

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**November 12, 2003**

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, November 12, 2003 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Tim Norton; with the following present: Chair Pro Tem Thomas G. Winters; Commissioner David M. Unruh; Commissioner Carolyn McGinn; Commissioner Ben Sciortino; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Dr. Tim Rohrig, Director, Forensic Science Laboratories, Regional Forensic Science Center; Ms. Lori Vanderford, Finance Manager, Health Department; Dr. Cindy Burbach, Director, Health Surveillance and Disease Prevention, Health Department; Ms. Jacque Wedel, Sales/Marketing Director, Kansas Coliseum; Mr. Mark Masterson, Director, Department of Corrections; Mr. Steve Claassen, Facility Manager, Facilities Maintenance; Mr. Pete Giroux, Senior Management Analyst, Budget Department; 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.

### **GUESTS**

Ms. Francis Seidl, Member, Advisory Board on Aging.  
Ms. Carolyn Hosford, Chair, Sedgwick County Waste Minimization Team.  
Mr. Kent Rowe, Mayor, Longton, Kansas.

### **INVOCATION**

The Invocation was led by Reverend Sherdeill H. Breathett Sr., Associate Minister, Saint Mark United Methodist Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

### **CONSIDERATION OF MINUTES:** Regular Meeting, October 29, 2003

The Clerk reported that Commissioner McGinn was absent at the Regular Meeting of October 29, 2003.

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**Chairman Norton** said, "Commissioners, what's the will of the Board?"

**MOTION**

Commissioner Winters moved to approve the Minutes of the Regular Meeting of October 29, 2003.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Abstain
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING NOVEMBER AS "NATIONAL FAMILY CAREGIVERS MONTH."**

**Chairman Norton** said, "Commissioners, I would like to read the following proclamation into the record. Please bear with me, because I left my glasses at home. Lisa, I may have to ask you to hold this."

**Commissioner McGinn** said, "Can I hold it for you?"

**Chairman Norton** said, "Commissioner McGinn, you're always good to me. Thanks."

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**PROCLAMATION**

**WHEREAS**, each year in November, we honor and recognize our family caregivers who provide generous care and support to loved ones who are chronically ill, elderly or disabled. Caregivers reflect family and community life at its best. They are among Sedgwick County's most important natural resources; and

**WHEREAS**, the degree of caregiver involvement has remained fairly constant for more than a decade, bearing witness to the remarkable resilience of the American family in taking care of its older persons; and

**WHEREAS**, their continued investment in our community is seen through their commitment to provide quality care for family, friends or neighbors that need some help in care for themselves; and

**WHEREAS**, family caregivers deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of our national life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

**NOW, THEREFORE BE IT RESOLVED**, that I, Tim Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 2003 as

**‘NATIONAL FAMILY CAREGIVERS MONTH’**

in Sedgwick County and encourage all citizens to honor the family members, friends and neighbors who shoulder care giving responsibilities.

Dated November 12, 2003.

Commissioners, what is the will of the Board?"

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**MOTION**

Commissioner McGinn moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And Francis Seidl is here to accept.”

**Ms. Francis Seidl**, Member, Sedgwick County Advisory Board on Aging, greeted the Commissioners and said, “Yes, the proclamation says it well, these are the unsung heroes of our community that willingly do it out of love. I’m a member of the advisory board of the Department on Aging and they are looking at the needs of the caregivers as well as those who need care. Thank you.”

**Chairman Norton** said, “Don’t run off. Commissioner McGinn.”

**Commissioner McGinn** said, “I just had a question. Do you know how many years we’ve done this proclamation?”

**Ms. Seidl** said, “I think the last two years.”

**Commissioner McGinn** said, “And the reason I bring that up, I think this is so very important, especially today and in the future. People are having smaller families, families are spread out and I think the caregiver is a limited resource that we have in this community and so those that do that have a big task and it’s a great task. And I think, in the future, we’re going to need to talk about this more and make sure that they’re helped along the way. So, thanks for being here today.”

**Chairman Norton** said, “Commissioner Unruh.”

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**Commissioner Unruh** said, “Well, and I just want to add a comment that having been in the position, my wife and I have been caregivers for about four years to a parent who needed it. I think it’s a great thing to have an opportunity to recognize those who provide the service. It wears you down. It takes a lot of energy. It just doesn’t ever seem to let up, so to have this sort of recognition and say ‘Way to go’ is a very good thing to do.”

**Chairman Norton** said, “My final comment is certainly in this day and age where there’s such a disconnect in families and where we look back at generations where families lived together, grandparents helped raise kids and it seems like that our older generations get a little discarded and disconnected from families and folks that do provide caregiving and keep their families whole and keep elderly safe and happy and in a healthy manner are to be applauded and hopefully this is what this proclamation will do for us today. Any other comments? Clerk, call the next item.”

### **2. PROCLAMATION DECLARING NOVEMBER 15, 2003 AS “AMERICA RECYCLES DAY.”**

**Chairman Norton** said, “Commissioners, I’d like to read the following proclamation into the record.

### **PROCLAMATION**

**WHEREAS**, Americans generate nearly 232 million tons of municipal solid waste each year, or more than 4.5 pounds per person per day; and

**WHEREAS**, the average Sedgwick County resident generates approximately 6 pounds of waste each day, and more than one ton annually; and

**WHEREAS**, reduction, reuse and recycling activities can significantly impact the amount of waste going to local and regional landfills; and

**WHEREAS**, participating in America Recycles Day is one way citizens, businesses, industries, government agencies and organizations can raise awareness about the need to reduce waste and protect our environment.

**NOW THEREFORE BE IT RESOLVED**, that I, Tim Norton, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim November 15, 2003 as

**“AMERICA RECYCLES DAY”**

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and urge every Sedgwick County citizen, business, government agency, civic group and every other organization to be a 'Kansan Making a Difference' by signing a pledge to renew their commitment to recycling.

Dated November 12, 2003.”

**MOTION**

Commissioner Winters moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “And Carolyn Hosford is here today to accept. Carolyn.”

**Ms. Carolyn Hosford**, Chair, Sedgwick County Waste Minimization Team, greeted the Commissioners and said, “Thank you. On behalf of the Waste Minimization Team, I would like to thank you for this proclamation. Several members of our team are with us today, and I’d like them to be recognized. There’s Angie Duntz, Crystal Jayne, Ken Keen, Jo Sanders and Kathy Sexton.

We’d like to let the public know that there’s a really great opportunity for them this week to pledge to recycle or to buy recycled goods and all they need to do is to go on-line to [Americarecyclesday.org](http://Americarecyclesday.org) and there they will find a pledge card. They can simply sign up, it takes about 30 seconds, and they will automatically be entered into a national contest and one of the prizes is a 2004 automobile, so we hope that’s a little incentive out there dangling for people to do that. So I would encourage our own employees and also the general public to do that.

And I’d also like to mention that, true to its name, the Waste Minimization Team is not just about recycling, it’s about minimizing waste and one of the things that we’re doing this week in the

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County offices is we have a project called the mail reduction project, where we're collecting all the unsolicited mail that comes into county offices and then asking that those names be taken off our mailing list. So the object here is to reduce the amount that initially is coming into the courthouse before we actually have to recycle it. So we have a really enthusiastic group of members on our team this year and I'd like to thank you for the proclamation."

**Chairman Norton** said, "Commissioner McGinn."

**Commissioner McGinn** said, "Thank you. And this is I think about the fourth or fifth year, Kathy, that you guys have done this here locally. I remember when we first started talking about the changes in our programs and trying to get recycling to be more active in Sedgwick County. You know, we asked the question 'What are we doing here at Sedgwick County?' and you all have made tremendous efforts, just in this organization, and increased the amount that we recycle here and I think that's important, as we go out and ask our citizens to do so as well.

