask the Commissioners for approval to vote. To hold a democratic vote where the majority rules. The same type of vote that elects the Commissioners to sit where they are today. We're asking for their approval to have the same right extended to us. To quote Commissioner Winters from his statement made to the Wichita Eagle in Tuesday's addition, 'The County already has a strong system for handling employee concerns. I think we try to do everything we can to try to make sure that we've got a good environment for our employees to work in. We've got procedures and arrangements for them to handle grievances.' This is true, however, the grievance board only hears grievances that are related to terminations, demotions, suspensions without pay and grievances related to discrimination. Where are we supposed to go with our work related concerns such as safety issues, wages, the low moral and recommendations to better our working conditions?"

Regular Meeting, June 10, 1998

“To quote Commissioner Hancock on his statement, ‘To get Commission approval the Teamsters will have to show how the Union would be in the County best interest.’ We would like to think that it would be in the employees’ best interest to have a voice, to have a say in what improvements we would like to see in our work place. After all, it is our work place. It is conditions that are the issue. Quote Commissioner Miller on her statement, ‘I do believe that people have a right, a right to choose whether or not it would be the type of amenity that would best work in their interest.’ We also believe that this is our right and that it would be in our best interest. That is why we are here today. So it is that we are here today because we feel changes are necessary, necessary to help improve our status as employees, employees who have families, employees who vote, pay taxes, work hard and who have taken an oath to support the Constitution and Laws of the United States and the State of Kansas. Please Commissioners, allow us to vote, to vote and democratically decide if this union fails or succeeds. Let us decide what we feel can be beneficial to us. Please give us a chance, a chance for our voices to be heard. Thank you.”

Chairman Schroeder said, “Thank you. Last speaker.”

Mr. Wesley Roberts, Deputy, Detention Division, 1649 S. Hydraulic, Wichita, Kansas, greeted the Commissioners and said, “I hope we don’t get away from what is really even the bigger issue than we’re talking about union and the right to representation. I think the even bigger issue is just the right to merely vote, which has been established many many years ago. Even though I am a part of a select group of people that are Americans also that haven’t had the right to vote before the last 40 years, I just wonder are we going to go backwards or are we going to go forwards as far as dealing with this situation with Sedgwick County. Give us the opportunity to decide if we even want to have this representation or not. Don’t deny us that right, please.”

Chairman Schroeder said, “Thank you. Commissioners, we’ve heard from Mr. Mosqueda and two speakers. Discussion? Commissioner Hancock.”

Commissioner Hancock said, “The detention deputies, do they fall under the Sheriff’s civil service?”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “I believe they do, yes.”

Commissioner Hancock said, “Okay. Has the Sheriff openly expressed an opinion on all of this? Has he met with the representatives from the Union and talked and visited and expressed anything whatsoever?”

Regular Meeting, June 10, 1998

Mr. Euson said, "I'm not aware of any. Ed Randels, Assistant County Counselor, is here and he may be able to answer that question. I'm not aware of any meetings or opinions that he's expressed."

Commissioner Hancock said, "I think the opinion of the Sheriff would be important. I was just curious if he had been involved . . . after all, these detention deputies are his employees and eventually there will be a lot more of them. I was just curious if he'd been a part of that. Ed, do you have anything?"

Mr. Ed Randels, Assistant County Counselor, said, "I hate to speak for the Sheriff since he is not here, but the opinion he has expressed publicly, I don't know how often on one on one situation with the detention deputies, but that he is seeking improvements in the working condition. There is a shortage of manpower and we are addressing that with the new 150 people that are being hired and some of those things that are taking place. As far as unionization, he is seeking to work for improvements there without the union."

Commissioner Hancock said, "Ed, while you're there, this would be almost a dual system with a civil service and a union, would that be . . ."

Mr. Randels said, "I think it would essentially do away with the civil service program. I've never seen it work simultaneously. I don't know that it is mandatory that it would do away with it but I think that is the likely result."

Commissioner Hancock said, "Okay, thank you Ed."

Chairman Schroeder said, "Thank you. Any other questions or comments?"

Commissioner Miller said, "Yes Chairman, I do have. This question would go to Chuck. Would you come to the podium again? For all those of you who have come this morning, I do appreciate seeing you. It shows that you are definitely interested and vested in the job that you do and possibly being able to improve the conditions that you work under. Chuck, when you mentioned giving the Teamsters formal recognition, would you explain that for the public's sake? Would you explain the relationship? I recognize and respect that the detention employees requested or asked the Teamsters to present on their behalf, so what is the relationship?"

Regular Meeting, June 10, 1998

Mr. Mosqueda said, "The formal recognition procedure would be that the Commission or the governing body could, by showing of interest of 50% or more, formally recognize the Teamsters as the representative of this unit without an election or without coming under PEERA. Of course, then again, then the law wouldn't apply to you. In fact, if you remember the WMTA was underneath the Teamsters for almost 35 years before coming under PEERA even though PEERA came into existence in '69. Even in '69, the City Commission didn't vote under PEERA until last year. So there is a way you can do it without having the whole County come underneath the PEER Act. So Mr. Schroeder, I did have a discussion with Sheriff Hill one on one, man to man as he would have said it. His opinion at that time to me was that it was up to you and that his mother, in fact, was a union person for 20 some years. So that is his discussion with me. He said it is basically in your hands. I didn't know, he hadn't told me what this gentleman said but if that is his feelings, that's not the way he expressed it to me."

Chairman Schroeder said, "I appreciate the information."

Commissioner Miller said, "Thank you."

Chairman Schroeder said, "Thank you for being here. Thank you to all the detention officers and their families for being here today. I appreciate you coming. I know of your concerns and we appreciate your expressing that today."

Mr. Mosqueda said, "When could we expect if you're going to take a vote or give us an answer on recognition."

Chairman Schroeder said, "I have no idea Chuck at this time. It is going to have to be a discussion first of all with staff to look at our options and legal department and then regroup and see if there is a consensus to go any further. That is normally the process that we use here. It could take some time."

Mr. Mosqueda said, "I would hope that one of you would take the time and make the Motion for a vote and let's see what direction these officers are going to take. Thank you."

Chairman Schroeder said, "Thank you, again. Appreciate you coming today. Next item please."

Regular Meeting, June 10, 1998

DONATIONS

C. DONATIONS.

1. DONATION OF \$220.32 FROM WICHITA EMPLOYEE'S FRIENDSHIP FUND TO BE USED IN COMCARE'S SUICIDE PREVENTION PROGRAM.

Ms. Deborah Donaldson, Executive Director, COMCARE, greeted the Commissioners and said, "We appreciate this donation. The Wichita Employee's Friendship Fund has actually donated to our Suicide Prevention Program on a regular basis. We usually use these types of funds for prevention programs like for example, what we have done with this, this helped to purchase brochures that can be used when people go out and talk with high schools and really work on adolescent suicide prevention. I would recommend accepting the donation and would be glad to answer any questions."

