

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

### **REGULAR MEETING**

**October 19, 2005**

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, October 19, 2005 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Ben Sciortino; Commissioner Tim R. Norton; Commissioner Thomas G. Winters; Commissioner Lucy Burtnett; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. Joe Brunk, Director, Noxious Weeds Department, Bureau of Public Works; Mr. Kolin Anglin, Supervisor, Household Hazardous Waste Facility; Ms. Caroline Hosford, Environmental Training Specialist, Environmental Resources; Ms. Shannon Steinbauer, CHN II, Health Department; Mr. Steve Claassen, Facilities Director, Facility Maintenance; Mr. Paul Drouhard, Building Services Manager, Facility Maintenance; Mr. Ron Holt, Assistant County Manager; Mr. Randy Duncan, Director, Emergency Management; Mr. Jim Weber, P.E., Deputy Director, Bureau of Public Works; 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**

Mr. Bill Hannah, volunteer mentor.  
Mr. Richard LaMunyon, City Administrator, City of Maize.  
Mr. Rob Alison, Chair, Exploration Place Board of Directors.  
Mr. Mark Reed, Director, Sedgwick County Zoo.  
Ms. Gayle Malone, President, Sedgwick County Zoological Society.

### **INVOCATION**

The Invocation was led by Reverend Scott Goltl of Ascension Lutheran Church, Wichita.

### **FLAG SALUTE**

### **ROLL CALL**

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

**CONSIDERATION OF MINUTES:** Regular Meeting, September 28, 2005

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The Clerk reported that all Commissioners were present at the Regular Meeting of September 28, 2005.

**Chairman Unruh** said, "Commissioners, you've had the opportunity to review the Minutes of the Meeting of September 28<sup>th</sup>. Is there any additions or corrections?"

**MOTION**

Commissioner Sciortino moved to approve the Minutes of the Regular meeting of September 28, 2005.

Commissioner Burtnett seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Next item please."

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

- 1. PROCLAMATION DECLARING OCTOBER 22-28, 2005 AS "MENTOR WEEK."**

**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration.

**PROCLAMATION**

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**WHEREAS**, Visioneering Wichita, instituted in June, 2004 provided over 15,000 citizens, public and private organizations with the opportunity to adopt shared values, benchmarks, vision and strategies to use developing out future; and

**WHEREAS**, Visioneering Wichita created a strategic plan to ensure a quality of life that encourages our young people to live, learn, work and play in our regional community; and

**WHEREAS**, Visioneering Wichita is off and running with six regional strategic alliances working on mentoring our young people, a south central unified legislative agenda, health care costs, accessibility and quality, entrepreneurship and small business, post secondary education providers coalition and racial diversity, opportunity and harmony; and

**WHEREAS**, Visioneering Wichita's strategy on mentoring states that the community will provide mentors and tutors from businesses, faith-based institutions, civic clubs, retirees, older students and other organizations so that every student who needs a mentor will have one and that the south central Kansas community will be a mentor-focused region. Citizen support for our schools and our children will help us achieve our Key Benchmarks which will be measured annually; and

**WHEREAS**, mentoring takes less time than you think and offers more rewards than you can imagine, and being a mentor can help our children grow up healthy and successful

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim October 22-28, to be:

**'Mentor Week'**

in Sedgwick County and encourage citizens and organizations to step up. Your participation will make things happen in our schools. Sign up to be a mentor.

Commissioners, you've heard the proclamation. What's the will of the Board?"

**MOTION**

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

Commissioner Norton seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And receiving the proclamation this morning is Mr. Bill Hannah. Welcome, Bill.”

**Mr. Bill Hannah**, volunteer mentor, greeted the Commissioners and said, “I want to start by thanking the county commission for all the involvement that you’ve had, both with volunteers, financially, all of that through Visioneering, Wichita. I started at the beginning with you, so I know that many, many early morning meetings you’ve made that I’ve made, so that we’re thankful.

This whole effort, I think, can hit us right in the face, it’s time for us to step up and be a mentor. We need many, many mentors, as the proclamation said. We are now in the second phase of Visioneering Wichita and that’s the part where we do something. The first year almost, we spent time gathering from community and we’ve heard from many thousands of people in the community and one of the strengths that they want us to address is mentoring our children in school.

Dave mentioned the organizations that we would count on to do that. I’m not going to re-enumerate those but there are many, many organizations who can participate, people can participate as individuals and starting in February, the group of people who are involved in working with children have been together planning how this would occur, and so now it’s time for action.

But we need many, many more mentors. There’s a lot going on that we need many, many more and we know that children should enter school ready to learn, but sometimes that just doesn’t happen.

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Our efforts are trying to encourage citizens to volunteer in our schools, to make sure that all the tools that kids needs that they get. Our message is simple, 'Mentoring: less time, more reward'.

With that, I'll just share, personally I have an eight-year-old second grader out at Jackson School that I'm with every week and yesterday happened to be the day and we spent time yesterday playing games with numbers, to help him with his number skills, and 45 minutes later, he was . . . in fact, we were supposed to finish in 30 minutes and he was going to go outside and play and we were having so much fun with the game, that we used the rest of the time to finish the game, so he went back to his room with a big smile on his face and believe me, I had one too because I felt like I've done something to help someone.

So, it's not that long, 30 to 45 minutes for most of us. If you want to do it, we can schedule it some day at lunch. You might not exactly like peanut butter and jelly sandwiches, whatever it is, but most of us, we can stand that too. I eat too much as it is, so anyway, just in closing, you find out about this in Visioneering Wichita website, [www.visioneeringwichita.com](http://www.visioneeringwichita.com) and you can go to the 'Mentoring' link on the home page and find out all that you need to know and chose how you'd like to volunteer from that point. And I think it's hard for us . . . so many things are created one person at a time and knowing just one adult cares consistently and with positive attitude, that's all it takes for many kids, so if you're there for their support on a regular basis, it will make a difference. So, thank you very much for allowing me to be here today and we appreciate all of your efforts."

**Chairman Unruh** said, "Well Bill, thank you for being here also and we want you to know and the leadership of Visioneering Wichita that this commission is very supportive of Visioneering Wichita and very supportive of this particular strategic alliance and I think it's worthy of comment that we know that Bill Hannah not only talks the talk, but he walks the walk. I mean, he's been involved in Big Brothers/ Big Sisters and he always has someone he's mentoring and he's just continually and constantly trying to encourage people to pick up his challenge. And as you indicated, there's much personal reward from seeing the growth in these young people, so thank you for your commitment to that, Bill. Madam Clerk, call the next item."

- 2. PROCLAMATION DECLARING OCTOBER 23-29, 2005 AS "CHILDHOOD LEAD POISONING PREVENTION WEEK."**

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**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration.

**PROCLAMATION**

**WHEREAS**, lead poisoning is an all too frequent serious health problem for children, who are particularly susceptible to the toxic, permanent and irreversible health effects of lead. The US Department of Health and Human Services calls lead poisoning 'A major environmental health threat facing our children today', and

**WHEREAS**, elevated blood levels are associated with harmful effects on our children's normal development, their ability to learn and function in educational settings, their growth patterns and their social behaviors; and

**WHEREAS**, enough is known about the sources and pathways of lead exposure, as well as the ways to prevent their exposure, so as to eradicate this harmful health threat.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim October 23-29, 2005 as

**'Childhood Lead Poisoning Prevention Week'**

in Sedgwick County and encourage all citizens to become involved in the prevention of childhood lead poisoning to become aware of the ways to reduce lead hazards in their homes and to protect the health and safety of our children.