I know we have a lot more work to do. I know it's difficult, because we're talking about recyclable markets, and so we have to be flexible I think, as a community, to try to fit into where the market will take some of these products. And so I just wanted to share, I think you guys have done commendable work. This isn't something that you all started five years ago and just because it was the thing to do. You have actually grown this and I think got a lot of people in a number of departments here at Sedgwick County to participate and have been very creative about reducing our waste load here in Sedgwick County. So thank you for the time that you give."

**Chairman Norton** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. Well I've seen a dramatic reduction in the amount of paper material coming to us and as I understand it, here real shortly if we want to know what our pay stub is we have to go on-line to read it because you're not even going to be sending that to us. And I say that complimentary because we do get . . . the biggest thing I think all of us get is volumes of unsolicited mail, etcetera, etcetera, where it really stacks up in a hurry and what the County has been doing is really trying to say, 'Look, we're going to put our effort where our mouths are' and we're going to really try to have a dramatic reduction in some of that stuff.

How important . . . in the proclamation it says, 'Encourage people to buy recycled material'. How important is that really in the overall? I mean, we're just interested in getting people to recycle, but how important is it that we not force, but try to encourage people to buy recycled material?"

**Ms. Hosford** said, "It's probably the most important part of it, because if you recycle and there's nothing to make it into then you don't have a market."

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**Commissioner Sciortino** said, “And you don’t have a market for it and then people don’t pay you for it and then you can’t . . . yeah. I have to tell you, my family, my wife and I, we’ve recycled for the last twenty years. However, I’d be lying if I didn’t say when I go to Sam’s or even my wife and here’s a product of raw material and it’s substantially cheaper than a similar product recycled, just to maintain our economy, we’re often times guilty of putting the raw product . . . How do we get past that because that’s one of the obstacles to buying recycled material?”

**Ms. Hosford** said, “That’s right, it is in some cases, but I do think that you’ll find that in more and more products are being competitive and that difference in price is becoming more minimal and, in fact in some cases there is no difference, not in every product but in many products. So, it’s taken time but it is getting there.”

**Commissioner Sciortino** said, “Okay, thank you.”

**Chairman Norton** said, “Thank you, Carolyn. Clerk, call the next item.”

### 3. PROCLAMATION IN SUPPORT OF “INTERNATIONAL EDUCATION WEEK, NOVEMBER 17 – 21, 2003.”

**Chairman Norton** said, “Commissioners, I’d like to read the following proclamation into the record.

#### PROCLAMATION

**WHEREAS**, November 17-21, 2003 has been designated International Education Week to promote international education for the United States to ensure access to high level international experts important to the national security, foreign policy, economic trade, and other global challenges facing this nation; and

**WHEREAS**, Cadet Leadership Programs were started in selected middle schools in our community in 1997, making Wichita a leader in the nation in this initiative; and

**WHEREAS**, the U.S. Department of State recognizes the role that international education and exchange plays in strengthening our nation and our relations with other countries and it is the policy of the United States Federal Government to support international education; and

**WHEREAS**, the United States Federal Government is committed to: encouraging students from other countries to study in the United States, promoting study abroad by U.S. students; supporting the exchange of teachers, scholars, and citizens at all levels of society; enhancing programs at U.S.

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institutions that build international partnerships and expertise; and

**WHEREAS**, it is important for American students to learn other languages, experience foreign cultures, and develop a broad understanding of global issues. In addition, educating international students is an important way to impart cross-cultural understanding, to spread United States values and influence, and create goodwill for the United States throughout the world; and

**WHEREAS**, the Kansas World Trade Center's mission is to promote and facilitate international trade through education, communication and research. The Kansas World Trade Center is a member in good standing of the World Trade Centers Association, Inc.

**NOW THEREFORE BE IT RESOLVED**, that the Kansas World Trade Center endorses and supports the efforts of educational institutions to provide international educational opportunities in the United States and abroad to deepen the international knowledge of the United States and for nurturing this country's ideals inside as well as outside of this nation.

**BE IT FURTHER RESOLVED**, that the Kansas World Trade Center continues to expand its efforts to promote world peace through international trade and advance the mission of the World Trade Centers Association, Inc. in furthering the ideals expressed in support of International Education Week; and encourage schools, businesses and communities to join in this international effort in commemorating this important stated national policy.

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**MOTION**

Commissioner Winters moved to adopt the Proclamation and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh      Aye

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

**Chairman Norton** said, “And I see that Susan Seaver was to be here to accept but I do not see Susan.”

**Ms. Kristi Zukovich**, Director, Communication, greeted the Commissioners and said, “We will make sure that she gets this and that the work of the World Trade Center, that they have this for their records as well.”

**Chairman Norton** said, “Thank you. Clerk, call the next item.”

**CITIZEN INQUIRY**

**B. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING LANDFILLS.**

**Mr. Kent Rowe**, Mayor, Longton, Kansas, greeted the Commissioners and said, “I have a statement here from the Waste Control and Recycling Coalition of Wichita/ Sedgwick County dated . . .”

**Chairman Norton** said, “Could you state your name and address real quickly.”

**Mr. Rowe** said, “I’m sorry, excuse me. I’m Kent Rowe, Route 1, Box 135, Longton, Kansas. I’m the Mayor of Longton, Kansas.

The Waste Control and Recycling Coalition has offered a statement: We, the Waste Control and Recycling Coalition of Wichita, Sedgwick County vehemently oppose creating any additional municipal sanitary landfills anywhere, where even the simplest cost-effect methods of recycling is being frightfully ignored.

Kansas, 47<sup>th</sup> of 50 states in its recycling of municipal solid waste, according to the EPA, enjoys a dismal reputation nationwide. And Wichita, Sedgwick County is central to this dilemma.

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Therefore, we propose that you now consider pay-as-you-throw practice employed worldwide, as well as many parts of this nation. This system allows residential and commercial solid waste recyclers to be rewarded with reduced or altogether eliminated rubbish collection fees.

Moreover, commercial and curbside recycling services must be administered by municipal and/or locally owned contractors. In short, we're merely requesting that Wichita/ Sedgwick County be in abeyance with the Kansas statute, Article 34, Solid and Hazardous Waste, 65-3401.

And I do recognize the good efforts on behalf of the Waste Reduction personnel here at Wichita, Sedgwick County. But I might ask you, right here in the backyard, the agenda that the proceedings are printed on, is that recycled paper?"

**Commissioner McGinn** said, "Kathy Sexton says yes."

**Mr. Rowe** said, "Okay, very good. And do you, members of the commission, I'll be here in a couple of weeks back to quiz you, I'll give you an assignment. Actually recycle your own paper, plastic, glass from your homes, compost and so forth and let me know just how much that did decrease your total waste. I think you'll find that you can achieve 90% right off the bat. That's enough to sustain existing landfills that are already up and going and not the creation of more new landfills. So that's your assignment for the next two weeks, if you would for me and I'll be back to quiz you on that.

Do you have a map showing all of the candidate landfill sites for Sedgwick County? And why has Wichita/ Sedgwick County failed to improve the national rating for recycling efforts? As well as, finally, substitute the word 'trash' from your vocabulary for the word 'recyclables'. Just drop the word 'trash' out of your vocabulary for the next two weeks if you could.

That will help greatly improve your mindset and it's a very liberating experience too, put your plastic in one container, glass in another and paper all together on another platform. Just recycling paper is roughly 50% of the solid waste stream that we have.

And Ben Sciortino, you mentioned what can we do to encourage purchasing of recycled materials and so forth. You can offer local tax reductions, green labeling awards and so forth to encourage the purchase of recycled goods and so forth. So, there are many things that we are not doing that we could do and it would come from this body here, this governing body here.