Chairman Schroeder said, "Thank you, Debbie. Discussion on this item?"

MOTION

Commissioner Hancock moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

Regular Meeting, June 10, 1998

2. DONATION OF \$384.10 FROM FIRST PRESBYTERIAN CHURCH TO BE USED IN COMCARE'S HOMELESS PROGRAM.

Ms. Donaldson said, "Commissioners, as you are aware, the federal grant that supports the access program, which is our homeless program for individuals with a serious mental illness is ending in the next year. This was one donation to help us try to continue many aspects of that program."

Chairman Schroeder said, "Thank you, Debbie. Discussion on this item?"

MOTION

Commissioner Winters moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

3. DONATION OF \$10.00 TO BE USED IN COMCARE'S HOMELESS PROGRAM.

Ms. Donaldson said, "Commissioners, this was an individual who actually walked into the program and handed us \$10 and said she is going to come in every month and give us \$10 to help support the program."

Chairman Schroeder said, "That's very nice. Discussion on this item?"

Regular Meeting, June 10, 1998

MOTION

Commissioner Gwin moved to accept the donation and authorize the Chairman to sign a letter of appreciation.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

4. DONATION OF \$150.00 TO BE USED IN COMCARE'S HOMELESS PROGRAM.

Ms. Donaldson said, "Commissioners, this donation is a result of an individual who is deceased and these were donations that were made in memory of that individual."

Chairman Schroeder said, "Thank you. Discussion?"

MOTION

Commissioner Gwin moved to accept the donation and authorize the Chairman to sign a letter of appreciation

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Absent at vote
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Debbie. Before we go on to the next item, the reminder of these contributions to the County and to the citizens of Sedgwick County let me to remember that I had earlier made a mistake by not mentioning all of the people throughout this community who have brought food, comfort, and care to all of these individuals who are waiting for the closure of this explosion at the DeBruce Grain Elevator. Those people have also brought the same kind of food, comfort and care for the emergency personnel services that are working around the clock. While I was out there last night, just as an example, a Hilton Hotel van pulled up and we're all thinking what is a Hilton Hotel van doing here, taking people back to the hotel. The firefighters were saying well that would be a nice place to rest up. They opened their doors and unloaded probably a hundred meals that included filets, chicken, baked potatoes, vegetables. It was a hot meal, it was a big meal. I tell you what, it satisfied some of the hunger of those people that were working out there. The Red Cross is out there. There are people out there and I don't know the gentleman's name that was serving barbeque. It was absolutely fascinating. As we saw on TV the other night, a couple of sisters showed up to the school where the families are to make a contribution with tears in their eyes because they felt so sorry for these people. On behalf of the Board of County Commissioners, we want to say thank you to all the public and those businesses out there who feel compelled to help their fellow citizens in a time of grief and in a time of need. I know the emergency personnel services people appreciate it and so do those families. It just makes that time a little bit easier. Thank you to all who have participated in that process by helping us through this difficult time. Next item, please."

NEW BUSINESS

D. CHAMBER OF COMMERCE CONSOLIDATION COMMITTEE DISCUSSION.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "We had a request some time last week regarding a consolidation task force being addressed by the Chamber of Commerce. I inadvertently or misunderstood that the Chamber wanted us to have a representation of that committee, that's not true. They want a presentation by the County at some point in the future and I think that is scheduled for June 18.

Regular Meeting, June 10, 1998

“You have inquired about this committee and the task force is chaired by Steve Martins. On that task force, and I will send you this information, I just received it, are a number of Chamber folks whom you know. Their issue is to begin the discussion of this process. As you know, we have requested to participate in this discussion with the City. We have asked the Attorney General for the Attorney General’s opinion about an advisory election. What we are attempting to do is place an issue on the ballot, either the primary election or at the general election so at the same time and place as the election rather than having to occur extra expenses. We’re asking the Attorney General whether we can do that. Once that answer comes to us, then we’ll need to frame the question and what that question should be on the ballot or questions. That will require some work and perhaps we can get some advice from the Chamber about that.

“There is, as you know, quite high levels of frustration about consolidation issues in this community. We are, part of that frustration lies with us. We believe clearly that we need to begin addressing some of these issues that haven’t been addressed and help the community in this discussion about what sort of functions and services could be consolidated and whether in fact governments could be consolidated. As part of that effort, you will recall in 1993, Sedgwick County addressed the issue of whether the Health Department should be a county wide function supported by county tax dollars and we weren’t successful in doing that. That was rejected by the City, 911 was combined and put under our taxing authority and our control as a county wide system. In 1993, the issue of the Health Department was these are county wide health issues and services need to be done on a county wide basis and funded that way. The City rejected that proposal because they wanted some control about junk cars in people’s back yards and rather than working out the details of how enforcement or pieces of enforcement could be done locally rather than county wide, the entire process was rejected.

“We also attempted to make animal control on a county wide basis. We are providing that service now. Sherdeill Breathett is providing that service with his department not only in our incorporated areas but in a lot of small cities. We have entered local agreements and therefore it is in fact a service that is available on a county wide basis. The City has been offered to participate in that and they are choosing to duplicate that service and have the City taxpayers pay not only for county wide animal control but also for animal control within the City.

“Another example, certainly the crime lab, where we are doing that as a county wide service for all municipalities in the County and the City is participating in some level but again they are choosing to keep separate service for that. So the levels of frustration continue to grow about those kinds of issues. The Fire Department certainly in this tragic situation at the grain elevator, there is great cooperation between the fire departments. In fact, a plan was put together to have an enhanced first responder which was really a seamless process that has been diminished and adjusted and changed and modified but is less effective than it was.

Regular Meeting, June 10, 1998

“We’ve offered to combine fire prevention functions and it has been rejected. We’ve offered to have EMT training and quality control as one unit. That’s been rejected. We’ve offered to provide safety and training division as one unit. That’s been rejected. We’ve offered to do inspections as one unit on a county wide basis or combine them in some fashion. That’s been rejected. So those kinds of pieces of information make it difficult to talk about consolidation when some of the small issues cannot be dealt with. So I’m hopeful and as you requested, I’m hopeful that this discussion with the Chamber and the City regarding the ballot issue with the Chamber of Commerce to talk about consolidation and start talking about the issues that can be done in a way that makes some sense to us and to start addressing that issue.