Commissioners, you've heard the proclamation. What's the will of the board?"

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And receiving the proclamation today is Shannon Steinbauer, and you have someone with you.”

**Ms. Shannon Steinbauer**, CHN II, Health Department, greeted the Commissioners and said, “I am the Blood Lead case manager for Sedgwick County and this is JVonnah Maryman, the project manager for Immunizations and Health Services through Sedgwick County Health Department.”

**Commissioner Sciortino** said, “Ma’am, could you stand just a little closer. We can’t hear you.”

**Ms. Steinbauer** said, “Thank you for allowing us to be here today. JVonnah is holding some posters that local elementary schools have made. This one is made by Griffith Elementary, depicting a healthy neighborhood. This is for Lead Week. This is what they hope that their neighborhoods will look like someday, if they don’t already. That was one of the activities we had for Lead Week.

Lead Awareness Week will be October 23<sup>rd</sup> through the 29<sup>th</sup>. We hope this week’s activities will enable communities to become educated and aware about this preventable disease. Lead fact fliers and color pages are being passed out at USD 259 this coming Wednesday and at WIC sites. Lead fact placemats are going to be placed at local area restaurants, along with the poster entries of each area schools, are some of the activities taking place. Thank you again for this opportunity to raise awareness and education about this disease.”

**Chairman Unruh** said, “Okay, well thank you Shannon for being here. Appreciate your efforts in raising our awareness of this issue and it’s one of those things we have to just keep working at, we can’t ever quit, but thank you for your efforts in this area. Thank you. Madam Clerk, call the next item.”

**3. PROCLAMATION DECLARING NOVEMBER 2005 AS “MISTER ROGERS NEIGHBORHOOD SWEATER DRIVE MONTH.”**

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**Chairman Unruh** said, "Commissioners, I have a proclamation to read for your consideration.

**PROCLAMATION**

**WHEREAS**, for over 35 years, Mr. Rogers' Neighborhood has personified a place where caring and consideration for others instills good feelings in all of us; and

**WHEREAS**, these messages and the wonderful values that children continue to learn from the program, even after Fred Rogers' passing, are timeless; and

**WHEREAS**, the sixth annual KPTS Mister Rogers' Neighborhood Sweater Drive has continued to grow into a unique partnership between KPTS and other organizations and corporations, which include the Salvation Army and Four Seasons Dry Cleaners- which has gathered and distributed more than 16,000 sweaters; and

**WHEREAS**, KPTS and its partners will hold this drive from November 5 through November 18, 2005.

**NOW THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chair of the Board of Sedgwick County Commissioners, do hereby proclaim November 2005 as

**'Mister Rogers Neighborhood Sweater Drive Month'**

in Sedgwick County and recognize the efforts of KPTS and its partners by enabling the citizens of Sedgwick County to have a much warmer winter.

Commissioners, you've heard the proclamation. What's the will of the Board?"

**MOTION**

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

Commissioner Burtnett seconded the Motion.

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

**VOTE**

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And on behalf of KPTS, Kristi Zukovich is receiving the proclamation.”

**Ms. Kristi Zukovich**, Director, Communications, greeted the Commissioners and said, “We will make sure that our friends at Channel 8 do get this proclamation they’ve requested and they do have this annual drive and Commissioner Sciortino, if you’d like to take your sweater over later, November 5<sup>th</sup> again is their donation time. Their phone number is 838-3090, so you can get information about the locations for the drop-off as well as by calling Channel 8. I’m sure they may have something on their website as well, but again Salvation Army and Four Seasons Dry Cleaners are working with them, so we’ll make sure they get this.”

**Chairman Unruh** said, “Okay, very good. Well we do have a comment from Commissioner Sciortino.”

**Commissioner Sciortino** said, “Kristi, now if someone . . . I know they have a drive on that one week, but if they want to donate, could they go just to the Salvation Army, or do they have to go through KPTS or how do people that maybe are going through their wardrobe and wanting to upgrade it and they have some good material that they can dispose of, do they call somebody or just walk into Channel 8’s offices or how do they . . . ?”

**Ms. Zukovich** said, “I think they’re going to have a number of locations. I don’t have the information on where the drop-off is but again, either through their website, KPTS.org or by calling the station at 838-3090, I’m sure they can find those locations.”

**Commissioner Sciortino** said, “And then, am I right in assuming that the part of the partnership that the Salvation Army is involved in is actually the distribution of these sweaters?”

**Ms. Zukovich** said, “Right, the dry cleaners help make sure everything is clean and then the distribution to those in need.”

**Commissioner Sciortino** said, “Great, thank you, that’s all I have.”

**Chairman Unruh** said, “All right, thank you. Madam Clerk, call the next item please.”

## AWARDS

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**B. RECOGNITION OF SEDGWICK COUNTY HOUSEHOLD HAZARDOUS WASTE DEPARTMENT FOR NATIONAL PROGRAM EXCELLENCE AWARD**

**Mr. David Spears**, P.E., Director/County Engineer, Public Works, greeted the Commissioners and said, "I'm very pleased to announce today that the Sedgwick County Household Hazardous Waste Department has been recognized for National Program Excellence by the North American Hazardous Materials Management Association.

Overall program excellence is awarded to recognize an outstanding program which addresses household and small quantity generator hazardous waste management at the state or local level, promotes pollution prevention, reduction of hazardous components of municipal waste streams and the North American Hazardous Materials Management Association's mission statement. The National Program Excellence was awarded to the Sedgwick County Household Hazardous Waste Department. With an increase in customer participation of 93% in the past three years, and management of over 1.14 million pounds of material in 2004, Sedgwick County is one of the most advanced HHW programs in the nation. We are the only fully comprehensive programs in Kansas and one of a few in the country.

Sedgwick County recycles or reuses over 95% of materials that arrive at the facility. We have also been very active in reducing overall costs by dropping total cost per pound by over 55% in three years. Next is Joe Brunk to say a few words."

**Mr. Joe Brunk**, Director, Noxious Weeds Department, Bureau of Public Works, greeted the Commissioners and said, "To say that I'm delighted would be an understatement. This is the best program in the nation this year. Now I will have to tell you that I'm not surprised that we got the award. It may sound a little presumptuous, but this was one of our goals from the very beginning. What does surprise me is that it happened so quickly.

Just as a little note here, we received the reward almost three years to the day of the grand opening of our new facility, so it happened quicker than what we thought it might. We knew we could do this because, for one thing, we had commission support from the very beginning with this to do it right. We built a new facility that is centrally located and easily accessible. That facility is designed where our customers can come in and unload and be gone. It takes about a minute for the average customer to do their thing. We made it easy for them and we built it and they came.