And the main one, and that we've printed on by the way not recycled paper but reused paper, there's a lot of that around, that we've considered here is the pay-as-you-throw practice that rewards people that do recycle, reuse, reduce and so forth to do so and that is the key. And if you

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leave the recycling efforts largely to the corporate waste haulers it will fail. The Oregon study did prove that unequivocally. All right, any questions for me?"

**Chairman Norton** said, "I see none at this time."

**Mr. Rowe** said, "Can you supply me with that site map for the candidate sites for landfills in Sedgwick County?"

**Chairman Norton** said, "I don't even think we're that . . . We don't have one. We're not even to that point, Mr. Rowe."

**Mr. Rowe** said, "Okay, all right. Thank you kindly."

**Commissioner Winters** said, "Mr. Chairman, I would move we receive and file the report and for the record note that this gentleman is not a resident of Sedgwick County but we do appreciate his information."

**MOTION**

Commissioner Winters moved to Receive and file.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

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

**NEW BUSINESS**

**C. RECOGNITION OF REGIONAL FORENSIC SCIENCE CENTER LABORATORY ACCREDITATION BY THE AMERICAN SOCIETY OF CRIME LABORATORY**

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### DIRECTORS/LABORATORY ACCREDITATION BOARD.

**Dr. Tim Rohrig**, Director, Forensic Science Laboratories, Regional Forensic Science Center, greeted the Commissioners and said, "This morning I'm very pleased to report that the Forensic Science labs have received another national accreditation by the American Society of Crime Laboratory Directors/ Lab Accreditation board, or more commonly known as ASCLD/LAB. This is a voluntary program which we participate in. This program is utilized to demonstrate that the laboratory, it's management, operations, quality assurance programs, personnel, procedures, equipment, physical plant, security, health and safety procedures do meet established standards within the forensic community.

This process is not a simple process, it's not a quick process. The actual accreditation process takes over a year to accomplish. We've been working at that for this long. It's a team effort. All the staff at the Center have been involved, in addition to outsiders. As far as the actual mechanism of this accreditation program, they involve two on-site inspections. The first inspection, a team of professionals came out to the laboratory to inspect our records, to look at our policies and procedures, to actually interview the forensic staff to make sure that their knowledge of science is up to acceptable standards.

In addition to that, they reviewed our performance and proficiency test programs. And what our proficiency test program is samples are sent to the laboratory with unknown content. Let's for instance say, in our drug identification laboratory, a white powder is sent to us. We are to analyze it, report back what we found in that powder, and then we're graded on that. We must achieve an 'A' grade to meet the requirements of this part of the accreditation program.

So, in summary, what I'd like to think is that the ASCLD/ LAB accreditation has affirmed, or reaffirmed that the Forensic Science Laboratory here at Sedgwick County are meeting the standards set forth in the forensic community within the United States. With that, I'll stand ready to answer any questions."

**Chairman Norton** said, "I see none at this point. Commissioner Winters is ready to go."

**Commissioner Winters** said, "Well, I'll just make a comment of saying just how pleased we are of the result of this accreditation. I've said this before from the bench, I can certainly remember back to the day when the coroner's office in Sedgwick County was much, much different than it is today, and there were some commissioners back in the early 1990s that decided that it needed to be moved out of a Quonset hut building and into a modern facility, not really knowing where we were headed,

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but knowing that if we were going to add a service to this community that it needed to be first-class and the best that we can possibly give, and I think we've accomplished that with our Forensic Science Center.

And all of the folks that are working there now, I think, are just doing exemplary work and there was a day when that was not the case in Sedgwick County and it's just very pleasing for us to see when organizations such as this really put the stamp of approval on and I think our law enforcement community can be confident in the work that you all perform and I think the citizens can likewise be proud and appreciative of what comes out of your facility. Not dealing with the most pleasant subjects of life, but ones certainly that are very, very important. So, I'm just pleased and excited that they've been able to carry this on. So, thank you very much."

**Chairman Norton** said, "To layer on top of that a little bit, I may be wrong but isn't this a separate accreditation from the overall Center's accreditation too? This is the crime lab's accreditation, which is different than the whole forensic center's accreditation, is it not?"

**Dr. Rohrig** said, "That's correct, sir. Actually, we have three separate accreditations. The main accreditation from the National Association of Medical Examiners, that's for the coroner's division or the autopsy service. We have the ASCLD/ LAB accreditation, which is for the forensic science laboratories, and then also the State of Kansas requires our toxicology laboratory, which is in the laboratory, to be separately accredited by the State Health Department. So we actually have three different entities looking at us to make sure that we meet acceptable standards."

**Chairman Norton** said, "Well, and to tag onto what Tom was saying, that's almost a perfect storm, because if I remember, there's not too many labs that have all those accreditations in the United States. Some of them have parts of it, but now you're building a capacity that every segment is accredited by either a national or a state organization and I believe that's one of a few in the whole United States that has that. Is that correct?"

**Dr. Rohrig** said, "Correct, sir. As far as I know, there's less than half a dozen centers that have name accreditation and ASCLD/ LAB accreditation."

**Chairman Norton** said, "And I also, as I remember, it's pretty hard to get both and to keep them, year after year after year. And so this will be an ongoing process where you'll continue to have to meet the goals and the needs of the accreditation every several years. Is that correct?"

**Dr. Rohrig** said, "Yes, sir. I spoke to the proficiency test programs. We get one of those samples

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probably every month. Those results are sent in. ASCLD/ LAB gets the results of those tests and if we blow one, I get a letter and then we have to immediately respond and show corrective action, as far as how we're going to take care of this discrepancy."

**Chairman Norton** said, "Well, as I think back to my chemistry class in college, where they give you a little vial of stuff and said, 'Figure out what this is'. That's no fun if you guess . . . if you figure it out wrong."

**Dr. Rohrig** said, "Well we don't guess."

**Chairman Norton** said, "I guess you found out how I got through chemistry in college."

**Dr. Rohrig** said, "It's a challenge every day, but fortunately, that's what our folks like to do."

**Chairman Norton** said, "Thank you very much. We appreciate all that you do for Sedgwick County and actually many, many other counties around the state. Thanks, Doc. What is the will of the Board?"

**MOTION**

Commissioner Winters moved to Receive and file.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**HEALTH DEPARTMENT**

**D. HEALTH DEPARTMENT.**

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**1. RESOLUTION AUTHORIZING THE DIRECTOR OF THE HEALTH DEPARTMENT TO ENTER INTO CERTAIN CONTRACTS.**

**Ms. Lori Vanderford**, Finance Manager, Sedgwick County Health Department, greeted the Commissioners and said, "I'm here this morning to ask that you approve and sign a resolution that allows the Director of the Health Department to sign managed care and third-party contracts in the future. These contracts would be . . . this resolution is consistent with other resolutions, such as with COMCARE. This would allow us to enter into contracts in a timely manner and allow us to be able to offer services and provide payment for those services without the extenuating process of coming through and asking you to sign it.

It's similar to . . . an example would be the Blue Cross contract we just signed a couple of weeks ago. Others . . . we're negotiating now with like PPK and PHC. Other examples would be where employers are paying for flu shots for their employees, and we would be able to enter into those agreements for third-party payer without having to present everyone before you. I think we've got like 50 right now, so that would save a lot of time."

**Chairman Norton** said, "Okay. What is the will of the Board? Commissioner Sciortino."

**Commissioner Sciortino** said, "Have you found waiting for us to approve it a real time loss and delays and what have you?"

