

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 16, 2002

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, January 16, 2002 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Ben Sciortino; with the following present: Chair Pro Tem Betsy Gwin; Commissioner Thomas G. Winters, Commissioner Carolyn McGinn; Mr. Rich Euson, County Counselor; Mr. William P. Buchanan, County Manager; Mr. Marvin Krout, Director, Metropolitan Area Planning Department; Mr. Andy Schlapp, Project Manager, County Manager's Office; Ms. Irene Hart, Director, Division of Community Development; Dr. Luella Sanders, PhD, Program Director, Comprehensive Community Care Homeless Program; Mr. David Spears, Director, Bureau of Public Works; Mr. Jerry Phipps, Purchasing Agent, Purchasing Department; Ms. Kristi Zukovich, Director, Communications and Ms. Lisa Davis, Deputy County Clerk.

INVOCATION

The Invocation was led by Reverend Tyrone Gordon of St. Marks United Methodist Church.

FLAG SALUTE

ROLL CALL

The Clerk reported, after calling roll, that Commissioner Norton was absent.

Chairman Sciortino said, "Next item."

Regular Meeting, January 16, 2002

PLANNING DEPARTMENT

A. MEMORANDUM OF UNDERSTANDING WITH KANSAS DEPARTMENT OF TRANSPORTATION AND CITY OF WICHITA REGARDING DESIGN AND IMPLEMENTATION OF AN INTELLIGENT TRANSPORTATION SYSTEM FOR THE WICHITA-SEDGWICK COUNTY AREA.

POWERPOINT PRESENTATION

Mr. Marvin Krout, Director, Metropolitan Area Planning Department, greeted the Commissioners and said, "I'm here this morning to ask you to consider entering into an agreement with the City of Wichita and the Kansas Department of Transportation concerning implementation of projects that fall under the heading of ITS or Intelligent Transportation Systems. Let me say, first, that this doesn't mean that everything that the Planning Department or County Public Works has been doing up until now, in transportation, has been dumb. The 'intelligent' is kind of an unfortunate term. It really stands for technology. And stands for the use of advanced technology, mostly electronic technology, using computerization, using hardware/ software and advanced communication systems to try to add to the traditional things we do in order to improve our performance on the transportation system.

Sometimes, communities are finding out it may be much cheaper and smarter to synchronize your signals, for instance, on an arterial street than to add lanes to a street that's experiencing congestion. And they may find that, also, that kind of program works on a freeway also. This deals with improving transportation for all motorists and travelers, but also deals specifically with public services that Sedgwick County and the City of Wichita are involved in that depend heavily on the transportation system and those include emergency services, the ambulances and fire trucks and police and sheriff's cars and the buses, obviously, depend on the transportation system in order to stay on time, in order to have good response times.

The federal government has been encouraging investment, when it is appropriate, when it's cost effective in these new technologies, by offering grants and back in 1998, the federal government funded a study. It was done under the sponsorship of the City of Wichita Public Works Department, but County Public Works and many other departments were involved in that study. It was presented to the Sedgwick County Commission and the Wichita City Council at the time and it was called the Early Deployment Study. And what it did was try to look at these technologies and what makes the most sense for Wichita. Where are our needs? Where will we get the best pay-off, the best bang for the buck in terms of investing in these kinds of technologies?

And one of the main conclusions of the study was that Wichita is fortunate not to have the level of recurring daily congestion that a lot of communities have and where we would find the best bang

Regular Meeting, January 16, 2002

for our buck is in what's called incident management. The biggest problems that cause the most hours of delay and the most frustration is when there are accidents that take up lanes and that cause huge backups of sometimes miles in length and there's not good information, necessarily. The best information that could be available on what's the nature of that accident, how do we have to deploy to try to clean it up and deal with the accident? How can we direct motorists to avoid those kinds of places so that they have other options and then deal with the rest of the transportation system to run smoothly, as an alternative to where that incident is occurring?

So, a lot of what was recommended in the study deals around emergency service response and this incident management idea. All of these applications, also, have to deal with the flow of information, either by wire or wireless communication facilities. This is all about departments and agencies communicating important information about emergencies, about congestion and so on, to each other in order to provide the right response. And the most important principle is that all of the agencies and departments in the City and the County and K.D.O.T. who has the Highway Patrol and other people who are responsible for the state highway system here, all of them have to, literally, be on the same wavelength. It has to be a partnership, not only financially, but it needs to be a partnership in terms of using the same kinds of equipment that can talk to each other so people can communicate with each other as easily as possible. It's called, in the parlance of the federal government, having a regional architecture. And then our regional architecture, the way we've designed our communications and networks is supposed to be able to tie into, eventually, a national architecture so that people who are traveling around the country, whether it's freight or passenger kinds of motorist, have traveler information and can be able to use the same kinds of systems, as they go from place to place.

The agreement is in the form of a memorandum of understanding. It's attached to your package. It's based on the 1998 study, the Kansas Department of Transportation drafted a suggested work plan, a five-year work plan, identifying the key projects that would have the highest payoffs in about three areas and they offered to pay 60% of the cost of those projects that would benefit local motorists. Even on 135 and Kellogg freeway, probably 95% of the motorists at any time are local people who either live or work in Sedgwick County, as opposed to through-traffic that's traveling on the national system. So, even on the state highway system, on the national highway system the benefits are to local motorists.

They offered to pay 60% of the cost of these projects, with the City of Wichita and Sedgwick County splitting the remaining 40% in equal amounts of 20% each. They call this a first phase, because even though it's a total project of about \$6,000,000 with a request of one and a quarter million dollars each from the City and from the County, it is a project that can expand further and

Regular Meeting, January 16, 2002

the 1998 study said that you can spend significantly more than \$6,000,000 on these projects. But we've defined a level of effort and stand on its own that has the highest benefit to cost ratio and if these projects do not continue and proceed past that five-year work plan I think they would stand on their own. There's not later investment that's requirement in order to get a payoff, in terms of the transportation improvements.