This facility also allows us to sort, process and reuse, as David said, most of the stuff that comes in and that was another one of our goals, so we hit that one really good. We also knew that we could do it right, because we had really good people in the planning stage of the program and we have a great operation staff. I'd like to recognize today Susan Erlenwein, Caroline Hosford, Joe Sanders,

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Joe Renfro and Rona Rosenboom from our Environmental Services Department. Now, Caroline is here, but the rest of them didn't come, they didn't know anything about this, but we all work together from the very beginning, during the early stages and their continued support really has been very beneficial to our department.

I'd also like to recognize another person that's not here, Debbie Wampler. She's the one that answers the phone and for most of our customers, she's the first voice that they hear about the service. And I know that they all go away feeling very good and very positive and 'We're going to bring our stuff to you'. And with that, I'll turn it over to Kolin Anglin. You know him, he's the operations supervisor and he's going to introduce our facility staff and give you some details about the program. Thank you."

### **POWERPOINT PRESENTATION**

**Mr. Kolin Anglin**, Supervisor, Household Hazardous Waste Facility, Bureau of Public Works, greeted the Commissioners and said, "Here is the report. The first thing that I'd like to do is recognize our staff. We have an excellent staff who have been able to take on the load from basically doubling the amount of participants and waste that we've handled in three years. And I'd like for you guys to go ahead and stand up, we have our senior technicians, Dave Cross on the end and Bob Abbot on the other end. In the middle we have Lance Miller and Jerry Qualls. They have been excellent staff and I believe they deserve every bit of credit for all of this, so if we can give them a round of applause.

I have a few things to kind of go a little bit about the details here for you. NAHMMA, North American Hazardous Materials Management Association is an organization that's been around for about 20 years now and they act as more or less a clearing house for hazardous waste programs around the country to learn how other places do it, what is the next big thing on the horizon, whether it be electronics, pharmaceuticals, you name it and so they really have an abundance of information and knowledge out there to help everyone around. That's where we've managed to get quite a bit of our resources from, in terms of what we do.

Again, Dave Spears talked about what the award was actually for. It's for outstanding program that addresses household and small quantity generator waste management and pollution prevention, reduction of hazardous materials and the guys have done really well in making sure we really get as much out of the waste that comes in as we possibly can.

Again, a picture of the award for those who can't see it up real close. It is a nice piece of recycled glass from the City of Tacoma. They recycle the glass there, they did the awards ceremony at a glass blowing facility, a museum there. It was really, really wonderful and they showed how they actually made the glass while we were there, and so it's a nice piece of . . . it's about a half inch to

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an inch thick recycled glass.

So one of the reasons why we got the award is for what we've done up to date, now through 2005, this is what we're projecting for this year. Almost 1.3 million pounds is what we're expecting to manage this year in 2005. Of that, a little over 360,000 pounds are bulk flammable liquids, and that's your oil-based paint, your lacquer thinner, anything that's considered flammable in nature gets poured into these drums and sent off to a cement factory out in Fredonia, where they use it as an alternate fuel source, rather than having to buy new fuel, 17,000 pounds of antifreeze, 29,000 pounds of pesticides, 198,000 pounds of oil. Now that is about the equivalent of almost 25,000 gallons of used oil, 101,000 of car batteries and we were managing approximately 208,000 pounds through our reuse program.

Now to get into a little bit more on the Swap and Shop, which we know has been a tremendous success, when we originally started out, we didn't know how well that part of the program would take off. We thought maybe the first year we might get seven or ten thousand pounds. I think the first year we hit closer to 50,000 pounds. But now, within three years, we're already up to over 200,000 pounds. Of that, 75,900 pounds is latex paint that we've recycled back into new paint and that's the equivalent of about 6,500 gallons, if I remember correctly, or about 1,200 five-gallon buckets.

Residents of Sedgwick County have saved almost \$300,000 for 2005, not having to buy new product, be able to come to our shop, get some free stuff or cheap paint and not have to go buy new product, and the way the economy is finally starting to come back and it's nice to be able to help them save a little bit. It's also helped us save almost \$90,000 not having to pay to get rid of the material, so that's been a big bonus for us.

Again, some of the reasons why we won the award is our three-year growth. Like Joe had said, we receive the reward almost three years to the day of the grand opening of our facility. We've gone from 6,800 customers to we're projected to hit 14,700 customers this year. Pounds, again we're almost double there, up to 1.3 million pounds. So the cost per pound we've dropped from 61 cents to just under 36 cents, which is about a 71% decrease in cost per pound.

Our small business program has jumped from 14 all the way up to 300 customers. That's a lot of savings for small businesses around town and around the county that can't afford to go to a local hazardous waste contractor directly."

**Commissioner Sciortino** said, "Before you continue sir, that reduction in cost, is that the cost to dispose of it in an environmentally safe manner? That cost per pound?"

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**Mr. Anglin** said, "That's part of it. It's also our total cost. That takes into account the salaries, the benefits, all the . . . down to the last light bulb, what it costs to run the program, in terms of per pound. We've taken it, we've gone through a lot of different things to help save costs. Part of it is finding new ways to recycle things. You can either get paid for it or get rid of it for free. Negotiation with our contractors to help reduce the contract cost, and part of it is working with NAHMMA and finding how other places do it and finding different ways of doing it. One of the things we started was recycling the paint, and that was a big cost savings for us."

**Commissioner Sciortino** said, "That's fantastic, thank you."

**Mr. Anglin** said, "And we also started generating revenue. Some of the things we started making money on, to help offset some of our costs, is we get paid 33 cents a gallon for our used oil. We get paid \$1.75 for our car batteries each. We don't have to pay for our anti-freeze that we dispose of and we recycle the paint and sell that, basically save our cost of that. So we've been able to generate a little bit of revenue to help offset some of the costs, which is important, since we've doubled our participation."

Again, one of things that David Spears had mentioned is that we're the only fully comprehensive programs in Kansas. We have a small business program. We recycle paint, oil, anti-freeze and batteries. We have a silver recovery program, for dentist offices who have x-rays. They have to develop x-rays and inside the fixer solution in developing that is silver and that is hazardous, in terms of going into the sewer treatment program. So we've worked with the city and they have a program and we set up a program to make it a little bit closer to our facility and help our small businesses come in.

We also have a pharmaceutical pilot program and that's for anybody who has leftover medications, prescriptions to dispose of it through us, rather than going down the drain with it. One of the . . . it's new on the horizon. This is one of the next big things that we need to look at getting out of the waste stream. Part of the reason is that they've done some studies and they've found Prozac in fish in the streams and so this is where the next step is."

**Commissioner Norton** said, "They're easier to catch when they're sedated."

**Mr. Anglin** said, "So we've started a program and people can bring their pills to us and no one has to worry about any information going out about who they are, what they've got, anything like that. We just dispose of it through our incineration process and it's taken care of, rather than going down the drain."

We're getting ready to start an e-waste pilot program, where we start taking electronics, the

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computers and the TVs and stuff like that. In a cathode ray tube, a typical computer monitor has eight pounds of lead in it, and you put that into a landfill and it leeches out and that's eight pounds of lead getting into the waste stream.

And as you guys know, we started the remote collections events in 2005, which were a tremendous success. We're already starting to see sites for next summer and trying to find some good locations to host those and we've had a lot of places come up and talk to us and wanting to host one, so we're hoping they're just as successful, if not more so, next year.