“I would caution you, caution us, that the valid question is an important one. We don’t need to be in a position that we create expectations that can’t be delivered. I think we need to view that process in a very careful and thoughtful way. I’m pleased that the Chamber has decided to put this task force together and maybe they can begin the conversation of discussing consolidation in a way that makes sense.”

Chairman Schroeder said, “Thank you. Commissioner Gwin.”

Commissioner Gwin said, “Thank you, Mr. Chairman. Bill, I appreciate the reminder because I think it is important that the community know what steps we’ve attempted to take to try to lay the ground work for a possible consolidated government in the future. I think we should continue to work on that. I know we’ve got nos in the past, but I think they are compelling reasons for us to continue to work on county wide services and county wide administration of those services, county wide funding of those services that everyone in this County pays the same amount. One of the issues about the Attorney General’s opinion however, is that as I understand it if she sends the opinion back that we cannot ask a non-binding question on one of our ballots, that we do have to, if we are going to proceed, would have to provide separate polling places, separate ballots, separate workers, separate ways to count that question. I think I remember reading in the paper that the Mayor of Wichita said that if that was the case, he wasn’t going to spend the money. I’m not so sure I’m willing to spend the money for a question that has no real meaning. Instead, I think I would rather see us spend our time and energies to continue to work on those departments that ought to be functionally consolidated and continue to spend time and energy where I believe the public would like to see us spend their funds. I’ve heard from several people who have indicated to me that spending \$50,000 to \$100,000 of their tax money just to ask a question that really doesn’t get us anywhere, head us anywhere, has no validity, is a waste of their money. They would rather see us instead work to have a consolidated fire department, work to have a singularly county administrated health department, so that all people in this County pay a reasonable cost for those very important services.

Regular Meeting, June 10, 1998

“Your discussion about the fire department I think was really important because we know during this heavy rescue challenge that they are in fact working well together. That’s encouraging. However, I think one of the most discouraging things I’ve noticed lately is the change on the enhanced first responder system that the City has demanded. That enhanced first responder, as you said, was a seamless system of fire response throughout the County. No matter where the people were, no matter where the homes were, it was seamless. We responded and backed one another up as we should. But over the last several months those lines have started to be drawn again and the City seems to be backing away from that seamless system and has told our fire department that there is a certain ring around the City of Wichita past which they will not respond. Nor do they want us responding in to that ring. I don’t know whether you’ve informed our Fire Chief or not, but I certainly have that if there is a fire and we can get there first and save property and lives, I want us to go. I don’t care where it is. If we can get there first and we can save property and we can save lives, I don’t care what imaginary line has been drawn by whom, we need to go. I think our firefighters understand and believe that too. So I’m real disheartened by this change in attitude. But hopefully if we keep working, we will build some of these building blocks to a successful consolidation should there ever be one. You cannot. . . our biggest problem is to assure the people who live outside the City of Wichita too and those who live within the City that services will be provided as our motto says, ‘at the cost to meet the needs and the quality to meet the needs of the future and present needs and using the resources we have available to us.’ If we can demonstrate successful functional consolidated departments and demonstrate to all the people of this County, I’m hopeful that we’ll use those as a foundation for the future, whatever that future may be. So I’m interested in hearing from my colleagues. I had some real concerns about the things I’ve seen lately, backward steps. I think we need to continue to push and step forward in a positive manner. Thank you, Mr. Chairman.”

Chairman Schroeder said, “You’re welcome. They just told me they don’t want to talk, they want to leave you hanging out there.”

Commissioner Gwin said, “Thank you very much.”

Chairman Schroeder said, “You’re welcome. Commissioner Miller.”

Commissioner Miller said, “I’m not going to broach the issue of functional consolidation at this time. I simply want a better explanation of what this Chamber of Commerce Consolidation Committee consists of and what their goals. . . I haven’t had an opportunity to I guess discuss this with you Mr. Manager, so I would like to know just exactly what it is that they’re supposed to be doing and the time line and the County’s participation.”

Regular Meeting, June 10, 1998

Mr. Buchanan said, "I'm not so sure I can answer all your questions but we will find answers for you. I've been told that the Chairman of the Chamber of Commerce, Mr. Paul Allen thought because of the recent discussions regarding consolidation that the Chamber should review their position and see if they needed to take a position regarding this issue. To do so, they've put together a consolidation task force made of Chamber board members. I'll provide you that list of names. I do not know the time line. I do know that the City and County have asked to come to talk about the issue. I know that meeting is next week."

Commissioner Miller said, "So this is primarily Chamber driven."

Mr. Buchanan said, "Yes."

Commissioner Miller said, "It sounds like a resource meeting where they are gathering information from both the City and the County and from there they will integrate it into their stance or maybe a position statement that they're going to make."

Mr. Buchanan said, "Yes, I would hope so."

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

Chairman Schroeder said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "Thank you, Mr. Chairman. I'm very glad that the Chamber has decided to look at this. I am pleased that they are allowing the City and the County to make a presentation. I think it is very important to get some of the information we have and some of the information the City has relative to the possibilities of both functional consolidation and governmental consolidation. I would like, look very much forward to going through the process. I think it is going to be interesting for those of us who observe it and very beneficial for those folks out there who will eventually benefit from any changes that we hope to make to make our services a little better. I'm not sure the citizens are really aware of how many times the County has offered to the City to look at a number of things. Of course the largest being the fire departments, a significant change, one that is fundamental. I can't think of anything more fundamental than fire and police protection that governments offer to citizens. There isn't anything that we do that is probably more important and more basic. If you're going to create a government, it is probably one of first reasons why you create one are those particular services. It should be seamless. It doesn't make any sense any more with two professional departments that we have to not create one department."

Regular Meeting, June 10, 1998

“It just doesn’t make good sense any more. Certainly though, it is one of those few departments where the citizens of Wichita are not taxed as far fire districts are concerned. Folks who receive those benefits pay the price. But when questions of safety come in to play in regard to the edge of the City of Wichita, the edge of Fire District #1 and where those two come together and there is a question in anyone’s mind that you should or should not respond to a situation in regard to property and lives, I just wonder what the wisdom of that is. I can remember when the first responder system first came about. It came about because there was a fire across the street from the jurisdiction and that particular fire department could not respond and wouldn’t. It is a ridiculous situation.