The three projects, the first one is called AVL, which stands for Automatic Vehicle Locator system and this is, basically, the cost of putting automatic vehicle locators, detectors in all of the equipment. We're talking, in the first phase, about emergency equipment that would be funded out of this study, not the Public Works trucks and some of the other fleet that the City or the County has, but all of the emergency vehicles, ambulances, fire trucks, police and sheriff's cars that are out there, so that the emergency communications people and the traffic operations people would know where they're located so that the closest . . . we have a hard time now without that visual display of where exactly these trucks are, to find out what is the closest facility that can respond to an emergency and what's the proper response. This will be an aid to the dispatch for emergency purposes.

Eventually, it will be something that can help with dispatch and scheduling for the whole fleet that the County has and that the City has. But immediately, it would be in this first phase limited to emergency vehicles only, with one exception and that's, you see the bus and that's because there are special, set aside federal funds that are available to the Wichita Transit department that they can apply for to use these for the dispatch and scheduling and other kinds of technology that will be helpful for the bus system. Especially the para-transit system, that can be used to help dispatch to different locations and where you have to create a new route almost every day, because you have people in different locations, this is the kind of equipment that will be very helpful in that regard and enable the transit to be more flexible. The idea is to design a system that will apply to all vehicles, but the first phase is to the highest priority, which is the emergency vehicles in this proposed five-year program.

The second item is call ATMS, which stands for Advanced Transportation Management System. What it means is that the freeway system, that the state has an interest in because it's technically their responsibility, would have cameras, video cameras and other kinds of detectors in the first phase in the areas that are considered the most congested today and the most prone to accidents and where you would get, again, the most bang for the buck in terms of having that better information to respond to incidents with the emergency response. It can expand in the future if there are funds

Regular Meeting, January 16, 2002

available. I'll tell you that at this point the agreement doesn't assume that there's any federal funds that are going to be available that are specially earmarked for this purpose, but we think that those kinds of monies probably will be available in the future, federal monies that are earmarked for this purpose, because ITS is considered to be something that has good benefits and they want to pursue the research and development of it further and the application and try to establish this national network. So, I think we'll see some additional money that may become available to go beyond that first phase in the future. The idea, again here, is to have more information so you can provide the appropriate response. If someone has a flat tire out there, you don't have to send ten fire trucks and three ambulances out there. You provide the appropriate response from the nearest vehicles.

The third area is called . . . it has to do with signals. It has to do with the arterial system and the traffic signal system that is out there. I'm sure that you have heard complaints or been frustrated yourself about the lack of synchronization of the signal system in the community and the fact that everyone seems to inevitably stop at every red light at every mile. And although there has been some improvement, there's a lot of improvement more that can happen. And the signal system upgrade is intended to do two things; one, to improve and extend the synchronization of signals to have smoother traffic flow and second, to also equip the emergency vehicles with the ability to preempt those signals. So, if they're approaching an arterial intersection, they will get the automatic green time. The signal will change and so they won't have to worry and slow up as much, as they're coming to the intersection, because they're worried that they're going to have to stop and make sure that there's no cross-traffic that's moving, which I think will be an excellent improvement in emergency response also.

So, you see, a lot of it is emergency response related. The majority of the money for the County's proposed share of this program has been set aside, in the Public Works section of the approved Capital Improvement Program. There's also potential of using money from 911 funds towards these ITS projects. I would say to you that these three projects, they're all implementation. They'll all be improvements on the ground. These are not just planning studies and design studies but they need to begin with those planning and design studies, make sure they're done in a coordinated way and we'll get firmer estimates of cost as we go through those. So, this memorandum of understanding may need to be amended. The memorandum says that all three parties have to agree

Regular Meeting, January 16, 2002

to any changes and that all three parties have to agree to what the design study says before they would be spending the money on actually implementing the system. So, with that, I will stop and ask if you have any questions.”

Chairman Sciortino said, “Thank you, Marvin. Commissioners, any questions of Marvin on this topic? Commissioner Winters.”

Commissioner Winters said, “Thank you, Mr. Chairman. Marvin, I’m certainly going to be supportive of this and one of the things that I’ve been interested in for a long time is the vehicle locators, especially on emergency vehicles. If we check off on this today and I assume the City of Wichita has already agreed.”

Mr. Krout said, “They did yesterday.”

Commissioner Winters said, “And the State of Kansas, K.D.O.T.’s ready to go, if everything worked out to the best of everybody’s understanding, how long do you think it would be before we would have vehicle locators on emergency equipment?”

Mr. Krout said, “We expect . . . there’s a draft of a . . . actually there was a request for proposals that was sent out for that AVL study, to begin that first off and I believe a consultant has been hired and the scope of services is being refined and the City Council is supposed to approved, sometime at their next meeting, I hope, the consultant contract and I think it will have to come before you, too because this will be the first project that will be a 60/20/20 split, that AVL project. And as I recall, that design study, they call for a three to four month completion date and then you would go out for bids and I think you could expect that next year we could begin seeing vehicle locators in vehicles.

It all has to be, also, worked out with 911 and their process and their upgrades so it might take a little longer but I think by next year you should be able to see this happening.”

Commissioner Winters said, “All right, thank you. I see Diane Gage with 911 and she’s shaking her head up and down likes it’s a yes, so I would assume she is agreeing with that.

Well, I think that can be a real asset and so I’m looking forward to that and would certainly want to be supportive, if possible, and if we get some kind of a roadblock, I’d certainly like to try to be part of that solution. I think this looks like a good projects. I think all three plans look like they’re very good projects. Thank you.”