We also have some education outreach programs with civic groups, the Hispanic population, students and neighborhood associations, so it's been a very successful program over the last three years.

Now this would be . . . one of the things that I've put together for this year is how we compare ourselves on a national level, and the programs that are listed here are some of the programs that have been considered leading roles in the industry for the last 15 years. Most of these programs have been around for 15-plus years and three of them are in the State of Washington. There's also the Kansas City, Missouri program, which has been around for quite a while and has won this same award, so most of these programs have either been around for a long time and leading the charge or are past winners of this award.

And what you can see is I've highlighted certain areas. Everything that's in yellow are the programs that are leading the nation, in terms of what that category is. In green is number two. As you can see, we're number two in almost everything, except for the number of households and we have a smaller population base, compared to some of these other ones. However, our costs are cheaper than most, we're managing more waste than most and we're getting more customers than most. We are reaching the largest amount of customers per capita. We're reaching almost 10% of the population in Sedgwick County and that's only 10%. If you imagine the other 90% still out there, that we haven't been able to get a hold of yet, so we've still got a long ways to go, but this shows that on a national level, we're right there with some of the best and we've only been around for three years, so I think it really goes back to how everything got started and everybody really went and did it the right way to start with, so I think it really shows that everyone has done a good job and that's all I've got. You have some questions?"

**Chairman Unruh** said, "Well Kolin, thank you for that presentation. We do have a comment here and Commissioner Sciortino."

**Commissioner Sciortino** said, "Well, two comments. First, just totally applaud everyone involved in how you've been able to have this program mushroom and then also figure out a way to increase the efficiency, so you can reduce the cost of operating it.

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I also want to make public, as I think I know my colleagues know, at first when we were talking about that swap and shop thing, I really was very skeptical that that would work, and I now have found that it's an excellent place to go to get little cans of polyurethane, that you're doing a project on, and I've got to tell you folks, sometimes I don't know why they're throwing it away, because I've found a couple of those small cans of Min-Wax that it looks like maybe somebody took one teaspoonful out of and here's a whole fresh can of Min-Wax and that's six, seven dollars there. I mean, it really pays even at \$3.00 a gallon gas to drive down. But anyway, I'm very proud of what we're doing and like I say, I just admit fully and publicly, I was all wet when I didn't think that this swap and shop thing would work.

Could you expand briefly, you had mentioned something about flammable products being used as an alternative fuel? I mean, could you explain how that does . . . and do they come and at least pick it up for free and use it, or how does that whole thing work?"

**Mr. Anglin** said, "Yeah, because of the way the . . . what it is is all of our flammable liquids that we can't put in the swap and shop, some of it is the bad latex paint which isn't flammable but there's enough other flammables in there. There's also the lacquer thinners that are bad, the oil-base paint that is bad, old gasoline, old diesel, anything like that that's flammable in nature, what we do is we pour it all into a 55-gallon drum and Systec owns a cement factory out in Fredonia, Kansas so it's only about 90 miles away and they use it as an alternate fuel source.

Because of the way their waste regulations are, they can't pay us for it, and they can't necessarily get it for free, because there's still a cost of operating their process, so we still have to pay for it, but it's really cheap. Over the years, since I got into the industry, the price on a drum of flammable liquids has gone from about \$150 a drum down to about 35 to 40 dollars, so it's relatively cheap, in comparison to what we used to have to pay and that's part of the reason our cost has dropped and we've seen a lot of change in the industry.

But it's a good way, rather than taking more fuel out of fossil fuels, out of the ground, this is just another way to reuse the product that's already there, rather than having us just dispose of it."

**Commissioner Sciortino** said, "Okay, but what I'm intrigued about and I didn't even realize, do they have to have special adaptors or apparatus on their furnaces or how easy is this done? I mean, I'm now wondering why more and more companies don't try to look at this as an alternate fuel."

**Mr. Anglin** said, "Sure. Anytime you're disposing of hazardous waste, you have to meet certain guidelines and part of it is on the scrubbers, on the smokestacks coming out of the furnace, they have to be able to take in all of the air pollution out of it before it's released and sometimes that is costly in setting up that process, but that's one of the things that Systec has done and they have

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multiple facilities around the country and they're doing this all over the country, rather than having to buy new fuel."

**Commissioner Sciortino** said, "I think that's just fantastic. Okay, thank you very much."

**Chairman Unruh** said, "Well Kolin, thank you for the presentation and it's quite obvious that you are an expert in this area. We appreciate that you all have set high goals and that you're achieving them. You make Sedgwick County proud and we just want you to try to capture that other 90% now. Just a small challenge, but to Kolin and Joe, Dave and to all the guys that work so hard down there, we really appreciate your efforts and thanks for doing a great job. Madam Clerk, call the next item please."

### **C. PRESENTATION OF 2005 POLLUTION PREVENTION AWARD FOR ENERGY EFFICIENCY FROM KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT.**

**Mr. Steve Claassen**, Facilities Director, Health Department, greeted the Commissioners and said, "Last month, the Kansas Department of Health and Environment held their 2005 Environmental Conference at the Hyatt Regency here in Wichita. At that conference, the secretary of the Kansas Department of Health and Environment Roderick Bremby presented Sedgwick County with the Pollution Prevention Award for outstanding leadership through energy efficiency. And this was for action taken in this building, this 12-story, nearly 300,000 square-foot building.

The award was made possible due to your approval of a Capital Improvement Project that was proposed and completed in May of 2004. That CIP was for designing and constructing new heating, venting and air conditioning equipment throughout this building, providing new modern electronic drive-control units on our high horsepower equipment, installing energy efficient lighting throughout the building and installing an automated control system that really permits us to get the most out of every kilowatt that we purchase and get the most out of all the cubic feet of natural gas that we purchase.

You will remember too that the other unique benefit to this CIP was that the dollars of energy savings that accrue from this project were guaranteed through the contract that we had with our vendor to be sufficient to pay for all the cost of improvements, as well as any financing associated with that.

We now have measured energy usage data that's been accumulated since the project's completion and this data is what we used in our application for this award and it shows that electric usage in this building has been reduced by 69%. Natural gas has been reduced by 51% and the additional efficiencies of the automation and lighting system improvements has resulted in some net energy

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savings of 57 ½% for this building. Sedgwick County will save over \$200,000 in 2005 as a result of this project.

After the awards, secretary Bremby indicated that he believed that this would be a very good project for consideration for the national award. We intend to pursue that if at all possible.

I've asked two people to join me this morning who were very . . . played large roles in the acquiring of this award. Paul Drouhard, our Facilities Manager was very involved in the planning and implementation of the project. As you may remember, most of this work took place on weekends or after hours and he coordinated that and I think he did a masterful job of making sure it took place with as little disruption to our facilities as possible, and I want to thank him for that.

Caroline Hosford, who works with Environmental Resources Department encouraged and helped me with the application of this award and she correctly highlighted the importance of getting the word out that Sedgwick County is leading the way in our use of environmental resources, as well as the financial resources that are entrusted to us and I'd like to thank you commissioners for your support and leadership in this effort and I recommend that you accept this award."