**Ms. Vanderford** said, "No, we haven't. We're just doing this to be consistent with other resolutions within the Sedgwick County structure, such as with COMCARE."

**Commissioner Sciortino** said, "Okay, but if I read it right, it meant that you could approve it without us knowing about it."

**Ms. Vanderford** said, "Our director would be able to sign those agreements, yes. The larger agreements, such as with PPK and Blue Cross, I'm sure we would let you know that because there would be information through communications that we're having those."

**Commissioner Sciortino** said, "But I mean that would just be permissive, it wouldn't be mandatory that you let us know. Is that correct?"

**Ms. Vanderford** said, "We would never assume to not let you know, but yes."

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**Commissioner Sciortino** said, “No, but I mean, by authorizing this . . . Commissioners, I’m a little concerned. I don’t know if I need to be and I’d really like to listen to what you all think, but some of these could be rather large contracts and they could be entered into without any dialogue on our part or even knowledge on our part. And I guess what’s making me kind of sensitive to this is some of the problems that’s been going on across the street, where staff has the authority to enter into contracts and the elected officials don’t know about it. I don’t know if it’s a realistic concern, but it does make me a little nervous and that’s why I brought it up and I’d like to listen to what you all have to think on it.”

**Chairman Norton** said, “Commissioner Winters.”

**Commissioner Winters** said, “Commissioner Sciortino, when I saw it I also had the question mark in my mind about the resolution, so read the resolution fairly carefully and I had kind of gotten myself comfortable with it, two aspects. One is in section one it says, ‘Subject to the prior written approval of the County Counselor’s Office’, so we know that the County Counselor’s Office is going to review it. And then it is only for those issues of signing these agreements providing managed healthcare services, and I think that that’s pretty limiting. I mean, there’s only . . .”

**Ms. Vanderford** said, “We only have a couple more that we’re going to even be looking . . .”

**Commissioner Winters** said, “I was going to say, there’s not going to be a whole lot of this. Now, I don’t really know if I can answer the question though if it delays and I can see that . . . and I don’t say this in a negative light, but I think it does sometimes take longer sometimes to get items on our agendas than one would think it might should take. I mean, once County Counselors look at it, once Finance rolls it around, I mean then it gets on. So I would think that I could real easily see a case where they would have something and it could possibly be two or possibly three weeks before it’s on an agenda in front of us.

And the only other comments I would have is in section two then, it says ‘The director shall make copies available to the County Counselor, copies to the Division of Finance, copies to the County Clerk and the County Manager’ and I would think we could add ‘and the Board of County Commissioners’ to that. Rich, would that be difficult or cumbersome to just add that ‘Board of County Commissioners’ on that end of that section two?”

**Mr. Richard Euson**, County Counselor, said, “No, sir.”

**Commissioner Sciortino** said, “Well, Tom, and it’s the managed healthcare that’s caused me the biggest concern, because that was the biggest thing that was going on over at the City, you know negotiations or whatever with their healthcare. The County Counselor reviewing it, he would

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probably review it as to form and was it legally correct and were all the 'i's dotted and 't's crossed, not whether or not this was a good thing for the County to get into or not a good thing.

And like I say, I'm probably being oversensitive, given all the headlines about the City of Wichita and, up to this point, we've been very open and above board. We vote, we do a lot of things in the public eye and I'm just really . . . It's probably a concern that isn't as realistic, but I'm probably going to vote against it, only because I would rather have us vote on things and then be accountable to the public if it became law, we voted for it and if you have any complaints, you come to us because we're the elected officials. But it's . . . Like I say, I'm just real nervous right now. So, thank you."

**Chairman Norton** said, "Commissioner Unruh, if I could, I'm going to let the Manager speak real quickly. He had a couple of comments."

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "We should be nervous about giving authority to staff at various levels for various purposes. In this case and the case with COMCARE, we're authorizing the director to enter contracts for people to pay us. We're not hiring others to do work for us. We're offering our services to be the payee for services that are provided. And so, there is some comfort in that. If we are hiring consultants, if we are hiring people to do work for us, we're still required to go through the bid board. And so, that does not allude that process."

**Chairman Norton** said, "Commissioner Unruh."

**Commissioner Unruh** said, "I think the Manager just made the point that I was going to seek clarification on, that we here are going to be the providers of service and be paid for them and just expands our ability to serve the community. And so it's different, in my opinion, from signing contracts where we're purchasing something, either services or products. So, I have less apprehensive about this sort of a contract than I would other types. And also, we're giving authorization in a limited area. These are for healthcare type things, and so I'm comfortable with being in favor of this agenda item."

**Ms. Vanderford** said, "Commissioners, I'd also like to say that none of these contracts would include a negotiation of price. The prices that you have adopted on our fee schedule, if we were to negotiate a price, that would be coming before you and seek your approval before that would ever be done. These are just the services that we're providing at the price that you've approved and just

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agreeing that somebody besides the person walking in the door is whose going to pay for those services.”

**Chairman Norton** said, “Commissioner Sciortino.”

**Commissioner Sciortino** said, “Well, okay. You’re going to contract with a service provider to provide something?”

**Ms. Vanderford** said, “No, sir. We’ll be contracting with a third-party payer, so that if you come in the door, you’re not the one being billed, but whomever we’ve contracted with, whether it be Blue Cross or PPK.”

**Commissioner Sciortino** said, “Okay. If my wife is an executive of Blue Cross and I want her to have the contract, as opposed to another provider. Could I go to Jerry Frantz and kind of lobby for him to really look at Blue Cross better than the other one, since I know it isn’t going to come up in front of us and what have you and could there be any remote possibility of abuse or undue pressures put on staff to go one way or the other and if not, why not?”

**Ms. Vanderford** said, “We’re not limited to having only one other . . . we’re not limited to only one third-party payer.”

**Mr. Buchanan** said, “Let me try this. The purpose of this resolution is to get as much revenue as we can from anybody that we can. Therefore, the motivation would be to enter contracts with anybody that’s willing to pay for it and Blue Cross might be one who wants to use our services, a piece of our services. PPK is another, Aetna is another, any of those parties would be looking to do that. We’re not limiting . . . I guess in a very narrow way, we could limit which of those companies we would accept their money from, but I think your assurance is that you have people like Chris Chronis and myself breathing down Frantz’s neck to produce revenues and to review what sources those reviews . . . wince they’re going to come. And if you’re seeing only one, the logical question is going to be ‘Why isn’t Aetna involved, why isn’t PPK involved’.”

**Commissioner Sciortino** said, “Okay. And please understand, Bill. No way was I trying to cast dispersions on you, anybody at staff. It’s just that with everything that’s going on, I get . . . I’m a little nervous about it. Okay, that’s all I had.”

**Chairman Norton** said, “Commissioner McGinn.”

**Commissioner McGinn** said, “If we don’t enter these contracts, we can’t accept insurance money. Is that correct?”

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**Mr. Buchanan** said, “No, we have to pay . . . If you have insurance and come for these services, you’re going to have to pay.”

**Commissioner McGinn** said, “I have to pay and this just allows us to do the filing and receive the money directly.”

**Mr. Buchanan** said, “Exactly.”

**Commissioner McGinn** said, “Okay, thank you.”

**Chairman Norton** said, “Any other concerns, discussions?”

**Commissioner Winters** said, “Well I have just one. A question for the Commissioners, I’m ready to move forward. I mean, if we would need to delay this for some reason, I think we could. But I’m ready to move forward. I’m now just questioning whether, in that last section, whether Commissioners you think it’s necessary to add that we be provided executed copies of any of these contracts?”