Chairman Sciortino said, “Any other questions of Marvin? Marvin, I have one. I was just a little

Regular Meeting, January 16, 2002

confused. I think you answered it in your presentation and that's with the buses. Now, this first phase and the part that we're contributing, covers the emergency vehicles. Whatever is going to be doing on buses, didn't you say the City has an addition pool of money and they'd be handling that portion of it?"

Mr. Krout said, "Right. And that's separate from this agreement. The City is not planning to use the federal money to implement the system in buses as part of the local match. That's separate, that's money on the side because they have this federal money available and they'd like to pursue that."

Chairman Sciortino said, "That's what I thought I heard you say."

Mr. Krout said, "We just want to make sure that the buses are part of the overall partnership and coordinated program."

Chairman Sciortino said, "Well, I also am going to be fully supportive of this item, because I agree with you. Traffic per se, isn't our problem it's how we manage specific incidents that causes the problem. And if we're able to know, going in, that it's just a little fender-bender you dispatch one police officer but then, if all the sudden, we know ahead of time that it's a California-style freeway crash-up, we could be dispatching the appropriate emergency equipment, not waiting for an officer to be on scene to radio back that an ambulance is needed, to radio back that a tractor trailer has spilled some hazardous material. I can see nothing but good things coming out of this. I'm very pleased that we're undertaking this project with the City of Wichita and K.D.O.T. and I challenge the staff of County, City and our joint planning department to try to cooperate to the fullest extent, so that our community can get what is being purported as a very high-quality, affordable system of transportation management and automatic vehicle location. And I just applaud your efforts and hope for you to keep staying the course and get it done for us. Any other questions? Commissioner Winters."

Commissioner Winters said, "Just a comment to David Spears, County Engineer. We haven't heard from you, David, but I assume that you've been involved in part of this process and you're fully supportive of this memorandum."

Mr. David Spears, County Engineer/ Director, Public Works Department, said, "Yes, sir, Commissioner Winters. We've been involved in the process from the beginning. Mark Borst, on our staff, has been to most all of the meetings. I think one of the key things about this is that it will allow you, in the long run, to utilize the major highways that you have to their major efficiency without having to build other highways so quickly. And I see that as one of the big advantages, in the long run."

Regular Meeting, January 16, 2002

Commissioner Winters said, “Okay.”

Chairman Sciortino said, “If there are no further comments of Marvin, what’s the will of the Board?”

MOTION

Commissioner Winters moved to approve the Memorandum of Understanding 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 Tim Norton	Absent
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Commissioner Sciortino said, “Next item.”

NEW BUSINESS

B. PRESENTATION REGARDING STRATEGIC PLAN FOR ILLEGAL DUMPING IN SEDGWICK COUNTY.

POWERPOINT PRESENTATION

Mr. Andy Schlapp, Project Manager, County Manager’s Office, greeted the Commissioners and said, “Today, I want to present to you our plan for illegal dumping. As many of you are aware, on January 7th, Commissioner McGinn had a press conference outlining a new process to curtail illegal dumping in Sedgwick County. And this is called a plan for the future. It’s what we’re going to do,

Regular Meeting, January 16, 2002

starting today, and what we're looking at to curtail illegal dumping. It's always been a problem. It's an historical problem and, again, while we can't fix what's happened in the past, we can sure make sure that we learn from the past and move forward with new policies and ways to curtail illegal dumping.

So, to understand that I went through a little bit of background. Illegal dumping is an historical problem. As long as we have disposed of trash, there have been people who have refused to participate and illegally dumped. You can find that throughout history. It's a problem that we're not dealing with new today. You think back to your childhood. I remember the Indian crying, going through areas in beautiful parks with trash everywhere. So, again, it's an historical problem.

It's not a problem of disposal methods. Again, when we went and starting researching illegal dumping in other communities, every community experiences illegal dumping, whether they have a land fill, transfer station, waste energy, any type of disposal method. And it's not a problem of economics. People who perpetrate this crime come from all socio-economic backgrounds. Basically, it's a product of abhorrent behavior. It's a product of laziness. As we've started . . . I'll get into it a little bit more later, tracking, you can start to see it's a product of laziness. There's not a particular place where people dump. They don't drive a long distance to take care of this problem, because if they had a plan they would go ahead and dispose of it properly.

It is and has always been a shameful act. And what's more important today and the reason we bring it up today is because now it's becoming dangerous to citizens. One of the trends that we're seeing with the Meth-amphetamine labs is they're going out into the country, setting up their lab right there in a ditch or a right-of-way, making the product and leaving all the stuff behind. So, really one of the major reasons of moving forward today is there is a serious danger to citizens with illegal dumping.

Commissioner McGinn outlined a plan for the future and one of those things was increased enforcement. And again, if we look at the roles of the different agencies that are involved, the Board of County Commissioners sets the vision and also puts the policies in place that allow us to curtail the problem. And again, later in the meeting you will have a resolution to increase fines. Also, another issue is we need to get the community involved so we're going to start a neighborhood watch program and that's more than just putting up signs. And again, we'll get into that in a little bit.

The last thing we want to do is we want to track and see where illegal dumping happens and why it happens and again, start collecting that information to start curtailing this behavior. And the fourth point would be community involvement, who do we need to get involved, who are the different agencies, who are the players that need to come to the table so that we're all working off the same plan and we're all working toward the same goal.