**Chairman Unruh** said, "Okay, well thank you Steve. We appreciate your efforts and Caroline and Paul, we know that this was kind of a long project but we've completed it and the savings we get are just absolutely dramatic and so the financial savings that we receive are going to pay us back for the investment we made in a short time, plus all the environmental savings we have, so it's a win all the way around. You all have done a great job and we really appreciate it.

I think that when we receive a reward, it's appropriate to show our appreciation with applause. Madam Clerk, call the next item."

### **PUBLIC HEARING**

- D. PUBLIC HEARING TO CONSIDER WHETHER THE CITY OF MAIZE HAS PROVIDED SERVICES AS SET OUT IN THE SERVICE PLAN PREPARED FOR ANNEXATION UNDER ORDINANCE NUMBER 550.**

### **POWERPOINT PRESENTATION**

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**Mr. Robert W. Parnacott**, Assistant County Counselor, County Counselor's Office, greeted the Commissioners and said, "This is one of our post-annexation hearings to determine if the city has provided services as set out in a service plan for an annexation they did about five years ago.

You can see, outlined in blue, the different parcels involved, so this was a fairly small annexation compared to some of the other ones we've been dealing with. We sent notices of course to the city and to the landowners involved for the public hearing and I haven't received any phone calls from anybody. We do have a representative of the city here to speak and the service plan schedule is set out on page 22 of your backup. I would probably note, just for the record, that in terms of what services we'd be looking at today, they indicated they might provide improvements to Cathy Street and sewer improvements, if there were petitions submitted and then the typical city services, such as police, street lights, licensing and code enforcement.

So, unless you have any other questions, I'd recommend you open the public hearing, see if anybody from the public wants to speak and the representative of the city, Richard LaMunyon is here and then close the hearing and make the appropriate finding."

**Chairman Unruh** said, "All right, thank you Bob. Commissioners, are there any other questions before we open the public hearing, of Mr. Parnacott? I don't see any, so at this time I will open the public hearing and ask if there are any citizens who want to speak to this annexation? I don't see anyone moving. Anyone? I don't think there's anyone here, so Mr. LaMunyon, would you like to speak on behalf of the City of Maize."

**Mr. Richard LaMunyon**, City Administrator, City of Maize, greeted the Commissioners and said, "This service plan was put together a little bit before my time, but I've gone back and driven the streets. All the services that were provided for in here have been . . . are being provided at this time. The two properties on Cathy Street, sewer is available to them. Since this time, there is a new water system, everyone in the city is hooked up to that. And police services have gone to a 24-hour, seven day a week operation, two years ago and of course that continues to increase.

I understand, this is going to be an ongoing procedure, as the annexations, five years into the future and of course there's been a lot of annexations since that time, so we look forward to this and we'll try to get a little more formalized procedure for you and get you something in advance in writing, but at this point, everything is on track. The areas that we're discussing here today certainly have the services, code enforcement, that are called for in the service plan. If there are questions, I'd be happy to address them."

**Chairman Unruh** said, "All right, thank you. Commissioners, any questions of Mr. LaMunyon? I don't see any, Richard."

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**Mr. LaMunyon** said, “If I might just, one quick comment, being new . . . I’ve been there about four years, I’d just like to compliment your county staff, the people that I have the opportunity to work with. They’ve just been great at every level, from department heads right on down, working with me and working with other members of Maize. Maize is growing very rapidly, a lot of things going on and we need a lot of help and we’ve been able to reach out to your people, throughout your organization. They’ve just been wonderful to work with, and I compliment them for that and I thank you for the leadership on that.”

**Chairman Unruh** said, “Well thank you very much for the compliment and usually good relationships is a two way street, so thank you for your participation in that.”

**Mr. LaMunyon** said, “Thank you very much.”

**Chairman Unruh** said, “Anybody else want to speak to this from the public? All right, I will close the public hearing and restrict comments to the bench and commissioners, do you have any comment or question at this time?”

**MOTION**

Commissioner Burtnett moved to find that the City of Maize has extended services as provided for in the service plan.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you, Bob. Next item please.”

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**NEW BUSINESS**

**E. OPERATING AND FUNDING AGREEMENTS.**

**1. OPERATING AGREEMENT WITH SEDGWICK COUNTY ZOOLOGICAL SOCIETY, INC.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “This is a request for approval of the operating agreement between Sedgwick County and the Sedgwick County Zoological Society. The process for forming the Sedgwick County Zoo and Botanical Garden was initiated in the early 1960s and it culminated in a public vote, favoring a new zoo in 1966. In August, 1967 the Board of County Commissioners entered into an agreement with the Sedgwick County Zoological Society granting the society authority to run the zoo, on behalf of the county. And finally, in 1969, the county authorized the first budget for the new zoo, so we’ve had a long standing, and I think by virtue of the zoo attendance, by virtue of its ranking with other zoos around the country, even around the world, it has been one of those partnerships that you just dream about coming about.

Back in 2002 . . . February 23, 2000, we then decided to develop a formalized operating agreement for the joint operation of the zoo and as of this year we’ve decided that it is in the best interest of the county and the society just to update that agreement, do some wording changes, nothing of significance, but making sure we’ve outlined pure and correctly the rights and obligations that benefit . . . for the benefit of the zoo and reaffirming the society’s role in the establishment, planning, maintenance, operation and development of the zoo.

So we’re here today to ask you to approve the new operating agreement and to authorize the chair to sign. I would just like to recognize that the chair of the Board of the Zoological Society, Ms. Gayle Malone is here, and our Zoo Director is here, Mr. Mark Reed is here. Be happy to answer any questions.”

**Chairman Unruh** said, “All right, thank you Ron. I don’t see anyone asking to speak from the bench at this time, but Mark, would either you or Gail like to make a comment? Now this is Gayle Malone stepping to the podium, and folks, she is a zoo advocate, so hang onto your seat and your pocketbook, because this lady does the job.”

**Ms. Gayle Malone**, Chair, Sedgwick County Zoological Society, greeted the Commissioners and said, “On behalf of the Sedgwick County Zoological Society, I want to thank the Sedgwick County Commission and Sedgwick County for our wonderful partnership. I joined the board in 1997 and have absolutely been amazed each year with how well we have a partnership, how much it progresses.

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Sedgwick County Zoo is a phenomenal organization. It's a great zoo, not only in Sedgwick County, in Kansas and across the country, but it is because of our partnership that we have been able to grow and support the community. This year, we're in the middle of having a fourth best year since our conception, which is wonderful, considering we had kind of a very wet summer and then a very hot summer and we are weather dependent. I encourage everyone to come and see our zoo, the great things we have, our new baby giraffe, our rhino, which is wonderful. She's not even a year old and she looks like she should be very old.

Our amphibian building has new graphics, which are bright and exciting and make children really want to learn about snakes, as opposed to creeping away from them. We have a new penguin exhibit that will open in the year 2007, which will bring those adorable black and white creatures to our zoo. We have a phenomenal zoo and it's due to our partnership with Sedgwick County and I want to thank you all for that partnership, on behalf of the board and all the employees of Sedgwick County."