**Commissioner McGinn** said, “It’s fine with me.”

**Chairman Norton** said, “Personally, I wouldn’t have a problem with us doing it like we do any purchases through bid board that is below 25,000. Just get an e-mail that says we’ve entered into this contract and that’s good enough. It’s just a nice way, a memo attached that tells us that you’ve done something and that at some point we may have to scrutinize it.

If I might, the one thing that I believe in this is that, and I said this when I first became chair, part of leadership is empowering people to do their jobs. Now that doesn’t mean to abdicate your authority. That means to empower them and then go back and inspect what you expect. We have every ability to do that through the procedures that are set up. I’m very comfortable with this. I think we have, top to bottom, a great organization of people that can be trusted to do their jobs well and it is imperative on us to empower the organization. That doesn’t mean we abdicate our leadership roles, our ability to oversight, but in this case with the system that we’ve got and with the addition of the commissioners’ being memorized by this, maybe it solves all of that. Commissioner McGinn.”

**Commissioner McGinn** said, “Well, I keep thinking about the new Health Department as it relates to community health, and if this is going to make it user friendly and it’s a way to receive dollars

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that we may not otherwise receive because somebody might go somewhere else because we're not filing insurance, I think this is something that's helpful to those that use the Health Department."

**Chairman Norton** said, "Commissioner Winters."

**Commissioner Winters** said, "Well, I think I am going to make a Motion here and I think I am going to include the Board of County Commissioners receiving an executed copy, unless that's a problem. Rich, you don't think that's a problem if we just be on that list?"

**Mr. Euson** said, "No, sir, I don't."

**MOTION**

Commissioner Winters moved to Adopt the Resolution and that, in Section 2, that along with the Division of Finance receiving an executed copy and the County Clerk and the County Manager, that the County Commission also receive a copy of the executed contract.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	No
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thank you very much. If I might take just a minute, it's those kind of great conversations that do keep us out of trouble when we make sure that we discuss it at the bench and not under the water somewhere. Next item."

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**2. CONTRACT WITH KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR PROVISION OF BIO-TERRORISM PREPAREDNESS AND RESPONSE.**

**Dr. Cindy Burbach**, Director, Health Surveillance and Disease Prevention, greeted the Commissioners and said, “We have the contract that will allow us to receive federal, passed through the state, funds for bio-terrorism preparedness for the next year. Last year, we had four hundred thousand and some odd I think it was. This year’s grant will be for six hundred and thirty-seven and I think it is and some odd cents thousand dollars. And the contract that we will sign with them, KDHE basically provides for insuring that preparedness happens and preparedness for public health emergencies are funded and resources are made available.

We’ve designated part of this grant for what the state would call infrastructure capacity, basically moving money out of just the bio-terrorism preparedness realm and into other pieces of the health department where we can justify it to the state contract.”

**Chairman Norton** said, “Well, I see no questions. What is the will of the Board?”

**MOTION**

Commissioner Winters moved to accept the grant award and authorize the Chair to sign this and any related documents.

Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye

**Commissioner Sciortino** said, “Just a question first. What is related documents mean. I’m probably being . . . What does that mean? It says, ‘sign the contract and authorize to sign’. What is this ‘and other related documents mean, Tom?”

**Commissioner Winters** said, “Well, that’s what it says in the backup as a recommended action, and I just would assume that it means other items related to this specific grant. Rich, can you

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answer that as more clarifying?”

**Mr. Euson** said, “I will try. Commissioners, whenever you get into one of these grant applications, there’s just lots of paperwork that needs to be signed and anything related to that grant, the Chairman would be authorized to sign.”

**Commissioner Sciortino** said, “Okay. It was just different than what was on our agenda recommendation. So, okay.”

Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Thank you. Next item.”

**E. AGREEMENT WITH HILAND DAIRY FOODS FOR PURCHASE OF ADVERTISING SPACE AT KANSAS COLISEUM.**

**Ms. Jacque Wedel**, Marketing/ Sales Director, Kansas Coliseum, greeted the Commissioners and said, “I have an advertising agreement in the amount of \$5,000 cash with Hiland Dairy Foods, which is a standard marketing agreement, including signage as well as point of purchase information and featuring products in our new sweet shop, which is our newest concession stand. We recommend approval. If you have any questions, I’d be happy to answer those.”

**Chairman Norton** said, “I see none.”

**MOTION**

Chairman Norton moved to Approve the Agreement and authorize the Chairman to sign.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
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Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Jacque. Next item."

**DIVISION OF HUMAN SERVICES - DEPARTMENT OF CORRECTIONS**

**F. DEPARTMENT OF CORRECTIONS.**

- 1. GRANT APPLICATION TO KANSAS JUVENILE JUSTICE AUTHORITY (KJJA) FOR FUNDING OF PREVENTION AND INTERVENTION PROGRAMS.**

**OVERHEAD PRESENTATION**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "We need to get ELMO set up. It will be just a second. Sedgwick County began receiving state funding for local juvenile justice programs, as you'll remember, in 1998. In order to continue to receive grant funds, the state requires us to submit a funding application each year to the Juvenile Justice Authority.

This year, the application process has changed in two significant ways. First, the funding application has been divided into two separate application procedures. And second, the time frame has been moved up from late spring to fall, so if it seems like we just got through doing this in April, we did, but the process has changed.

Before you today is the funding application for state fiscal year '05 for only the prevention and intervention funds . . . intervention programs. The second application will be presented in January, and that will include the core programs that we provide of intake and assessment, juvenile intensive probation and juvenile case management.

Your Juvenile Corrections Advisory Board has reviewed the programs that are currently funded, and recommends that you approve continuing them at the current '04 level in '05. The specific programs are from our comprehensive plan, targeting delinquency prevention and early

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intervention. The programs and recommended funding to maintain current level services are displayed on the overhead. In this application, JJA has instructed us to assume current level funding is available in 2005. If this changes, through the legislative process, adjustments will be made when we submit the final budgets to you next spring.

For this application we anticipate having \$1,242,404 for prevention programs and \$291,526 for intervention programs. I believe you're familiar with each of the recommended programs on the overhead, so I'll offer to stop here and not review each of the programs, unless you have specific questions and would like me to do so."

**Chairman Norton** said, "Okay, well I see no lights flashing, so what's the will of the Board?"

#### **MOTION**

Commissioner Winters moved to Approve the Grant Application and authorize the Chairman to sign all necessary documents, including a grant award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner McGinn seconded the Motion.

**Chairman Norton** said, "I have a Motion and a Second to take the recommended action. Any other discussion? Commissioner Winters."

**Commissioner Winters** said, "Well, it's kind of related question and not. Mark, do you know, are you going to be involved in any of the Kansas Association of Counties annual meeting that's later this month? I know there are a number of issues about health and human services and I wasn't sure if JJA was going to be involved in that or not. Are you going to be involved?"

**Mr. Masterson** said, "The Kansas Community Corrections Association will be involved and our lobbyist, Stuart Little, will be presenting some of the platform items at that meeting and we were involved in the previous one as well, the previous KAC meeting."

**Commissioner Winters** said, "Okay. Well, I certainly think we need to take advantage of meeting a new commissioner and making sure that she's involved with what we're involved in, knows what's happening here in Sedgwick County and I think that will be a good time for us to get better

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connected with her, because I don't feel like we're, as commissioners yet, are quite connected with the new secretary yet."

**Mr. Masterson** said, "Commissioner Winters, the advisory board invited Commissioner Everhart to come to the next advisory board meeting. She has accepted and that will be on December 5<sup>th</sup> at 11:00 if you're interested in attending or would like me to bring her by to meet you, I'd certainly be happy to."

**Commissioner Winters** said, "Well, why don't you send us an e-mail about that meeting and let us check the calendars and see if some of us can't perhaps attend that, because we certainly want her to know of our commitment to JJA programs and events that are happening here and we need to get a better personal connection with her I think."