Regular Meeting, January 16, 2002

And again, just some of the results that we've seen in this very short period of time, since we've done this program. We took some time to look at enforcement. From a policy standpoint, what we can do is we can say, 'Hey listen, this is abhorrent behavior, we want to change it'. We're going to increase the fines to the maximum level and we have done that. The second thing is to meet with the enforcement agencies. Who are the people out there writing the tickets for illegal dumping? If they're not interested in participating and writing tickets and considering this a serious crime, we can write all the policies we want, nothing will happen. And again, we've already gotten the commitment from Sheriff Steed that in his jurisdictions he will be out there enforcing these new fines, for the most important reason because he wants to get out there and see what's happening with the Methamphetamines labs, but also to clean up the community. And again, on January 23rd, we're going to start meeting with all the other agencies, Wichita Police Department, Sedgwick County Health Department, Environmental Resources, Code Enforcement, Township officials, anybody that's going to be involved in this illegal dumping to get their buy-in and commitment to make this happen.

And the last thing we're going to look at and we've had some phone calls on this issue, is a lot of business owners deal with illegal dumping too and while this plan was to look at public access, public right-of-ways, it also happens on private property and what are things that we can do differently to help the business owners. And again, we're going to start addressing those issues and the resolution addresses it a little bit but, again, we need to make sure that there's a will from the enforcement agencies to help the private businessmen in those areas.

Neighborhood watch is more than just a sign. When we drive down the street, you know, we see those signs for neighborhood watch and again, we're going to have a sign for illegal dumping. It's more than just a sign but understand, I believe . . . and David, you can correct me if I'm wrong, that we're working with you to have some signs developed. There will be some budget that we need to have to have these signs out in the townships and right now these signs are going to be used in the unincorporated areas of Sedgwick County. As we meet with other jurisdictions, City of Wichita, Derby, Haysville, other communities they may want to adopt our same program. We have no problem with that. We just need to make sure that we work out the details of how that cooperation is going to work. So, this program can be bigger than just the unincorporated areas of Sedgwick County.

The most important part of the neighborhood watch is the training, what to look for, what do you do, how do you track it and, more importantly, how do you stay safe. Don't follow the people that are perpetrating the crime. And again, the Sheriff's Department in his jurisdiction has offered to do that training for the citizens and that's really the crucial piece to this.

Regular Meeting, January 16, 2002

The last thing is to have a single point of contact and that currently will be 911. As we meet and we move forward and technology changes that single point of contact may change, but right now any time, for the citizen, any time they see any type of illegal dumping you would call 911.

Tracking, we need to know where it happens, when it happens, how often and how it's cleaned up and Environmental Resources has offered to provide that service. We have started looking at it for the past year to see where illegal dumping happens and again, there is a map and again, what we're noticing is there isn't trends. There's not three or four spots where people dump. If there's 200 illegal dumpings there's probably 200 different sites. It's about how fast and easy I can get rid of my trash without handling it in a proper way. We need to work with other agencies and jurisdictions, City Public Works, County Public Works, townships, anybody who's responsible for the clean up to again understand the problems and issues they face in clean up. And finally, I want to mention we're going to have a special program for townships. They have a little bit tougher time, financially, and we're going to offer some programs to them to help them with their clean up process.

And lastly is community involvement. We need to meet with all the enforcement agencies, make sure they're willing to enforce the resolutions that we're going to pass. Number two is meet with those in the legal system to make sure that when they go to court that this is considered a serious crime. Meet with the clean up agencies, what help do they need with clean up? And again, the bottom line is how do we keep our county clean while holding those responsible accountable for their actions and we need to get buy-in and commitment from all of those involved.

So, the results so far is later in today's meeting you will approve . . . or there will be a resolution brought to your attention increasing fines to the maximum allowed by state authority. We're going to start meeting with all agencies to get buy-in to make sure that this program is successful and we're going to start the neighborhood watch program with the key component of training.

And again, one of the things I want to mention, as you deal with these type of figures, I think it's real important that we take care that initially and you don't want to do it the first time. And again, the current system, it's not that painful the first time you get caught and you have to do it two or three times before you starting feeling real pain. And one of the things they found in New York City, in the subways and all the crimes that were happening in the subways, that if we put guards at all the turnstiles and we bust people for walking through the turnstile and they get a ticket or arrested or whatever happens, that then all the crimes that are subsequent to that, the muggings, the robberies, the defacing of the equipment doesn't happen because those people can't get into the system because they're stopped at the door. And again, that's what we want to try to do here. Stop it the first time so there's not repeat and repeat and repeat offenders. And again, that's kind of the strategic vision and plan that we have in place and I'd be glad to answer any questions that you have."

Regular Meeting, January 16, 2002

Chairman Sciortino said, "Thanks, Andy. We do have some questions. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Chairman Sciortino. Andy, that was a very good presentation. I guess I'd like to share that I've received, since the kick-off on this, many positive calls from citizens all throughout, in the municipalities as well as the unincorporated area, that are glad to finally see this done in our community. They also shared some very good ideas, which I'm going to pass on to you and Environmental Resources and the Sheriff as well, about how to capture some of these violators out there. One that I need to look into is the licensing and they had a great idea about how you could identify where certain things come from.

The other thing that the Sheriff made a comment about was in the past, if Jack Johnson dumped his trash and had his name in there on his mail 20 times and he said, 'I didn't put my trash out there' as the Sheriff said, 'I don't care if you put your trash there or not. It has your name in it and you need to be the one that cleans it up'. And so the hope there too is in getting people that maybe they have somebody . . . a guy in a pickup that's picking up the trash for them, now you'll go back to the hauler and say, 'Why is my trash in the ditch? That's not what I paid you . . . what I wanted you to do for disposal'. So, I think that gets back to the root of the problem, it's not my problem and yes it is your problem.

The other thing that you shared and as Sheriff Steed shared as well is a big part of this is education and focus. And it's not just, 'Yeah, I saw some trash out there'. It's 'What did you see? When did you see it?' and then also informing our citizens what to look for in a Meth lab, which in the last ten years has certainly been on the rise and we want to make sure citizens don't harm themselves as well in that.