**Chairman Unruh** said, "All right, thank you. Well, we would want to return the compliment. You've provided great leadership to the Zoological Society as president and Mark Reed does a great job operating the zoo. It's something we are very proud of and we're proud of the partnership that we have and the individual citizens who invest time and passion into making our zoo an outstanding zoo, so thank you for your leadership to both of you. Commissioners, any other comments? Okay, relative to the operating agreement with the Zoological Society, what's the will of the Board?"

### **MOTION**

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

Commissioner Winters seconded the Motion.

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

### **VOTE**

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Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Next item please."

**2. FUNDING AGREEMENT WITH SEDGWICK COUNTY ZOOLOGICAL SOCIETY, INC.**

**Mr. Holt** said, "A follow-on to the operating agreement then is a separate funding agreement between Sedgwick County and the Sedgwick County Zoological Society. Again, we've had this longstanding . . . the county has had this longstanding relationship with the Zoological Society to make for a world-class zoo. Most recently, in May year 2000, February 2001 and May 2003 we went through a number of changes to the previous funding agreement. The funding agreement defines the financial relationship of the parties and provides for a portion of the zoo's operating funds. About 50% of the operating funds from the zoo comes from the county, about 50% of the operating funds for the zoo are raised by and through the Zoological Society.

In addition to that, of course all of the fundraising for the exhibits are raised through and by the Zoological Society. It's been jointly decided that it is again in the best interest of the county, the society and the general public that a new funding agreement, that supercedes all prior funding agreements, be entered into, all the parties redefining the county's funding obligations in carrying out the operating agreement, which you've just approved.

In return for the society's performance of duties specified in the operating agreement, the county is agreeing, if you approve this agreement, to provide annual funding in the following year, and this is a year at a time and we'll go through the budgeting process, but in the following calendar years and amounts as follows: 2006- \$4,054,748, 2007- \$4,441,326, 2008- \$4,640,830, 2009- \$4,849,910 and 2010- \$5,069,025.

Again, what you would be approving is this funding agreement over five years, but each of these years we have to come back to you through the budgeting process and redefine where and how those dollars are going to be used. And so I would ask that you approve the agreement and authorize the chairman to sign. Be happy to answer any questions you might have."

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**Chairman Unruh** said, "Thank you, Ron. We do have a question. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. Ron, how does this funding differ from the other funding agreement that we had? What's the difference between the two?"

**Mr. Holt** said, "That's a good question and I'm going to ask Mark to help me, because right now, numbers have right now escaped from my mind. I believe that our 2004 funding agreement was \$3,800,000 . . .?"

**Mr. Mark Reed**, Director, Sedgwick County Zoo, greeted the Commissioners and said, "We had had a five-year funding agreement that the last one expires this year. This agreement was hammered out with the special subcommittee of the Society and with Ron and the County Manager and is basically a continuation of the same type of growth. The growth of the county support has been matched by the zoological society. It primarily covers the cost of the operational employees, their benefits over time and then some additional money for infrastructure repair. I can tell you, there's nothing harder on exhibits than the animals themselves and our job is also to not only build a quality zoo, but it's to maintain the existing things at a quality level so this is a great deal in helping our infrastructure support.

So it's basically the same agreement we've had before, it just defines how much money layout over the next five years, from 2006 to 2010. The commissioners can only actually commit to one year at a time, but it's a guideline for both sides to be able to target and know where we're headed."

**Commissioner Sciortino** said, "Okay, just a couple of other questions. So the \$4,054,748 is what we have in the 2006 budget?"

**Mr. Holt** said, "That's correct."

**Commissioner Sciortino** said, "Okay. And the other operational agreement had it clearly defined what we were actually using that money for, you know for the personnel, etcetera. Have we added obligations to the county in this new agreement, or is it exactly the same commitment that we made in the past?"

**Mr. Holt** said, "The commitments are the same. For personnel and then any funding that's left over at the end of the year, because of changes in personnel and so forth, goes into a fund to help the maintenance of the infrastructure of the zoo."

**Commissioner Sciortino** said, "And that policy was in place in the last five-year agreement?"

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**Mr. Holt** said, "Yes, sir."

**Commissioner Sciortino** said, "So are there any changes? Why did we have to have a new agreement, if they're all the same except for the funding?"

**Mr. Holt** said, "The new operating agreement changes were only making sure . . . for instance, to give you an example, in our funding agreement there was . . . in the past funding agreement there was wording that really negated some of the wording in the operating agreement, which we identified, and so it was just cleaning up that kind of wording. The new operating agreement is done based on . . . the new funding agreement is done to define the funding amounts over the next five years."

**Commissioner Sciortino** said, "Okay, so has there been changes in the operating agreement over the last operating agreement?"

**Mr. Holt** said, "No more than cleaning up some wording and to make sure that what's in the funding agreement and what's in the operating agreement are compatible, that the words don't subtract."

**Commissioner Sciortino** said, "Don't contradict each other, okay thank you. That's all I have."

**Chairman Unruh** said, "And then you also made it clear that our funding is for specific designated purposes and is strictly accounted for in a separate fund so that it's easily track-able, should we find the need to do that."

**Mr. Holt** said, "That's correct."

**Chairman Unruh** said, "We have another question from Commissioner Norton."

**Commissioner Norton** said, "Well it's just that I'm very supportive of this. I think the zoo does a great job and I think, to be able to have continuity, these five-year agreements really let us look forward into our budgeting process, but gives them a sense that they know where they're going as an organization too. It's interesting that even though we had an agreement in the last five years, when we hit a really tough time about three years ago and had to make some tough budget decisions, the zoo came to us and said 'We understand and we're going to re-look at what our budget is' and they didn't . . . we didn't stay on the graph that we'd already charted. There was some down-flow in zoo budget also and I think that shows the willingness to try to follow the plan, but understand that there are market conditions that may change the way the county runs their budget, which will also change how the zoo has to run their budget and I think that happened two or three years ago, when we had to make some error-corrects, because the revenues in the county

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weren't coming in, so just a comment. Thank you."

**Chairman Unruh** said, "Well thank you Commissioner and I think that's a good example and illustration of what a strong public/ private partnership this is and how these sort of things can work to the advantage of citizens in our community. Are there other comments, commissioners? What's the will of the Board?"

**MOTION**

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

Commissioner Burtnett seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Next item please."

**3. FIRST SUPPLEMENTAL OPERATING AGREEMENT WITH EXPLORATION PLACE, INC.**

**Mr. Holt** said, "This is a request for approval of the first supplemental operating agreement for Exploration Place. In 1993, Sedgwick County Commissioners determined that investing in Exploration Place would be a key project, in support of Wichita's downtown revitalization efforts. The county commissioners at that time determined a \$20,000,000 investment would be commitment on behalf of the citizens of Sedgwick County. Today, Sedgwick County has nearly \$15,000,000 remaining on that debt and these payments will end in 2022.

You will remember, back in the summer we had a number of discussions and came to you for a

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\$300,000 supplemental funding for 2005 for Exploration Place, due to a downturn in attendance and operating issues at the organization.

You then authorized us to go forward and work out changes to this operating agreement and to take a look at a new and different funding agreement, beyond the capital funds we have invested in the Exploration Place. This agreement, this operating agreement follows the same principles and processes we have been using in the zoo agreement. So what we're finding is that model, the zoo agreement model, has worked very well in developing a partnership that has both parties understanding their roles and responsibilities clearly defined and outlined.