**Chairman Norton** said, "Certainly, this would be a good time also to remind our constituents and taxpayers that these programs have seen oversights, seen audits and seen scrutiny in this last year and it received very, very high marks from the state. In fact, it is one of the only programs that met muster throughout the state and we're very proud of that. And I'm sure this will continue as we go along. This money is well spent in Sedgwick County and we're pretty proud of that. So, thank you, Mark for that. We do have a Motion and a Second? Clerk, call the roll."

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Next item."

**2. APPLICATION TO KJJA FOR UNEXPENDED FISCAL YEAR 2003 FUNDS.**

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### OVERHEAD PRESENTATION

**Mr. Masterson** said, “The State Juvenile Justice Authority has offered a grant program to allowed local districts to apply for unexpended funds from state fiscal year '03 to use this year, this fiscal year. This funding application contains requests for a little over \$62,000 for prevention programs, and a little over \$74,000 for the juvenile case management core program.

The specific requests are shown on the overhead. Each of the funded prevention programs and the core programs had the opportunity to request supplemental funds to address current needs. As you may recall, the programs received funding cuts this year, so availability of these carryover funds were very much appreciated. Most of the requests are for one-time purchases to upgrade equipment, provide training, planning and additional supplies for staff working with clients.

In the prevention area, under the administrative structure on the chart, we're requesting funds to update our community needs assessment that was completed in 1998. You may recall that this was recommended by the consultant, Rick Cady, that you hired last year to review the County prevention fund initiative.

The Juvenile Corrections Advisory Board carefully considered each of these requests and worked with some of the providers to hone them. The board recommends them to you for approval to submit to the state. I'll be happy to answer any questions or go through them if you would like.”

**Chairman Norton** said, “Commissioner Winters.”

**Commissioner Winters** said, “Mark, how do you plan on doing the community needs assessment update?”

**Mr. Masterson** said, “We plan on developing an RFP to go out and specify exactly what we're looking for, to look at the risk factors and the resources available in the community to identify the service gaps and then to look at the way that we're using prevention funds and are we using them . . . targeting them appropriately to get the most use out of the dollars.”

**Chairman Norton** said, “All right, good. Well I think that sounds like a good process. I was pretty well connected with the creation of the first community plan and so would, if time allows, be interested in being involved in the revisiting of that too.”

**Chairman Norton** said, “That's kind of an odd number put aside there, Mark. How did we come up with that number? Is it just what's left?”

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**Mr. Masterson** said, “The nine cents?”

**Chairman Norton** said, “313,000.09, it’s kind of an odd number.”

**Mr. Masterson** said, “It’s because of the rules that were set up in each of these funds. The 62,221.09 is the amount that we had from our prevention allocation that was left over. That’s what we are eligible to apply for, so we applied for all of it.”

**Commissioner Sciortino** said, “Whatever was left went under community needs assessment.”

**Chairman Norton** said, “What is the will of the Board?”

**MOTION**

Commissioner Winters moved to Approve the Application and authorize the Chairman to sign all necessary documents, including an award agreement containing substantially the same terms and conditions as this Application; and approve establishment of budget authority at the time the award documents are executed.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, “Next item.”

- 3. ADJUSTMENT TO THE DEPARTMENT OF CORRECTIONS STAFFING TABLE TO INCLUDE FOUR GRANT-FUNDED ISO I POSITIONS, B219.**

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**Mr. Masterson** said, “The state legislature enacted a new alternative sentencing policy for offenders convicted of drug possession that have no violent criminal history. Offenders sentenced after November 1<sup>st</sup>, under the new law, will be supervised by Community Corrections and treated for substance abuse in the community. The new law is intended to save prison beds for more dangerous offenders.

Several weeks ago, you approved our local plan to administer this new program and the plan was submitted to the state. State funding has now been approved and we’re ready to proceed and add staff positions to assume the additional supervision, assessment and case management duties required under the new law. The Corrections Department has been awarded \$233,690 to assume these new duties for the remainder of this fiscal year. The allocation is based upon an estimate by the Kansas Sentencing Commission that in Sedgwick County we’ll serve an additional 248 clients per year.

We’re requesting the creation of four Intensive Supervision Officers I positions which will be filled as the client population increases. The annual budget impact for these positions, for salary and benefits, will be \$166,760. I’ll be happy to answer any questions.”

**Chairman Norton** said, “I see none. Mark, what is the potential of clients? I mean, if 233,000 more gets us 248, does that serve everyone that needs case workers and some help?”

**Mr. Masterson** said, “As far as those qualifying under this new law, 248 is the best estimate the sentencing commission has at this point. We will know a lot more in a few months. This is a work in progress and we’ll have to see how it plays out. And we’ll fill these positions as the caseloads go up.”

**Chairman Norton** said, “Well, I think it will be interesting if you start to get some data and some information, to bring us back some kind of report of how effective this money being spent is. I know we’ve been very attached to juvenile justice issues and as we start to put money into facilities and everything, these kind of programs are going to be important that we understand at a pretty deep level. So, please get us that information. What is the will of the Board?”

### **MOTION**

Commissioner Unruh moved to approve the adjustment to the Department of Corrections Staffing Table.

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Commissioner McGinn seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Mark. Next item."

**G. AMENDMENT TO THE 2003 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE UPGRADE OF EXTENSION OFFICE CONTROL SYSTEMS.**

**POWERPOINT PRESENTATION**

**Mr. Pete Giroux**, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "Facilities Maintenance has requested an upgrade to the environmental control system at the Sedgwick County Extension building.

The building, when it was constructed in 1994, had a first-generation digital control system and they chose at that point, because of the complexity of the computer interfaces, not to install that interface. This upgrade will install that much later generation interface. And it will make the system compatible with the Facilities Maintenance control system, management system that's being installed here in the main courthouse and allow staff here to monitor and control the system remotely.

We have an estimate from the vendor of the energy savings of \$3,500 on an annual basis and there's also been a significant reduction in the maintenance costs.

The cost of the upgrade is estimated at \$35,943 and proposed source of funding is from the Facilities Maintenance operational funding, so you can see they're serious about the potential of this upgrade. Both staff and the CIP Committee have reviewed the proposal in detail and they recommend approval. Do you have any questions?"

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**Chairman Norton** said, "Any questions or discussion of Pete?"

### **MOTION**

Commissioner Winters moved to Approve the CIP amendment.

Commissioner Sciortino seconded the Motion.

**Chairman Norton** said, "I have a Motion and a Second. I would ask, at \$3,500 savings a year, that gives you about a 10-year payback to get your \$35,000 back. How long do these controls normally last? Is it a system that can be upgraded and continued or will we be doing this again in five or six years?"

**Mr. Steve Claassen**, Facility Manager, Facilities Maintenance, said, "No, it should . . . they should have a 15 to 20 . . . I'd say 20 year life, so we would not expect to be back here any time soon asking for something in addition to this."

**Chairman Norton** said, "Well, with a 15 or 20 year life, that makes sense. If you can save \$3,500 a year by spending \$35,000."

**Mr. Claassen** said, "And the \$3,500 is a very conservative estimate. Because of the control system that's currently there, it's difficult to say how the operation of that system is operating. So, for that reason, to compare old and new is a problem. \$3,500 is a very conservative estimate. That did not include some operational savings that we also think we'll enjoy, so we thought we'd come in here with conservative numbers."

**Chairman Norton** said, "Sounds like a pretty good business investment. Commissioner Winters."

**Commissioner Winters** said, "Well, just from reviewing the backup material, it appeared to me that there was more than just the annual \$3,500 involved in this project. It's going to be a better system, it's going to be monitored better, maintenance will be better. I mean, there was more to it than just the annual savings."