The final thing is . . . or another key to this is that it won't work without partnerships and I have to thank Sheriff Steed for really stepping up to partner with us on this because, as you said, you shared the three entities there. If they're not interested in helping us, it's not going to be accomplished and change behavior in our community and so I want thank him.

The other thing that's key is our citizens in the reporting and understanding what we need to know in order to solve some of these problems and then our partnership with the townships as well. And I also want people to know that this is just a plan to get started. We'll be tweeking it along the way and making it better but I think it's time. I know this is in the next resolution, but when we talk about fines, as I've traveled across the United States I guess I've always been a little offended in the fact that we don't take illegal dumpers serious and you can just tell by the price on our signs, \$100 or whatever. Go back to the east coast or the west coast and it's a couple of thousand dollars. And so, I think Kansas is a beautiful state and a great state to live in and I think we need to take it

Regular Meeting, January 16, 2002

serious that we don't want people polluting our state as well. So, anyway, thank you for that presentation and I look forward to hearing about the progress. Thank you."

Chairman Sciortino said, "Thank you, Commissioner McGinn. Commissioner Gwin."

Commissioner Gwin said, "Thank you, Mr. Chairman. I'm certainly supportive of the plan and the concept that Commissioner McGinn brought to us. There's a couple of questions. We have told people for years and years and years that you use 911 for an emergency, if it's serious. So, how do folks now, how would you respond when they say, 'You're sure we're supposed to call 911 on this?' This isn't a matter of utmost emergency, is it?"

Mr. Schlapp said, "Well, again, with the advent, that's probably not the correct word to use, but with Meth labs now, illegal dumping very well could be a very serious issue. You don't know what's out there. You don't want to go messing around to see what's in that trash pile. You want to call 911. Again, we do have, as Chair . . . Commissioner McGinn has said, . . . now I've totally lost my train of thought. Forget that."

Commissioner Gwin said, "Okay."

Mr. Schlapp said, "Okay."

Commissioner Gwin said, "Is it an emergency?"

Mr. Schlapp said, "It is an emergency. The Sheriff wants to make sure that they get a chance to go out and look and see what's in there to make sure that what's there is safe or, if it's not safe, to start a criminal investigation into a whole different matter. So, it is important for the citizens to call 911. In the future, as we move forward with illegal dumping, there may be a better number, a better idea as technology changes. That's why we're starting the dialogue. If that changes, we'll let the citizens know what that change is but right now, 24 hours a day, seven days a week, you call 911 and we'll take care of the problem."

Commissioner Gwin said, "Well, I agree with that. I just wanted to ask the question that I knew some out there might be asking."

Mr. Schlapp said, "That was pretty tough. I didn't almost make it through that question."

Commissioner Gwin said, "It was tough for you and I should ask you these questions so you can practice. But every now and then I just to just see you wing it. Will these folks who are caught and who are charged with illegal dumping, will they be tried through our County Court system? Is that

Regular Meeting, January 16, 2002

the way it comes, Rich or Andy?”

Mr. Rich Euson, County Counselor, said, “I anticipate that they will all come through County Court.”

Commissioner Gwin said, “Okay. Because we anticipate . . . well, anyway in the unincorporated areas of the County, where we would write, that would be the case. Is it not?”

Mr. Euson said, “Yes, because it’s a violation of our resolution.”

Commissioner Gwin said, “And if these kinds of things were . . . tickets were written in incorporated areas, other cities in this county, would those probably go through their municipal courts then?”

Mr. Euson said, “Yes, they would.”

Commissioner Gwin said, “Then, given that, if a person is convicted of violating illegal dumping resolutions or ordinances or whatever, then who enforces the fines? I mean, do we have the legal ‘umph’ to make sure people pay up, as we propose here?”

Mr. Euson said, “Well, we probably do, to some extent. We certainly, the County Court has some contempt authority and certainly the ability to bring offenders back before the court if a fine isn’t paid. So, there is that authority.”

Commissioner Gwin said, “Okay. Thank you. I guess the other issue is, as Commissioner McGinn said, that the issue is that Sheriff’s officers cannot be along every roadway and by every ditch throughout the unincorporated areas of this county. There just aren’t enough of them to go around. And so we will depend greatly on the neighbors, on those folks that live out that way who travel those roadways or whatever, to be our eyes and our watchers if you will throughout the whole process. So, I think that’s key to the success, and by success I mean the apprehension of people who illegally dump, whatever it is.

I’ve gotten call since I was first elected and I’m sure my predecessor’s did too, from certain folks that, some how or the other, their street, their ditch seems to be a recurring site for dumping. And as you said, the townships are financially strapped. A lot of times David’s folks go out and respond to that and pick it up but it is not . . . so my point being, it’s not a recent problem. It’s an ongoing problem for as long as I can recall and it’s a problem I think that folks weren’t afraid of being

Regular Meeting, January 16, 2002

caught, because they didn't think we had the wherewithal to assure their apprehending, nor did we have the resolve to prosecute to the full extent that we can. I appreciate Commissioner McGinn starting this, because I think folks need to know this historical behavior is going to stop. We do care about our community. We are going to be watching for you. We will be apprehending you and we will be fining you. So, I'm supportive. I'm very optimistic that we'll make a difference. And I want to thank Commissioner McGinn for her initiative. Thank you, Mr. Chairman."

Chairman Sciortino said, "Thank you, Betsy. Commissioner McGinn."