“I think we need to talk to the City. I think that we need to get their attention, talk to them about the Health Department, Animal Control, Crime Lab, Fire Department, and I think in any event, whether we eventually consolidate our governmental units or not, some of the things that we would talk about in regard to functional consolidation should come about in any case, whether we go any further or not. I hope that the Chamber will recognize some of the benefits, some of the possible cost savings and if not cost savings, some of the efficiencies that can be created by looking at some of these things. I’m also, as I have responded to Phil Lambke at the City and the Mayor in our meetings, very much interested in the nature of the question that would go on the ballot. I hope it comes as soon as the primary. I hope we get a response from the Attorney General as quickly as possible and they allow us to do that. But I think that this important information can be gleaned by the question that we ask and a question that Commissioner Gwin has been alluding to the simplicity of shall we consolidate really doesn’t make a lot of sense to me. It is like asking everybody shall we get a new car and everybody wants a new car but then you start talking about insurance, price, and the depreciation, and the cost to run the thing. Maybe they don’t want the car quite so bad, we’re not sure. I think we need to look at the question very carefully. I’m excited, but I hope the Chamber does some good work. I look forward to, if possible, even talking to them one on one and see what we can do. I had a question for you but now I forgot the question. I was just too long winded. Of course, that’s the way it works with me. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Good job. Thank you Commissioner Hancock. Any other questions or comments on this issue? Mr. Manager, do you have anything you’d like to add?”

Mr. Buchanan said, “No sir.”

Regular Meeting, June 10, 1998

Chairman Schroeder said, "I'm sure this will be a continuing discussion as we go through the next few months. Once we get a reply back from the Attorney General's Office about the question. There has been a lot of discussion about how that question should be worded. I've heard varying degrees of what seems appropriate. The one that I think sounds really interesting is the one, shall the City be dissolved into Sedgwick County. I don't know if that's what the people are looking for but it is one that has been expressed to me by many people inside and outside the County. It seems like the simplest easiest way to get done what needs to be done. Getting to that point though is another question. But that one has been expressed to me many times and I'm sure we'll have a lot of discussion as we go through this process. We've got a lot of work ahead of us and I think Commissioner Gwin and Commissioner Hancock alluded to the functional consolidation issues which I have always supported since I have been here. It makes sense. The fire department is one that we've worked on for literally years to try to get some form of consolidation. We finally did through the Maintenance Department. It took us at least three to four years to bring that to closure and that involves six people. It shouldn't have been that difficult. But there is a county wide service that is available then in my estimation it ought to be spread on a county wide basis and the people in the City of Wichita should only pay once for it. That's my goal, is to eliminate the unfair taxation that some of the folks receive in the City of Wichita. So if we can do that and consolidate some of these departments into one, I think we save a lot of people money and create some efficiencies in other areas. It is a task that we must undertake and the public will hear more about this Commissioners, I'm sure, in the next couple of weeks. We will, as a Commission, on this side, we will keep you advised as well as we can about the process. Like I said earlier, we are still awaiting a decision from the Attorney General on the question issue. Until then, we will keep the process going and maybe have another update or discussion like this in the near future. Thank you Commissioners. Thank you Mr. Manager for your presentation today, appreciate it. Next item, please."

E. BUREAU OF COMPREHENSIVE COMMUNITY CARE.

1. AGREEMENT WITH CATHOLIC CHARITIES, INC. TO PROVIDE SERVICES TO ADULTS WITH SEVERE AND PERSISTENT MENTAL ILLNESS.

Ms. Donaldson said, "Commissioners, this first agreement is the affiliation with Catholic Charities that we have with a number of organizations in town that allows them to bill Medicaid for the services they provide. I'd be glad to answer any questions."

Chairman Schroeder said, "Thank you, Debbie. Questions on this item?"

Regular Meeting, June 10, 1998

MOTION

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

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Absent at vote
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

2. AGREEMENT WITH EPISCOPAL SOCIAL SERVICES, INC. TO PROVIDE A DIVERSIONARY PROGRAM FOR JUVENILE SHOPLIFTING.

Ms. Donaldson said, "Commissioners, this particular agreement is part of the prevention funds project and this focuses on shoplifters. This expands an existing program that has been quite successful in terms of working with shoplifters. As we are all aware of, we have a large number of adolescents who do make it into the Juvenile Intake and Assessment on shoplifting charges. I'd be glad to answer any questions."

Chairman Schroeder said, "Thank you, Debbie. Discussion? If not, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Abstain
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

3. AGREEMENT WITH FAMILY CONSULTATION SERVICE TO PROVIDE A YOUTH DOMESTIC VIOLENCE PROGRAM.

Ms. Donaldson said, "Commissioners, again this is part of the Juvenile Justice Prevention funds project. This is to set up the Youth Domestic Violence Program. We have found that in many situations we have domestic violence within a home and they come to Juvenile Intake and Assessment and there really isn't any place for them to go at times. We have to de-escalate the situation and we need a really solid program to go into to deal with this problem. These will be the funds to set up that program and deal with the problem. I'd be glad to answer any questions."

Chairman Schroeder said, "Thank you. Discussion on this item? If not, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Debbie. Next item please."

F. CONTRACT WITH CHARTER WICHITA BEHAVIORAL HEALTH SYSTEM, INC. TO PROVIDE RESIDENTIAL SPACE AND TRANSITIONAL LIVING SKILLS FOR 10 FEMALE JUVENILE OFFENDERS.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, "As part of the Juvenile Justice Reform Act, the state legislature established a community initiatives fund to assist local communities in developing juvenile justice programs. In March, the Juvenile Justice Authority awarded a grant to the Department of Corrections to develop a residential program for female offenders. I'm here today to ask for your approval to contract with Charter Behavioral Health Systems to provide a ten bed transitional living program to serve this population. Total budget for this program is \$350,000 for services through March 31, 1999, and the agreement is renewable through March of 2000, contingent upon continued state funding and satisfactory results. Be happy to answer any questions."

Chairman Schroeder said, "Thank you, Mark. Questions? Commissioner Miller."

Commissioner Miller said, "Thank you, Mr. Chairman. Mark, first of all, I have to say that I'm excited because you know, I know, I think we all know that this has been a deficit area for some time now. I'm talking about female juvenile offenders and to be able to identify space for them as we have I think that's nothing but a plus for us. When you look at the big scheme of things, we just are in the process of okaying contracts with two organizations that are dealing with the front end of the matter for the most part when you talk about shoplifting and youth domestic violence. Now we are talking about it definitely at what we would call not even a graduated sanction, you're actually incarcerated for the most part when you talk about being an offender and female and having some special needs and to be able to fund that end of it."

Regular Meeting, June 10, 1998

“So I simply want to say that I think Sedgwick County as a county is sticking to the plan of action and it is working for us. I’m going to be interested to see how this years funding goes with our prevention funding pot in terms of being able to look at the needs, the deficit areas and continuing to adequately build a plan for it. Thank you, Mr. Chairman.”