**Mr. Claassen** said, "Absolutely."

**Commissioner Winters** said, "Okay."

**Chairman Norton** said, "Okay. I have a Motion and a Second. Clerk, call the roll."

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**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Pete. Next item."

**H. BOARD OF BIDS AND CONTRACTS.**

- 1. ITEM 1 OF THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 6, 2003: AUDITING SERVICES – DIVISION OF FINANCE.**
- 2. REPORT OF THE REGULAR MEETING OF NOVEMBER 6, 2003, WITH THE EXCEPTION OF ITEM 1.**

**Mr. Jerry Phipps**, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "You have the Minutes of the November 6<sup>th</sup> meeting of the Board of Bids and Contracts and there are two items for your consideration.

**1) AUDITING SERVICES- DIVISION OF FINANCE  
FUNDING: DIVISION OF FINANCE**

Item one is auditing services for the Division of Finance. It was moved to execute a five-year contract at a pre-established rate with Allen Gibbs and Houlik for an annual audit of the county financial statement for a total of not to exceed \$741,680 and additional finance services as needed for county departments not to exceed \$20,000 annually, making the total five-year expenditure approximately \$841,680 and authorize the Chair to sign.

The recommended action for this item is to approve the recommendation and authorize the Chair to sign the agreement.

**2) NETWORK UPGRADE- DIVISION OF INFORMATION AND OPERATIONS  
FUNDING: SYSTEMS & SECURITY**

Item two, network upgrade for the Division of Information and Operations. It was moved to accept the quote from Software Spectrum for \$113,347.58. This is from a joint governmental purchase off

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the state contract. And I'll be happy to take questions and recommend approval of the Minutes of the Board of Bids and Contracts."

**Chairman Norton** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Just a quick question. On item one, it seemed like the percent of increase from year to year with Allen Gibbs and Houlik was all over the board. I was trying to look at 'Okay there was an escalator of 2.5' and it goes from 2.2 to 3.8 to 2.5 to three point . . . what went into that?"

**Mr. Phipps** said, "Mr. Chronis is here to address those questions."

**Mr. Chris Chronis**, Chief Financial Officer, said, "That's just the result of a negotiation between Mark Dick, at Allen Gibbs and Houlik and myself. You're correct, there is no magic to it. We didn't set it to CPI or anything like that. The increase in the industry seems to be higher, at a rate higher than that and so I was satisfied that we were adequately compensating them and saving the taxpayers a little bit of money at the same time."

**Commissioner Sciortino** said, "Okay, thanks."

**Chairman Norton** said, "Chris, explain the process just a little bit, how long we've had the present auditor of our financial records and services and where we're going in the future. We've had some discussions but I want to be sure it's kind of out in the public today."

**Mr. Chronis** said, "The County has used Allen Gibbs and Houlik or its predecessor firms for I believe 20 year, certainly longer than I've been with the County. The County has renewed contracts with them for that entire period of time without soliciting any sort of competitive bids. For this contract, I visited with each of you about whether or not you wished to obtain competitive bids. Under our procurement code, this is a professional service, and so competition is not required. Further more, what we have learned from other jurisdictions that have recently gone through a competitive selection process for auditing services, is that a) Allen Gibbs and Houlik wins the deals because they are one of only a handful of firms in the State of Kansas that are qualified to do this sort of work and b) the price that they were offering us, if we didn't go out for competition was less than the price would be if we did go out for competition.

Because of a variety of changes that have taken place in the regulations governing accountants recently, they are all taking the safe road, they're covering their risks in the form of much higher pricing when they have to compete for business, either from public sector or from private sector organizations. Because we've had a longstanding relationship with Allen Gibbs and Houlik, if we were willing to renew the existing contract and extend it rather than subject the firm to competitive

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pressures, they were willing to give us some cut rate on the pricing.”

**Chairman Norton** said, “Well, certainly one of the things that comes up is the debate between a long-term relationship with someone that knows your organization and can dig pretty deep and understand it quickly and price. And I think we wrestled with that and really moved towards it as a professional service and that we would continue this relationship, but I wanted to be sure we processed that out in the public today. Contracts have come into scrutiny in government entities recently and we want to be sure that people understand that we’re talking about it and it’s not something we do clandestinely. Commissioner Sciortino.”

**Commissioner Sciortino** said, “Thank you, Mr. Chairman. And that’s what I wanted to say too. And I think that’s the reason we have the exclusion on professional services is not only do we try to pay attention to rates, but the relationship. I would think you make one phone call to them and they know exactly what you’re talking about of a particular department that you may want to look into or what have you, or if we have a professional service with a legal department and they know that particular attorney, and it just makes it a lot simpler and I think more efficient in the long run to have this exclusion and I feel very comfortable that we’re doing the right thing here.”

**Chairman Norton** said, “Commissioner Unruh.”

**Commissioner Unruh** said, “I just had a question, Chris. How does this compare with what we’ve been paying the last several years?”

**Mr. Chronis** said, “This is actually less than we have been paying in the last several years. One of the things that we’ve done in the finance division over the last couple of years is upgrade the caliber of people that we have working on our side of an audit, and so we’re able now to do more of the work in-house than we were in prior years, and so because of that, and because Allen Gibbs and Houlik was comfortable that we would provide that additional level of effort going forward, they were willing to commit in the contract to a guaranteed price that is less than we have been paying.

We’ve been paying them to do all of the audit services, including preparing some of the statements that are being audited. That’s not a place where, as a CFO, I’m particularly comfortable. It seems to me that we should be preparing the statements and they should be auditing the statements. And so, we’ve been working for the last couple of years to gain that capacity in Finance. We now have it. Allen Gibbs and Houlik became comfortable that they would no longer have to be providing that

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additional service, and so they've given us a guaranteed pricing that excludes that service."

**Commissioner Unruh** said, "Okay. So we're going to tighten up the process a little bit and gain some cost savings. All right, good, thank you."

**Chairman Norton** said, "Commissioner McGinn."

**Commissioner McGinn** said, "Nice lead-in to my question. If we continue to provide more things in-house and maybe we've gone as far as we can go, can these prices be renegotiated as far as the scope of work in the future?"

**Mr. Chronis** said, "Sure. Yeah, if we were to find that the number of hours required by Allen Gibbs and Houlik to complete the audit was less than the number that is specified in the contract, and as I recall it's 1,200 hours, if we were to find that they weren't required to spend that much time on the audit, then we would be talking with them about renegotiating the deal and reducing the price further."

**Commissioner McGinn** said, "Okay, thank you."

**Commissioner Sciortino** said, "I think that's another advantage of having a close relationship with people. You can have these discussions. I think that's great."

**Chairman Norton** said, "The final thing I've got is that in having a close relationship, you can get too familiar too and I'd like just your blush about Mark Dick and the services he provides through Allen Gibbs and Houlik, because you can get too familiar and maybe forget to tell us some hard things that we need to know."

**Mr. Chronis** said, "Absolutely. The auditor is working for you, for the Board of County Commissioners, not for the administration and you want them to ask hard questions, you want them to look at what we're doing with pretty precise magnifying glass to make sure that you have comfort that we're reporting information to you accurately. The longer an auditor works with the administration, the more comfortable they may become with those people they're working with and the less likely it may be that they ask the hard questions."

One of the things that Allen Gibbs and Houlik has done to minimize that risk is to rotate new auditors, new audit staff onto our engagement each year. We have continuities in that the firm is providing the service and the managers, the partners of the firm, in particular Mark Dick, is providing that level of quality control, that consistency from year to year but the people who are actually doing the work from year to year are different and so we have fresh eyes each year looking

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at the County's books and records and asking those questions."