Commissioner McGinn said, "Thank you, Chairman. Just a clarification or some input, I guess, here. When we talk about 911, I always wonder why I'm calling 911 to do a burn in the county. You know, I'm like, to me it's not an emergency but it is about letting them have information and it's my hope that someday in the future we will have 311. I don't know if it's going on in other parts of the nation, but that's something that may come our way and I think for calling in loose dogs and calling in you're going to do a burn and calling in these kinds of things hopefully we'll have that system, but right now, in our community 911 is the point of contact."

The other thing Commissioner Winters brought up is that a lot of this illegal dumping we're talking about is in right-of-ways and that's why we're partnering with townships. I don't want anyone to have the misconception that if you've got a trash pile out there behind your house or something like that we're going to be fining that kind of thing, because this is really talking about the right-of-ways in our county. Thank you."

Chairman Sciortino said, "Thank you. I have a comment and then a couple of questions too. First of all, I want to join both Betsy and Tom, Carolyn in taking this initiative because someone has to decide that it's time to take action and you did. And as Carolyn mentioned, this is the beginning. It's not the end, but at least it's the beginning of a process and we'll be refining it, adjusting it. I think the idea of working with the townships to assist them in helping them solve something that, technically, is their responsibility and some of those roads that they maintain, they maintain the ditches because that's where the majority of the dumping goes and then it cascades to if it's blocking the ditch, you increase flooding potential, etcetera and so forth. And I'm very comfortable that we've made a great start and that we're going to continue to improve and refine it."

A couple of questions, I think you mentioned, which I think needs to be said again, we're not doing this because we've seen a dramatic increase in dumping in the last two or three months. This is being done because finally we're deciding it's time to address a problem that's been with us for quite a while and I think that's important for people to note."

On the business end of it, an I right in any business that's located in the unincorporated area, if they come to their business this morning and they see a kagillion of baggies of garbage that has been

Regular Meeting, January 16, 2002

dumped next to their dipsty-dumpster or something, they can call 911 and we would react to that also. Is that correct?"

Mr. Schlapp said, "The resolution, it is my understanding and I may have to yield to Bob Parnacott if he's still here, just to make sure that legally that I'm speaking correctly. So, jump up if I'm making mistakes but my understanding is the resolution can be used countywide, anywhere in the county. So, again, that's why we want to meet with the Wichita Police Department and all the other agencies, because they can use our resolution if they want to. Part of that resolution has some language in there that allows us to get access to the private property through the business owner to then to work on that site and look for the perpetrators of that crime. So, this new resolution gives us a new opportunity to help the business owner. What we need to do again is to make sure all these different agencies are willing to do that. Are they going to spend the time to go out there and do that? And I think they will. We just need to make sure that they have total buy-in and that they will do that before we go out and say, 'Yes, this is going on, call 911'. Our intent is that that will happen. We just haven't had those conversations at this time."

Commissioner Sciortino said, "I appreciate that and that covers businesses within an incorporated area. But my question was, if a business is located in the unincorporated area, and they call in and there's been some dumping in their business, will we respond to them too also? And then, as I understand it then any of the 20 cities could agree to use our resolution and then we would respond in that matter. Okay, that's great. Any further questions of this item? Hearing none, or seeing none, what's the will of the Board?"

MOTION

Commissioner McGinn moved to approve the Plan.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Absent
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Regular Meeting, January 16, 2002

Chairman Sciortino said, "Next item."

C. RESOLUTION AMENDING CHAPTER 24 OF THE *SEDGWICK COUNTY CODE* TO INCREASE FINES FOR ILLEGAL DUMPING IN SEDGWICK COUNTY.

Ms. Irene Hart, Director, Division of Community Development, greeted the Commissioners and said, "We have before you today a resolution that amends the County Solid Waste Code that was just adopted last year. It provides some technical wording clarification and it updates the fines, as has been described earlier.

To recap this portion of the Code simply, in the unincorporated area it's illegal to dump trash any place except at a licensed solid waste facility. It's illegal to put trash into a private container without the owner's consent. The fines for doing so will increase to \$500 for the first offense and \$1,000 for the second offense. And I wanted to remind the public that if illegally dumped trash is found and the source can be identified, then it will be the responsibility of that source to clean it up immediately. So, this again restates what you talked about earlier. That is in the code.

As an aside, the reason for choosing, for working with 911 to be the single point of contact, the roads in the unincorporated area may be township roads, may be county roads. Township officials may be difficult to get hold of. I've talked to some officials. They've found trash dumped in the middle of the road, which is an immediate hazard at night. So, a 911 phone call will kick this into the law enforcement section and get things handled immediately. I'd be happy to answer any questions that you might have or our legal resource, Bob Parnacott, can answer the technical ones."

Chairman Sciortino said, "Any questions of Irene on this item? Seeing none, what's the will of the Board?"

MOTION

Commissioner McGinn moved to adopt the Resolution.

Commissioner Gwin seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Absent

Regular Meeting, January 16, 2002

Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Next item."

D. AGREEMENT WITH KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES PROVIDING TERMS AND CONDITIONS FOR THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS GRANT.

Dr. Luella Sanders, PhD., Program Director, Comprehensive Community Care (COMCARE) Homeless Program, greeted the Commissioners and said, "I'm here to provide some new information on a previous agenda item. On (*inaudible, coughing*) of 2001, BoCC approved inclusion of the COMCARE's homeless program in the annual P.A.T.H. grant renewal application submitted by the State of Kansas Department of Social and Rehabilitation Services. P.A.T.H. stands for Projects of Assistance in Transition from Homelessness. It's a federal program administered by Center for Mental Health Services Homeless Programs branch.

There are five P.A.T.H. funded communities in Kansas, including Sedgwick County, Shawnee County and Wyandotte County. The homeless program has received P.A.T.H. grant funding since fiscal year 1991. The grant provides parcel funding for four and a half staff positions at the homeless program.