This funding agreement outlines those roles and responsibilities for Sedgwick County and for Exploration Place and the board has been very, very . . . the Exploration Place board has been very, very involved in helping define these operating guidelines and are very supportive of this effort. I believe we have Rob Alison, the Chair of the Exploration Place Board and Susan Skiva, who has interim on her title as the president of Exploration Place, but she certainly in her day to day activities is operating it as if she is the 'chief' in charge over there and doing an excellent job in this interim period of time, while we search for a new director. And by the way, that search will involve both representatives of the Exploration Place Board and Sedgwick County. We would ask that you approve this agreement, authorize the Chair to sign. I'd be happy to answer any questions that you might have."

**Chairman Unruh** said, "All right, thank you Ron. I might ask Rob, you have had an opportunity to address us recently, but if you'd like to make a statement."

**Mr. Rob Alison**, Chairman, Exploration Place Board of Directors, greeted the Commissioners and said, "Thank you, again. I think the reason I want to address is primarily I've said it before both in this type of a format, but personally thank you for all your leadership, your vision most importantly on taking Exploration Place to another level. This has given us the foundation that will help us build the kind of relationship with the citizens and the families of the county and the city that is going to mirror hopefully the success that the zoo has had.

So that is the main comment that I want to make and we are moving forward. This has allowed us to think more strategically in long term and I believe that the participation of the county is welcomed, both from the strategic sense and from the community sense, so once again we're on the right track, we're open, we have new exhibits, we have a number of new exhibits scheduled and I think this is the final step in the process of our public and private partnership, so thank you."

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**Chairman Unruh** said, "Thank you. Well, you might stay nearby. Between you and Ron and Susan, if we have questions, well you'll be close by to answer them. We do have a comment from Commissioner Winters."

**Commissioner Winters** said, "Thank you. My question is to Ron and Ron, if . . . just to clarify what we're doing here today, a few weeks or short months ago, the commissioners had a pretty lengthy discussion about our involvement with Exploration Place and at the conclusion of that we determined that we were going to be involved. We asked staff to go back and meet with Exploration Place board and come up with a formalized agreement and a funding mechanism and that's what you've done today. Is that correct?"

**Mr. Holt** said, "That's correct. This operating agreement really outlines how we'll work together in operations going forward, but specifically in the search for a new president, in developing a strategic plan that will start soon and make sure that new president that comes on board is involved in that. The financial reporting relationships, back and forth, has all been spelled out in this new plan, based on our discussions back late summer."

**Commissioner Winters** said, "Well, I know sometimes folks wonder why we continue to have these discussions, but we really made our decision concerning Exploration Place some time ago and now this is a formalization of that action."

**Mr. Holt** said, "That's correct."

**Commissioner Winters** said, "All right, thank you."

**Chairman Unruh** said, "Okay, thank you. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you, Mr. Chairman. I just want to let my colleagues know that I'll be abstaining on this vote and the item next to it, because I was not in support of the county's further involvement with Exploration Place and I think I should just abstain from any decision making, since I was not supportive of the concept from the beginning. Thank you, that's all I have."

**Chairman Unruh** said, "All right, thank you commissioner. Well, I'm going to be very supportive of it. I know that we have been very deliberate in our process going forward, to make sure that this agreement is tailored to Exploration Place, that it seems like it will be sufficient to help it have a new beginning and move into the future very successfully. I think that this is a valuable cultural asset to our community and this is a way for us to participate in keeping it healthy and making it strong and something that our citizens can enjoy well into the future, so I'm very supportive and

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once again, just appreciate the work of both our staff and the Board of Directors of Exploration Place in very deliberately and patiently working out the details. We do have a comment from Commissioner Norton.”

**Commissioner Norton** said, “Well, I’m ready to make that Motion. I do have a comment before. As we look at public entities in our community, and we know the zoo is kind of the bell weather of that. We owe it to our community to make sure that we have the quality of life that we deserve and Exploration Place had a great jumpstart, particularly with that beautiful iconoclastic building right on the river, but we know that there’s more to it than just that. And while the zoo has grown and has great facilities, that came with a lot of hard work and public support over the years. It doesn’t just happen by serendipity and I think Exploration Place deserves that good change to become that same iconoclastic quality of life place in our community and I think we’re making steps today to move forward on that.

Granted, we stepped up months ago to move forward on that. Granted, we stepped up months ago to have those discussions, but it’s time to formalize that and hope that we can do the same things with Exploration Place that the Zoological Society and the partnership with the county have done with our zoo.”

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burnett	Aye

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Commissioner Sciortino  
Chairman Unruh

Abstain  
Aye

**Chairman Unruh** said, "Next item please."

**4. FUNDING AGREEMENT WITH EXPLORATION PLACE, INC.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "This is my final item for you this morning, approval of the funding agreement for Exploration Place. Again, this follows the same format and process that we've used in our relationship, longstanding and wonderful relationship with the zoo.

This funding agreement follows the \$300,000 that you approved back in July for interim funding this summer. Right after that, you'll recall that we contracted with Diane Frankel of Interim Museum Services to conduct an institutional analysis of Exploration Place. She identified a number of internal and external forces that have resulted in the current financial situation, and as a result of her institutional analysis, some of Exploration Place's significant challenges were identified, both for the short term and long term as well.

Again, using the museum consultant's recommendation as a guide, the Board of County Commissioners approved a four-year transition plan to provide county funding to help refocus Exploration Place to be an experience that matches the building. And so the transition plan includes funding that follows: 2006- \$1,000,000, 2007- \$1,500,000, 2008- \$2,000,000, 2009- \$2,500,000. The transition plan is based on a 4.1 million dollar annual budget. Again, this is formalizing the discussions that we had back late summer about why and how funding from Sedgwick County, in partnership with Exploration Place, should take place and so I would ask for your approve of this funding agreement. Be happy to answer any questions that you might have."

**Chairman Unruh** said, "Thank you Ron. The only thing that I would want to comment, to make clear is that the money is for designated purposes and accounted for in a segregated fund so that we can measure what's going on."

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**Mr. Holt** said, "That's correct."

**Chairman Unruh** said, "Thank you. Any other questions, commissioners? We are ready to entertain a motion."

**MOTION**

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

Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Abstain
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Ron. And for the last agenda items, we appreciate the folks representing the zoo and Exploration Place, appreciate your being here to represent your organizations and good luck. We expect a lot from you. Madam Clerk, next item."

**F. PRESENTATION OF A REPORT ON GAMING.**

**POWERPOINT PRESENTATION**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "I thought it might be helpful to take some time today to review this issue that keeps . . . it's an issue that keeps on giving and I thought I would take an opportunity to find out where we have been, whose roles and responsibilities are clearly defined in this process, so that we can have a better understanding of what our role in this gaming issue might be.

I want to go through a little bit of history, so that we understand that and to tell you what we know. In 1987, the United States allows Indian Reservation casinos, with state approval and in the same year, Kansas creates a lottery system. So, that happened in '87. In '96, again the state legislature

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creates a statute to allow Indian Reservation gaming and Wyandotte County, ten years ago, holds an election to allow for an off-site Indian casino, with 80% approval from voters. The state has still not acted on this and that was ten years ago.