**Chairman Norton** said, "I have no other questions. What is the will of the Board?"

**Commissioner Winters** said, "Mr. Chairman, I'm not sure why H . . . the Board of Bids and Contracts has two items. Do we need to take those individually?"

**Mr. Euson** said, "Commissioners, I'd just recommend you take items H-1 and H-2 with the recommended action together."

**MOTION**

Commissioner Winters moved to approve the recommendation of the Board of Bids and Contracts.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye
Chairman Tim Norton	Aye
Chairman Tim Norton	Aye

**Chairman Norton** said, "Thanks, Jerry. Next item."

**CONSENT AGENDA**

**I. CONSENT AGENDA.**

- 1. Easement for Right-of-Way on Sedgwick County Project Goddard Frontage Road. CIP# R-295. District #3.**

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**2. Applications for License to Retail Cereal Malt Beverages.**

<u>Applicant Name</u>	<u>Business Name</u>
Mark C. Reed	Sedgwick County Zoological Society
Samuel G. Eberly	Eberly Farm, Inc.
Michael Billingsley	Course Strategy, LLC
Valerie Washington	J.V. Diamond Inc.
Kevin L. Eastman	D'Mario's Pizza/Cheney Lanes, Inc.

**3. Bankruptcy Settlement Request of Earl and Debra Pauly.**

**4. Order dated November 5, 2003 to correct tax roll for change of assessment.**

**5. Payroll Check Register of November 7, 2003.**

**6. General Bills Check Register(s) for the week of November 5 – 11, 2003.**

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

**MOTION**

Commissioner Sciortino moved to Approve the consent agenda as presented.

Commissioner Unruh seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Tim Norton

Aye

**Chairman Norton** said, "Is there anything else to come before us, this would be 'other' Other. I would urge us to talk about other things, while we're still on camera. I don't know how long the Executive Session will take, but come back later. Commissioner Winters."

### J. OTHER

**Commissioner Winters** said, "Thank you, Mr. Chairman. Just a couple of brief updates of a couple of things I'm going to be doing the rest of this week. This Thursday evening is the annual meeting of the Sedgwick County Extension Council. They have recently elected their council members and Wednesday they'll select their executive board of nine members that will help lead that organization through the coming year. This Friday afternoon a number of cities and counties along the K-96 corridor are going to be meeting for a corridor study meeting, as we look at the responses for the request for proposal from consultants to help us look at that corridor. And then Friday evening is the annual Wichita Area Chamber of Commerce annual meeting at Century II, so a couple of events going on the rest of this week."

**Chairman Norton** said, "Okay. Commissioner Unruh."

**Commissioner Unruh** said, "Thank you. I just wanted to give an update for the folks who watch on camera about the inner- municipal planning summit that we had. You all were there, so I'm not telling you anything new, but we had 18 out of the 20 communities in Sedgwick County present. I think there was a very good exchange of ideas, great communication. I think that some new relationships were formed so that folks can get together and solve issues before they get to a crisis point and that was one of our main goals, was just to set a foundation for future communication. So, it went very well and I want to thank you all for your strong support and attendance and we'll see what happens with that in the future."

**Chairman Norton** said, "Okay. Commissioner McGinn."

**Commissioner McGinn** said, "I want to thank Commissioner Unruh for getting it started and I hope it does continue in the future. I think it will be great for them for dialogue. And then, I had to take off just a little bit before it was over and go to the sixth annual Doris Kerr Larkin Luncheon which is hosted by the Kansas African American Museum and we had, again, award recipients, people from the community who have done great service for our community. And then the guest speaker was Doctor Juliann Malveaux, which was an excellent speaker. She's an author and economist and several other things. But anyway, she did an excellent job and kind of talked about our history and culture and folded that into some of the things we're doing here locally

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with our museums. So, another great event and I hope people think about that every November to come on out, so we'll try to promote it a little more in the future. Thank you."

**Chairman Norton** said, "Commissioner Sciortino."

**Commissioner Sciortino** said, "Yeah, I just wanted to expand a little bit on what Dave was talking about, Saturday morning. I thought, not only was it well attended by the cities, I was really hearten by all five of us was there, we had an entire table of staff there and we were sort of observers there to answer questions. We were able to clarify a lot of key issues as to what the County's actual involvement is when it comes to community planning, what services we can offer and what have you. The extent of it was is that there's now broken out to three subcommittees and it was just good to see that there were a lot of common problems that a citizen in Cheney may have that's identical to a citizen in Sedgwick and how can we act as a facilitator to steer them in the right direction. And I thought it was great and I echo what Carolyn said, I sincerely hope that this goes and grows from here.

I heard that ALARM was there because it was their regular meeting. They voiced some ideas that they may want to do to change their organization and it was very enlightening. I saw all three television stations were there, so I compliment them on having . . . or thinking this was an important meeting and I do congratulate you on getting it started, Dave and hopefully it will grow to be something very meaningful and beneficial to everybody in Sedgwick County. Thank you."

**Chairman Norton** said, "Well, just to dovetail onto that, I think Sue Schlapp and Dave Unruh really kind of were the incubators of this, based on some pretty contentious issues between Wichita and small cities and some of the small cities among themselves. And as we look at Sedgwick County as a whole, certainly we're not going to be able to make all the decisions, as county commissioners. I mean, municipalities have their own jurisdictions and ability to make decisions, but it is imperative on us that we try to make sure that we're the conveners and the incubation for good collaboration and partnerships on all the tough issues, whether it has to do with growth rings or service provision or comprehensive plan.

It is too important, as we talk economics, as we talk provision of health care, as we talk about planning and facilities that communities come together and I applaud Dave and Sue for really pushing the envelope and making this happen, because it was exciting to see five county commissioners on a Saturday morning, probably 15 staff from the County there and 18 of the 20 cities and it is a very good first step, but I think we all know that that's exactly what it was, it's the first step.

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Just two things, I was at a Veterans' ceremony in Haysville yesterday, very well attended, to in times of war to honor folks that have passed through the wages of war early, but also are still there and it was enlightening to have one of Haysville's own, Eric Hunt, back from almost a year overseas and it was nice that he was there, at home, with his family being able to enjoy a Veterans' ceremony.

Finally, on Friday I will be in Manhattan for a rural policy symposium. One of the things I've tried to do, as sitting on the KCCA committee is to understand what small counties and rural counties go through and maybe how Sedgwick County can help, because of our capacities. So I'll be attending that and trying to understand a little more about the problems that rural Kansas has and how it relates to the urban communities that we find ourselves in.

Is there anything else to come before us today? I guess I would entertain a Motion."

**MOTION**

Commissioner Winters moved that the Board of County Commissioners recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney/ client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return from Executive Session no sooner than 10:40 a.m.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner David M. Unruh	Aye
Commissioner Thomas Winters	Aye
Commissioner Carolyn McGinn	Aye
Commissioner Ben Sciortino	Aye

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Chairman Tim Norton

Aye

**Chairman Norton** said, "This meeting is recessed into Executive Session."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 10:27 a.m. and returned at 10:49 a.m.**

**Chairman Norton** said, "I'll call us back to order. According to state statute, we took no binding action in the Executive Session today. Is there anything else to come before us today? County Manager? Counselor? Commissioners? We're adjourned."

**K. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 10:50 a.m.

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

**Regular Meeting, November 12, 2003**

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**TIM NORTON**, Chairman  
Second District

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**THOMAS G. WINTERS**, Chair Pro Tem  
Third District

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

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**CAROLYN McGINN**, Commissioner  
Fourth District

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**BEN SCIORTINO**, Commissioner  
Fifth District

ATTEST:

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**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2003