Through these grant-funded positions, COMCARE is able to provide outreach and other mental health care services for homeless individuals, including those who don't have any income or medical coverage.

I'm pleased to report that COMCARE has received confirmation from the state of the renewal of these annually requested funds. Now we're asking for your consideration and approval of an agreement with Kansas Social and Rehabilitation Services that would allow the transfer of the \$95,306 in P.A.T.H. funds to the homeless program.

Regular Meeting, January 16, 2002

The \$95,306 funds would be new federal funds coming into the community. P.A.T.H. requires a 25% local match of those funds. That equates to \$31,769, rounding off the change of required matching funds. Those would come from program-generated fees. I would welcome any questions that you might have around the homeless program, the grant or the agreement.”

Chairman Sciortino said, “Thank you very much, Luella. Any questions on this item, Commissioners? I don’t see any. Thank you very much.”

MOTION

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

Commissioner McGinn seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Absent
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, “Next item.”

CONSENT AGENDA

E. CONSENT AGENDA.

- 1. Donation by Ed Sawyer, Novartis Pharmaceuticals, of four \$25 gift certificates to Wal-Mart, used for COMCARE’s Community Support Services program.**
- 2. Agreement with New Hope providing Developmental Disability Community**

Regular Meeting, January 16, 2002

Services Provider status to contractor.

- 3. Order dated January 9, 2002 to correct tax roll for change of assessment.**
- 4. General Bills Check Register of January 11, 2002.**
- 5. Budget Adjustment Request.**

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "You have the Consent Agenda before you and I would recommend that you approve it, with Item number 4, General Bills Check Register the date should read January 15th. With that adjustment I would recommend your approval."

MOTION

Commissioner Gwin moved to approve the Consent Agenda as presented with the adjustment to the General Check Register date.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Absent
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Chairman Ben Sciortino	Aye

Chairman Sciortino said, "Do we have anything else to come before the Board?"

F. OTHER

Commissioner Gwin said, "I have something."

Chairman Sciortino said, "Excuse me, I'm sorry. I have to apologize to all of you. I have to get used to looking at the Christmas Tree. I have no idea who went first, so I'm just going to go in order. Commissioner Gwin."

Regular Meeting, January 16, 2002

Commissioner Gwin said, "Thank you, Mr. Chairman. Yesterday, you and I attended a luncheon at which Senator Roberts spoke, sponsored by the World Trade Center and others. Well attended, well attended by some of our public safety folks too who were there. Appreciate the encouragement to attend. And then, last evening, you and I both stopped by the City of Bel Aire."

Chairman Sciortino said, "We're going to have to stop meeting. People are going start talking."

Commissioner Gwin said, "We're taking this Chair and Chair Pro Tem pretty seriously, I guess. Bel Aire is kind of a victim of its own recycling successes. They had been doing, with the support of volunteers, community recycling and it had grown to be such a big project that the volunteers really couldn't handle it any more. So, the City of Bel Aire has decided to pursue curb-side recycling and has instituted mandatory subscription and voluntary participation on recycling. Well, what we went to learn a little bit about last night, and I'm not going to give the name of the company because I don't want them to get so overwhelmed with business, but the City of Bel Aire and their recycling committee have found a hauler who will pick up their municipal solid waste. Who will also collect their curb-side recycling in a much expanded program over what most of us can currently recycle for as competitive a rate as I've every heard in this part of the country. This company currently works in Harvey County. They do some business with Sedgwick County. The folks in Bel Aire don't have to. . . this isn't a franchise situation . . . they don't have to deal with this company but this company's rates are so much more competitive that I'm hopeful that a) it will be a success in Bel Aire and b) be an example then to a lot of other of the municipal solid waste companies of really how you can provide the best possible service for your communities. There was lots of interest. There were . . . I saw a couple of County employees who live in Bel Aire and they were there and very excited in the savings they might be able to realize using different and hopefully better ways to handle municipal solid waste, as well as their recycling."

Chairman Sciortino said, "I didn't like them making fun of us, 'Na, na, na. You live in Wichita, our rates are better than yours'. I thought that was a little too much."

Commissioner Gwin said, "I thought that wasn't called for but I'm real excited and hopeful for the City of Bel Aire and it give residents an opportunity to really see a substantial difference in the way they deal with their municipal solid waste and certainly their recycling efforts. I think that's it for right now."

Chairman Sciortino said, "And I also, just to expand, they also include . . . their recycling pickup is weekly, as opposed to presently bi-weekly and, this summer, if you go with their recycling/trash pick-up, they'll even include at no additional charge grass clippings and yard waste too. It's a fantastic project. I'm just going to go in order. Commissioner Winters."

Regular Meeting, January 16, 2002

Commissioner Winters said, “Thank you. I really didn’t have much. I just did want to report that Commissioner Norton, Chair Sciortino and myself did attend the A.L.A.R.M. meeting Saturday. It’s good to see that group of rural mayors and council people from the smaller communities getting back together. They kind of went on a hiatus for a couple of years, but Mayor Gary O’Neal from Bel Aire seems to be getting that organization up and going. I know there’s a couple of projects that Chair Sciortino is going to try to work with them. It is good to see that group up and going and I just wanted to report that there were some Commissioners at their last meeting. Had a very good meeting.”

Chairman Sciortino said, “That was very well received. Commissioner McGinn.”

Commissioner McGinn said, “Well, this coming weekend is a very busy weekend and a very exciting weekend, because this is the Martin Luther King activities that are going to kickoff Friday in Topeka. Probably not everyone will make it up there at 10:30 in the morning but we have a lot of activities here at home. Saturday, here in Wichita, it will start with the Martin Luther King Multi-cultural kickoff parade and the parade path is going to change this year. It’s going to begin at St. Mark’s United Methodist Church and go up the hill from McAdams and end at the W.S.U. parking lot. That’s Reverend Gordon’s church and I want to thank him for being here today as well and he’s very active in this whole three-day weekend event.