Chairman Schroeder said, “Thank you. Other questions or comments? If not, what’s the will of the Board?”

MOTION

Commissioner Gwin moved to approve the Contract and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you, Mark. Next item please.”

G. EMERGENCY MEDICAL SERVICE (EMS).

1. AGREEMENT WITH COLUMBIA WESLEY MEDICAL CENTER PROVIDING EMS EMPLOYEES CLINICAL EXPERIENCE AT COLUMBIA WESLEY MEDICAL CENTER.

Mr. Tom Pollan, Director, Sedgwick County EMS, greeted the Commissioners and said, “This is a second year for an agreement with Columbia Wesley Medical Center for clinical experience for our personnel. It gives us an opportunity to go in and receive some updating knowledge, training, that type of thing. I would recommend that you allow the Chair to sign.”

Regular Meeting, June 10, 1998

MOTION

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

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item."

2. AGREEMENT WITH VIA CHRISTI MEDICAL CENTER, INC. PROVIDING EMS EMPLOYEES CLINICAL EXPERIENCE AT VIA CHRISTI CAMPUSES.

Mr. Pollan said, "This is a mirroring agreement with Via Christi Medical Center for both St. Francis and the St. Joseph Campus for this year as well. I would recommend approval and allow the Chair to sign."

Chairman Schroeder said, "Thank you. Discussion on this item? Commissioner Winters."

Commissioner Winters said, "Tom, I did hear you say that these are continuations of programs that are in place. These are not new programs, it is something we continue and have done successfully in the past."

Mr. Pollan said, "These were fairly new last year. We did that back in 1975 and then had reinstated it last year in 1997."

Commissioner Winters said, "And it is working well enough that you want to do it again."

Regular Meeting, June 10, 1998

Mr. Pollan said, "We had some learning from both sides last year and we want to continue to do that and improve our personnel so we can improve the health care we provide the community. We feel it is necessary."

Commissioner Winters said, "Okay, thank you."

Chairman Schroeder said, "Thank you. Other discussion?"

MOTION

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

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Tom. Tom, send our thanks to your crews that are out there at the grain elevator. We really appreciate their vigilance in being there when they are needed."

Mr. Pollan said, "I will tell them. Thank you."

Chairman Schroeder said, "Thank you. Next item please."

Regular Meeting, June 10, 1998

H. DISTRICT ATTORNEY.

- 1. GRANT ASSURANCES AWARD IN THE AMOUNT OF \$9,864 FROM THE OFFICE OF THE ATTORNEY GENERAL FOR THE CRIME VICTIMS' ASSISTANCE FUND.**

Mr. Doug Roth, District Attorney' Office, greeted the Commissioners and said, "Just briefly, we are here to ask you to, I believe last February or March you approved a grant application for a part time victim witness person. The grant has been approved by the Attorney General's Office and we've received the award. We're asking the Commission at this point to approve the award and also to place a position on the staffing table of the District Attorney's Office of Sedgwick County."

Chairman Schroeder said, "Okay, thank you, Doug. Discussion on this item?"

MOTION

Commissioner Miller moved to approve the Grant Assurances Award and authorize the Chairman to sign.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Appreciate you being here. Next item please."

Regular Meeting, June 10, 1998

2. ADDITION OF ONE GRANT FUNDED, PART-TIME/TEMPORARY RESTITUTION COORDINATOR POSITION TO THE DISTRICT ATTORNEYS STAFFING TABLE.

Chairman Schroeder said, "Doug, we have two action items here. We have the grant assurance award and then the addition of the grant funded part-time/temporary coordinator."

Mr. Roth said, "The award is for that position."

Chairman Schroeder said, "We'll just go ahead and approve the position. Questions on this item, Item H-2?"

MOTION

Commissioner Hancock moved to approve the addition to the District Attorneys Staffing Table.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thanks. Next item please."

I. AGREEMENT WITH CESSNA AIRCRAFT COMPANY FOR USE OF PORTABLE BLEACHERS.

Mr. John Nath, Director, Kansas Coliseum, greeted the Commissioners and said, "This agreement is our standard agreement for equipment rental. In this case, Cessna is renting five 27 foot portable bleacher units for use at their facility. They are transporting the bleachers to and from the site. They are also insuring them plus paying a modest rental fee to us. We recommend approval."

Regular Meeting, June 10, 1998

Chairman Schroeder said, "Thank you, John. Discussion? If not, what's the will of the Board?"

MOTION

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

Commissioner Miller seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, John. Next item please."

J. DEPARTMENT ON AGING.

1. AGREEMENT WITH KANSAS DEPARTMENT ON AGING AND KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO PROVIDE NURSING HOME PREASSESSMENTS.

Ms. Lynne Melton, Assistant Director, Department on Aging, greeted the Commissioners and said, "This is the fifth year that we will be doing the State mandated program for pre-nursing home assessment screening. This is to approve the rate for the next year for 1999, which starts July 1 and the subsequent agreement. We do approximately 173 screenings per month and this establishes the rate that we're reimbursed and it is totally Medicaid funded, no County funds are required."

Chairman Schroeder said, "Thank you, Lynne. Discussion on this item?"

Regular Meeting, June 10, 1998

MOTION

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

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Absent at vote
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Next item please."

2. APPLICATION TO KANSAS DEPARTMENT ON AGING FOR INCOME ELIGIBLE/SENIOR CARE ACT PROGRAMS FUNDING.

Ms. Melton said, "This is a combination application this year. Last year we received the income eligible program from SRS. This continues that along with the Senior Care Act Program. They've combined the two together. The Senior Care Act, as a reminder, is a program that is a co-pay program from 20% to 100%. The Income Eligible is not a co-pay program. At the present time, we are serving about 266 people under Income Eligible for homemaker and attending care and 308 under Senior Care Act which is a variety of services. This is approving our application for funding for 1999. I ask you approval. I'd be happy to answer any questions."

Chairman Schroeder said, "Thank you, Lynne. Discussion on this item?"

MOTION

Commissioner Gwin moved to approve the Application and authorize the Chairman to sign.

Commissioner Winters seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Lynne. Next item please."

K. RESOLUTION ENDORSING IMPROVEMENTS FOR SEDGWICK COUNTY, KANSAS AND THE ENACTMENT BY THE KANSAS LEGISLATURE OF A NEW STATEWIDE COMPREHENSIVE TRANSPORTATION PROGRAM.