Part of the parade will be Langston University’s Marching Band and West High School as well. On Saturday evening is the Village Variety Show, which will have some of Wichita’s best jazz talent and Langston’s jazz band as well at W.S.U. Hughes Metropolitan Complex and that’s at 7:00 on Saturday. On Sunday is the Kansas African American Museum sponsors a speaker and great music and a program every year on Sunday night at the Orpheum and it’s just a real different event. It’s very interesting. They do a great job putting that on. It starts at 4:00 and the keynote speaker this year is the Colorado Lieutenant Governor, Joe Rogers. And just to give you a little bit about him, he took office in January ’99. He represents a new generation of American leadership. He’s the nation’s youngest Lieutenant Governor, America’s highest ranking African-American state elected official, Chairman of the Republican Lieutenant Governor’s Association and serves on the Executive Committee of the National Conference of Lieutenant Governors. So I think he’ll be an excellent speaker.

Then, after that event, on Monday we have a great event and I’m proud, as I know my colleagues are proud as well, that Sedgwick County is sponsoring the speaker and that is Dr. Joseph Lowery. He will give the sermon at Noon at W.S.U.’s Hughes Metropolitan Complex. In 1957, Reverend Lowery co-founded the Southern Christian Leadership Conference with Martin Luther King Junior and served as its president for 21 years. I also understand his wife is originally from Wichita, Kansas and so, that’s another great event. Again, it starts at Noon and that’s at 29th and Oliver, at

Regular Meeting, January 16, 2002

the W.S.U. Metropolitan Complex. Great singing, great sermons and that kind of thing and so, if you haven't been at that before, I invite and encourage anybody to be there.

If you are viewing this on T.V. and you didn't capture all that, you can call the Kansas African-American Museum and I don't know their phone number, but they're under Kansas African-American Museum in the phone book or you can call our Communications Office at 660-9370, because they have that information in there as well.

And if you haven't bought your button yet, your Martin Luther King button, I bought extras so I'll be happy to give you one. That's all I have. Thank you."

Chairman Sciortino said, "Thank you, Commissioner. I have just a couple of comments. One, unfortunately this will be the first year since I've taken office that I haven't been able to join with Carolyn at the Martin Luther parade. I can remember it was a rather chilly parade, cold is a good word. But I was really heartened by the number of people that braved the cold, along with us in the parade, to stand up and just be counted, so to speak. But this Saturday, Derby is going to be dedicating their new city hall and they've asked me to come down and join in that dedication effort and that's where I'll be. So, I'll be warmer but it's unfortunate, because I really enjoyed going down there.

Any other items to come before this Board?"

Commissioner Gwin said, "Well, we need an Executive Session but I need some input from my colleagues. Part of it was to do personnel matters of non-elected personnel, which I assumed extended the Executive Session to an estimated 60 minutes that the Counselor prepared for us. I need to know if it's the will of the Board to continue that process or to eliminate that and then shorten the time of Executive Session, before I make a Motion."

Commissioner Winters said, "I'm prepared to go ahead and have the full 60 minutes, but it's up to you."

Commissioner McGinn said, "I was just going to say, without Commissioner Norton here, it's going to be hard to define the goals and objectives for the future with the employee."

Commissioner Gwin said, "Okay. Mr. Chairman, what do you think?"

Chairman Sciortino said, "Why don't we include that in our Executive Session and then we can discuss it and you could always say 'No sooner than' and make it a shorter period of time. It doesn't say how long we could be in Executive Session but it says 'no sooner than' and you might

Regular Meeting, January 16, 2002

want to cut the time down and if we collectively decide it's appropriate to continue with the evaluation, we would be later than, but not sooner than."

Commissioner Gwin said, "Mr. Euson, I need some advice then on the time. We have some legal matters to discuss, obviously. If I put half an hour, can we discuss legal matters in that period of time?"

Mr. Euson said, "Actually, I'd suggest about 20 minutes."

Commissioner Gwin said, "Okay, well I'm going to change it to 30 minutes with the will of the Board and that way we'll have a moment to talk about personnel matters and decide whether to proceed on that or not."

MOTION

Commissioner Gwin 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 and litigation, potential litigation, legal advice, personnel matters of non-elected personnel and that the Board of County Commissioners return from Executive Session no sooner than 10:37 a.m.

Commissioner Winters seconded the Motion.

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

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Tim Norton	Absent
Commissioner Thomas Winters	Aye
Commissioner Ben Sciortino	Aye
Chair Carolyn McGinn	Aye

Chairman Sciortino said, "The Regular Meeting of Sedgwick County Commissioners is recessed."

The Board of Sedgwick County Commissioners recessed into Executive Session at 10:07 a.m. and returned at 11:17 a.m.

Chairman Sciortino said, "For the record, let it be known that there was no binding action taken in Executive Session. Mr. Manager, any further comments, any further items to come before the Board?"

Regular Meeting, January 16, 2002

Mr. Buchanan said, “No, sir.”

Chairman Sciortino said, “Okay. Any further comments? This meeting is adjourned.”

G. ADJOURNMENT

Regular Meeting, January 16, 2002

There being no other business to come before the Board, the Meeting was adjourned at 11:17 a.m.

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

BEN SCIORTINO, Chairman
Fifth District

BETSY GWIN, Chair Pro Tem
First District

TIM R. NORTON, Commissioner
Second District

THOMAS G. WINTERS, Commissioner
Third District

CAROLYN MC GINN, Commissioner
Fourth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2002

Regular Meeting, January 16, 2002