Mr. David C. Spears, P.E., Director/County Engineer, greeted the Commissioners and said, "For your consideration this morning is a resolution endorsing transportation improvements for Sedgwick County and the enactment by the Kansas Legislature of a new statewide comprehensive transportation program. The eight year comprehensive highway program enacted by the Kansas Legislature in 1989 concluded on June 30, 1997, on time and within budget. However, substantial transportation needs still remain and must be addressed with a new comprehensive highway program. Sedgwick County was very successful in the last program. We received funding for widening K-96 to four lanes between Maize and Hutchinson, widening K-254 between Kechi and El Dorado, the K-96 bypass, and for the interchange at I-135 and 77th Street North. The following projects are listed in the resolution before you today. First, 13th Street North over the Wichita/Valley Center floodway and I-235. Second, 25th Street North over the Wichita/Valley Center floodway to 29th Street North. Third, 71st Street South between Hydraulic and K-15. Fourth, grade separations in Wichita with Union Pacific railroad tracks. Fifth, grade separation at 47th Street South with the Burlington Northern Santa Fe Railroad tracks. Sixth, the Haysville railroad overpass on Grand Avenue with the Union Pacific Railroad tracks. Recommend that you adopt the Resolution."

Chairman Schroeder said, "Thank you. Commissioner Winters."

Regular Meeting, June 10, 1998

Commissioner Winters said, "Thank you. Commissioners, I am certainly going to be supportive of this Resolution. This is really a joint action of attempting to identify needs between the Kansas Association of Counties and the League of Kansas Municipalities. Both of these organizations have been strong transportation supporters over the past years. This is a beginning process to try to look at our specific situations in each of our counties and determine transportation needs that should be considered in the future and particularly as the 1999 legislative session starts. I think David has done a good job of outlining some of the real potential needs and problems that we're going to have over the next few years that there are now no funding sources for. As these are not things that we say have to happen, must happen, they are at least a list of projects that we don't see how funding or how they are going to be handled if we don't have some state assistance. We want to make sure that the Governor and Legislatures know that there is a real need out there even at the conclusion now of the last highway plan. I'd like to suggest that we add one other project. That would be the City of Wichita has listed the completion of the Kellogg project from 151st Street West to the K-96 Expressway on the east. I would like to suggest that we add that one project on to our list of priorities and then we will have a unified voice with the City talking about the importance of that project. We had talked about some other projects as you are all aware of but there was concern about not understanding the specifics of some of those projects. I would rather, instead of slow this process down, I would rather get this resolution done if we can. We talked about deferring it so we can get some more information. I'd be glad to do that if we need to do that. But I would certainly be supportive of these six and then adding the completion of the Kellogg project as our seventh to put in this resolution to forward for the Governor and the Legislatures."

Chairman Schroeder said, "Give us that again. Kellogg and 151st Street West for K-96 East."

Commissioner Winters said, "That's in the City's resolution, what was included in their resolution that they approved two or three weeks ago."

Chairman Schroeder said, "Okay, anything else? Thank you. Commissioner Hancock."

Commissioner Hancock said, "Thank you. The process that we encountered before with the comprehensive highway plan didn't seem to take this path as I remember, Dave. You might help me with that. I believe that we were asked once the dollars were approved by the legislature, the amount, then we submitted ideas for projects. Is that right last time?"

Regular Meeting, June 10, 1998

Mr. Spears said, "Yes. I don't believe we did this part first last time. The legislature passed a transportation program and then all of the communities were in competition with each other to see who could their projects. I think Sedgwick County was more successful than any county or city in the state. What you do then is do an economic analysis of each project and also you have to determine, at least the way the last one was, do we want to participate in the funding on those projects. The entities that do that, that seems to push their project up to the forefront because KDOT can see that you are very serious about doing the project. For example, on K-96 to Hutchinson, we, Sedgwick County, Reno County, and the City of Hutchinson, paid for the design, \$3,000,000 of the road. We submitted that as part of that project in competition with others. So another community that might want one of similar size but they didn't want to pay for the design or pay any part, I think that's what raised our level up. We don't have to do that at this time and I think we can become more refined at a later date if the legislature does pass the program and choose those projects and then partner with other communities possibly, Sedgwick County and Wichita or whatever, and see how we want to approach it then."

Commissioner Hancock said, "Okay. Correct me if I'm wrong, I'm speculating, it is kind of getting into KAC the league mode of thinking, they kind of wanted examples or projects that were being considered or looked at or hoped for or wished for when they send these resolutions to the legislature. Is that kind of what I'm thinking, am I tracking with these guys?"

Mr. Spears said, "To show a need, that there is a need there that exists."

Commissioner Hancock said, "Okay. Well then maybe my concern is unfounded. The only concern I had is that we send along a list like this and then a year or two years from now legislature comes back should they in their infinite wisdom do this and I certainly hope they do approve a comprehensive highway program, lock us into these projects."

Mr. Spears said, "I don't think we would be locked in. I think we would refine more at a later date. They will come up with how they actually want to approve projects and how they want us to submit them."

Commissioner Hancock said, "Okay. I would hope they would do it almost like they did it before and take a look at the economic value and some safety concerns and it would really be . . . it just seems to me that one of the finest criteria I've ever seen a program go through, I can remember as Chairman Schroeder surely does, touring with the economic development committee all over the place on a bus and certainly that did influence them. They said no to us on a number of occasions but they understood. Okay. I just wanted to make sure we weren't locked into just these projects, that we can change our mind because there is no telling when legislature may deal with this."

Regular Meeting, June 10, 1998

Mr. Spears said, "Right, priorities do change."

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

Chairman Schroeder said, "Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. Commissioner Winters, I appreciate your addition of the Kellogg project. Obviously it is important to the communication needs of this County. I think on the east side of the County however, K-96 is about two miles away from our east county line. I would prefer that we extend that project to the east county line on our request. That traffic is not just going to stop at K-96 and there is a lot of traffic that comes to and from Butler County using Kellogg. I'd like to see us amend that Kellogg project from 151st Street West to the east Sedgwick County line."

Commissioner Winters said, "I have no problem with that."

Chairman Schroeder said, "I think that is a good one too. Betsy and I were conferring just a moment ago that both of our districts border on East Kellogg. A thought that I had the other day in our staff meeting was this traffic doesn't stop at the city limits of Wichita. It comes and goes from somewhere and its destination and beginning points are not just in the City. So it makes sense to us to at least take it to the county line where we have what we think is some jurisdiction and allow that to be developed all the way out to the county line because if you've ever been out there on any day in rush hour traffic, there is a lot of traffic coming from Butler County. There are a lot of folks who live in Butler County that work in Sedgwick County. Commissioner Gwin and I had an intersection that we share at 143rd and Kellogg that has been a deadly intersection and finally through our persistence, we got the State to put a light in which controlled the traffic and cut down on a lot of accidents and we hope a lot of other deaths. But that is a very congested area and it will continue to get worse. I think it would be to our favor to add the next two miles, all the way to 159th, which is the county line. I do support that. Commissioner Miller."

Commissioner Miller said, "Thank you. David, for the public's sake, can you explain what the process is in identifying these particular projects? I understand the completion of Kellogg from 151st Street West all the way to the county line. The others, since they are not included in our CIP (Capital Improvement Project), which are identified projects which we recognize as things that need to be done to enhance Sedgwick County's roads and bridges. How, what's the thinking process to identify these?"

Regular Meeting, June 10, 1998

Mr. Spears said, “Well on 13th Street over the Valley Center floodway and I-235 and also 25th Street over the same floodway up to 29th, that is to provide a connection to the residents and the citizens on the west side, which there is a lot of traffic congestion now at Zoo Boulevard and Windmill Road. We had, about two years ago, a major investment study done by a consultant which cost about \$90,000, so this has been talked about for at least two years and it is a problem that must be addressed at some point and it is such an overwhelming problem dollar wise that it takes a program like this to actually do a project of that nature. You have to get some federal funding or else one project like this could take up our entire CIP. So you like to get the most bang for your buck and for those two, that explains that. At 71st between Hydraulic and K-15, that is a connection between Derby and Haysville. I’ve talked to both Derby and Haysville and they are both going to also pass a resolution to put that project on there. They both favor that. It has been around and talked about for years. It is also a major project because you not only have to cross the floodway, you have to cross the Arkansas River. So you have two major bridges to go through there. Then of course the grade separations with the railroad tracks. We all know what that situation is and the dollars behind that. I think that about explains it.”

Commissioner Miller said, “So this is not just solely Sedgwick County that is making this determination. It sounds as though we’ve had detailed conversations with smaller cities in particular and jurisdictions that we share some common problem areas that we feel needs to be addressed.”

Mr. Spears said, “Exactly, smaller cities and Wichita.”

Commissioner Miller said, “Thank you.”

Chairman Schroeder said, “Thank you. Other questions or comments? If not, we’ve made some addendums to the list.”

MOTION

Commissioner Winters moved to adopt the Resolution with the addition of a project seven, which would be completion of the Kellogg (U.S. 54) project between 159th Street East to 151st Street West.

Commissioner Gwin seconded the Motion.

Chairman Schroeder said, “Commissioner Hancock.”

Regular Meeting, June 10, 1998

Commissioner Hancock said, “Just one quick question. Yesterday, we discussed briefly a southeast highway, was that part of this resolution?”

Commissioner Winters said, “No, it’s not. I think the reason that I didn’t bring that up today is that I think there was enough concern yesterday about the particulars of that. I think it is going to take some more discussion to figure out what that means. I think there was enough questions out there that I would rather move forward with it at this time to get the process rolling and then we can continue to talk about how we might fit in that project or how we might not fit in that project.”

Commissioner Hancock said, “I got the feeling yesterday that we would, as we talked about it, that we were trying to design it at the same time and couldn’t we say in this resolution a southeast corridor? I think we’ve had improvements along K-15. I’m not sure that I care for a direct north south route going south of Kellogg from 127th, I don’t know. We have no one that has even considered the engineering of the thing. But to me at least it is important to just . . . I don’t know if we need to be more specific than that but a southeast economic corridor and that’s what we’re looking at.”

Commissioner Winters said, “I would agree with that but I think I heard enough folks asking questions about not feeling confident with moving forward until we have a little more specifics about what we’re thinking about. So as opposed to slowing this process down, I’d rather get our resolution up there. I would hope that David continues to talk to some of those folks about that project and as we move forward more will come. But I’d rather just move on with this and get this one done.”

Commissioner Hancock said, “Okay. Let’s rock and roll.”

Chairman Schroeder said, “Further discussion on this item? If not, Clerk call the vote.”

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, “Thank you, David. Good work. Next item please.”

Regular Meeting, June 10, 1998

L. REPORT OF THE BOARD OF BIDS AND CONTRACTS' JUNE 4, 1998 REGULAR MEETING.

Mr. Darren Muci, Director, Purchasing Department, greeted the Commissioners and said, "You have the minutes of the June 4 meeting of the Board of Bids and Contracts. There are five items for consideration.

**(1) SANITARY SEWER IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

"Item one, sanitary sewer improvements for the Bureau of Public Services, Belle Terre South Addition, Phases 4 and 5. It was recommended to accept the low bid of Nowak Construction. That amount is \$142,943.

**(2) PERSONAL COMPUTER HARDWARE & SOFTWARE - COMCARE
FUNDING: COMCARE**

"Item two, various computer hardware and software items for COMCARE, continuing to upgrade their network. It was recommended to accept the low total bid of Business Computer Center. That amount is \$70,089.

**(3) PERSONAL COMPUTER HARDWARE & SOFTWARE - CAPITAL PROJECTS
FUNDING: DETENTION FACILITY ADDITION**

"Item three, additional computer hardware and software for Capital Projects and the detention facility addition. It was recommended to accept the sole source bid of Computerland East. That amount is \$21,969.53. These are additional purchases referencing the bid that was issued earlier this year. A complete tabulation follows.

**(4) RUBBER TIRED EXCAVATOR - MOTOR POOL
FUNDING: MOTOR POOL**

"Item four is a rubber tired excavator for Central Motor Pool and the Bureau of Public Services. It was recommended to accept the proposal of Foley Tractor. That amount for a quantity of two, is \$308,206. That includes trade-in and various options. A complete summary of the recommendation from Mr. Lamkey follows.

Regular Meeting, June 10, 1998

**(5) LEGAL PUBLICATIONS - VARIOUS DEPARTMENTS
FUNDING: PURCHASING**

“Item five, legal publications, various departments. It was recommended to accept the low proposal of The Daily Reporter out of Derby, Kansas. It is estimated that yearly expenses will total about \$50,289 and this is a two-year agreement.

ITEMS NOT REQUIRING BOCC ACTION

**(6) STREET & DRAINAGE IMPROVEMENTS - BUREAU/PUBLIC SERVICES
FUNDING: SPECIAL ASSESSMENTS**

**(7) COPY MACHINES CONTRACT - VARIOUS DEPARTMENTS
FUNDING: PURCHASING**

“There are two items which do not require action at this particular time. Those include street and drainage improvements for the Bureau of Public Services, Wood River, 2nd Addition, Phase 2. Those bids are being reviewed. The copy machine contract for various departments contracted by the purchasing department. Those responses are also being reviewed. I’d be happy to take any questions and would recommend approval of the Minutes provided by the Board of Bids and Contracts.”

Chairman Schroeder said, “Thank you, Darren. Questions? If not, what’s the will of the Board?”

MOTION

Commissioner Gwin moved to approve the recommendations of the Board of Bids and Contracts.

Commissioner Miller seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you, Darren. Next item please."

CONSENT AGENDA

M. CONSENT AGENDA.

1. Right-of-Way Easements.

The following tracts of land have been granted by Easement for Right-of-Way at no cost to the County. The Director, Bureau of Public Works, requested these Easements as a condition of receiving a Platting Exemption on an unplatted tract.

- a. Road Number 594-34, Owners: Edward J. Lynch, Jr. and Dalynn Lynch, located in the Southwest Quarter of Section 15, Township 25 South, Range 2 East, more specifically located on the north side of 101st Street North and east of 111th Street East (Greenwich Road). Lincoln Township. District #1.
- b. Road Number 835-C, Owners: Edward J. Lynch, Jr. and Dalynn Lynch, located in the Southwest Quarter of Section 15, Township 25 South, Range 2 East, more specifically located on the east side of 111th Street East (Greenwich Road) and north of 101st Street North. Lincoln Township. District #1.
- c. Road Number 795-T, Owners: Mickey R. Demel and Christie Jo Demel, located in the Southwest Quarter of Section 8, Township 28 South, Range 2 East, more specifically located on the east side of 199th Street West and north of 39th Street South (MacArthur Road). Illinois Township. District #3.

Regular Meeting, June 10, 1998

2. Floodway Reserve Easement.

The following tract of land was granted by Floodway Reserve Easement at no cost to the County. This Easement was requested by the Director, Bureau of Public Works, as a condition of receiving a Platting Exemption on an unplatted tract.

Owner: Mickey R. Demel and Christie Jo Demel, located in the Southwest Quarter of Section 8, Township 28 South, Range 2 West, more specifically located north of 39th Street South (MacArthur Road) and east of 199th Street West. Illinois Township. District #3.

3. Right-of-Way Instruments.

- a. One Easement for Right-of-Way for Sedgwick County Project No. 616-32, 33, W½ 34; 13th Street North between the Wichita city limits and K-96. CIP #R-225. District #1.
- b. One Easement for Utilities for Country Club Court Addition. District #1.

4. Section 8 Housing Assistance Payment Contract.

<u>Contract Number</u>	<u>Rent Subsidy</u>	<u>District Number</u>	<u>Landlord</u>
V98026	\$212.00	5	John Van Winkle

5. The following Section 8 Housing Contracts are being amended to reflect a revised monthly amount due to a change in the income level of the participating client.

<u>Contract Number</u>	<u>Old Amount</u>	<u>New Amount</u>
C94049	\$166.00	\$167.00
V95115	\$114.00	\$325.00

Regular Meeting, June 10, 1998

- 6. Letters of Agreement (eight) with Antonio O. and Elia F. Garcia, Robert G. Sharp, Dale C. Jayne, Jr. and Mary Jayne, Roy Wilson and Letha Mosher, Eugene K. and Patricia Littlejohn, Roy H. and Mary E. Wilcoxon, Edward B. and Virginia Wilkinson and Betty J. Showalter allowing removal of existing boundary fencing and erection of a six-foot privacy fence in accordance with City of Wichita zoning requirements.**
- 7. Order dated June 3, 1998 to correct tax roll for change of assessment.**
- 8. Plat.**

Approved by the Bureau of Public Works. The County Treasurer has certified that taxes for the year 1997 and prior years are paid for the following plat:

Hasons Estates

- 9. Consideration of the Check Register of June 5, 1998.**
- 10. Budget Adjustment Requests.**

<u>Number</u>	<u>Department</u>	<u>Type of Adjustment</u>
980278	Corrections	Transfer
980279	Information Services	Transfer
980280	Corrections	Transfer
980281	MCT Grant (COPS MORE)	Supplemental Appropriation
980282	Road & Bride Sales Tax	Transfer

Mr. Buchanan said, "You have before you the Consent Agenda and I would recommend you approve it."

Regular Meeting, June 10, 1998

MOTION

Commissioner Miller moved to approve the Consent Agenda as presented.

Commissioner Hancock seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Any other business? I do have one item that we need to take up today regarding a Summer NACO delegate representative. I'd like to bring that up off agenda."

N. OTHER

OFF AGENDA ITEM

MOTION

Commissioner Winters moved to take an Off Agenda item.

Commissioner Hancock seconded the Motion.

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

Regular Meeting, June 10, 1998

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you."

MOTION

Commissioner Winters moved to authorize Commissioner Miller to be the voting delegate and representative at the annual NACO meeting.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "Thank you. Thank you, Commissioner. Appreciate you doing that for us. Any other business to come before this Board? At this time I'll recess the Regular Meeting of June 10, 1998."

The Board of Sedgwick County Commissioners recessed to the Sewer District meeting at 10:31 a.m. and returned at 10:36 a.m.

Chairman Schroeder said, "I'll call the Regular Meeting back to order of the Board of Sedgwick County Commissioners meeting of June 10, 1998. Other business?"

Regular Meeting, June 10, 1998

MOTION

Commissioner Hancock moved that the Board of County Commissioners recess into Executive Session for 30 minutes to consider consultation with Legal Counsel on matters privileged in the Attorney Client relationship relating to pending claims, litigation, legal advice, and personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 11:05 a.m.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Thomas G. Winters	Aye
Commissioner Melody C. Miller	Aye
Chairman Mark F. Schroeder	Aye

Chairman Schroeder said, "We're in Executive Session."

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:37 a.m. and returned at 11:11 a.m.

Chairman Schroeder said, "We're back in session. Let the record show that there was no binding action taken in Executive Session. Mr. Euson, do you have anything to add? Mr. Manager? Commissioners, any other business? We are adjourned and we will be downstairs in just a few minutes for an En Banc Meeting between the City of Wichita and Sedgwick County to discuss the downtown arena amphitheater issue that we had hired a consultant to review for us. We'll be discussing that here at 11:30 a.m. Thank you."

O. ADJOURNMENT

Regular Meeting, June 10, 1998

There being no other business to come before the Board, the Meeting was adjourned at 11:11 a.m.

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

MARK F. SCHROEDER, Chairman
Fifth District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

THOMAS G. WINTERS, Commissioner
Third District

MELODY C. MILLER, Commissioner
Fourth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998