In 2001, we, Sedgwick County government, Board of County Commissioners includes expanded gambling in our state platform and the same year, the state revenues drops below expenditures. We're going to talk a little bit about state financing, because that's what in fact is helping drive this issue I believe.

In 2002, the last Indian casino was approved by the Secretary of Interior, with comments and I will get to those comments in a moment or two because I think they're helpful in understanding the relevance of that issue.

In 2003, the governor had a gambling report, produced a gambling report for legislature and others to understand the issues and in it the, governor's report indicated that an Indian compact casino would not work, that was her report. An expanding role of lottery was the only real option.

In 2004, the Supreme Court ruling, the schools were under-funded, Wichita Downtown Development conducted a study about casinos and concluded that the Downtown Development Corporation would like a casino downtown. They thought that was appropriate and again, we modified our gaming issue.

And again this year, the Supreme Court declares the legislature did not fund enough for schools. A special session was called to fund the school districts. We know, by looking at the state budget, that that's going to be a real issue for next year in how dollars are going to be produced to continue funding the schools is going to be a challenge for the legislature and the governor.

The governor states that only state owned and operated casinos will give the state the revenues needed. Again, Indian compacts are too restrictive and we certainly received mixed messages from legislators.

In August, we heard from two legislators who suggested that the gaming should be . . . we should have a vote about gaming and then we heard, right after that, from other legislators that that was not a good idea and they did not support it, so we received mixed messages from the state legislators.

We have the Park City concept or idea. I don't want to say that it's a plan, because plans have timelines, they have budgets, they have financial projections and they have decision trees and they have business plans and we've seen none of that. We've had this idea, this aspiration perhaps about the Indian concept. It was an off-site Indian casino concept-wise and who was the decision-making authority? We've been told lots of things, but the regulations clearly state that the Secretary of Interior, after consultation with the tribe and appropriate, then she gets to decide, the Secretary of

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Interior Ms. Norton, she gets to decide who the appropriate state and local officials are, including other officials of nearby tribes.

And the other highlighted part, if the governor of the state in which the gaming activity is to be conducted concurs, in the secretary's determination, the secretary has not asked the governor, the secretary has done nothing, that's what the regulations say. This concept again is a pretty picture, but Sedgwick County has no role in approval of this concept, not for land use, not for the building design, not for granting authority to operate. We have no role in that process.

The Secretary of Interior comments about . . . regarding off-site Indian casinos I think is important and I'm going to bore you by reading it, because I think the words are pretty powerful:

*"Tribes are increasingly seeking to develop gaming facilities in areas far from the Reservation, focusing on selecting a location based on market potential, rather than exercising governmental jurisdiction on existing Indian lands. I believe that the IGRA does not envision that off-Reservations will become pervasive. While I do not intend to signal an absolute ban on off-Reservation gaming, I am extremely concerned that the principles underlying the enactment of IGRA are being stretched in ways Congress never intended."*

So it may not be totally ban, but it would appear to me, or it would appear to anybody reading that that that's certainly a relatively large hurdle to overcome and especially in this case, so there's other casino ideas in Wichita/ Sedgwick County.

In early 1990s, the Wyandotte Tribe hoped to locate a casino near the Greyhound Park and they still own land there. In 1993, the City of Wichita led by then Mayor Bob Knight, has a referendum on gaming and the referendum included provisions not to allow any gaming on city owned or operated land, not to allow city gaming on city owned and operated land. Yet in March of 2005, Mayor Mayans indicates groups have approached the city about a downtown Wichita casino and the Downtown Development Corporation indicates support for a casino in Wichita, again March of '05, if the state allows for expanded gaming.

And in June we heard reports of downtown casino options, Century II developments, a Canadian investment group and an Arizona-based meeting with City of Wichita officials. In fact, there's pretty pictures about those concepts too that are floating around.

So what does it take for a state-owned casino? Well, the state legislature needs to develop and pass legislation. They can do that by two methods. One is amend the constitution. That takes a two-thirds vote of both the house and senate and that's highly unlikely on this issue, or by a simple

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majority vote they could expand the powers of the lottery and they could do that at any time and they have attempted to do so a number of times.

And I want to just take a little time here to think about, for you and I as practitioners of democracy, to think about the relationship between voting and action. It seems to me that rather than create false expectations, that there is a relationship between when we go to the polls and what the expectations are, the action part.

We go to the polls to either vote up or down an arena and a year later . . . It passed, and a year later we're going to start buying property and building an arena downtown, action. Iraqis go to the polls to vote on a constitution. I mean, we're going to count the votes again and either it will be voted up or voted down and if it's voted down, they'll start thinking again about how that government may occur. People go to the polls to vote for the president or state legislators or local officials and soon after that voting occurs, we know who the winners are and we know who is in charge.

If a vote occurred on gambling, what's the action? There is no action? So what's the purpose of the vote? It seems to me that the purpose of the vote is one of two things. It is either to provide political cover for politicians and that doesn't seem to me to make the mark of the majesty of voting. That's not a good enough reason to have a vote or the second reason is to influence votes. People would say, 'By having a vote, we're going to influence the legislators'. Well, you and I both know that the process of influencing legislators has to do with phone calls, contributors, meetings, constituency, talking to the legislators, not necessarily a vote.

If that were the case, we know from a scientific poll that 63% of the people who were surveyed by that poll in Sedgwick County want to have gambling, so what more evidence do you want? Or do you want to spend \$165,000 to have a non-scientific poll to let voters vote when no action may occur?

So how should the decision be made about where a casino might be? Well, if it's about money and if it's about the state receiving money or schools receiving money, why don't we . . . wouldn't you think the state would have a plan to place the casino in the place that it gets the biggest market share, not who voted on it. What if Clark County voted on it, 2,300 people? Is that the place the casino should be, just because they voted? What about Brooks County, with 4,500, is that the place, or Marion County? The state needs to decide, if we're going to have gambling, where is the best place for the casino that's going to make the most money, and not necessarily about who votes for it or who doesn't vote for it, so I think this is a whole issue that has created some false expectations with this issue about voting.

We have heard that the governor, despite what you might have heard on Channel 12 last night that

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time and time again the governor has suggested we conduct a referendum, no Sedgwick County official has received any information from the governor on this subject. No legislative directive to conduct a referendum. There's been none. To the contrary, the majority of our south central delegation has asked us not to do so. Why? Because it's a state issue, it's a state issue that needs to be done there.

The City of Wichita has given us mixed messages. We sent a letter, the Chairman sent a letter to all the mayors in Sedgwick County asking whether they wanted to participate in it financially, or endorse the idea. We got a letter from the mayor that indicated . . . the mayor of Wichita that said that they were not interested. We received phone calls from other council people that said that the mayor was not speaking for them and so we have not heard officially, apparently, from the city or received mixed messages.

Again, Park City Council approved a memorandum of understanding for a compact with the Ohio Tribe, without a referendum, yet they are calling for us to have a referendum and not calling upon the state to just move forward.

Where we've heard, we've asked 18 other cities in August to participate and only heard from one and that was Mulvane, who said thank you for asking, but we're not going to endorse. It doesn't mean we're against it, it doesn't mean we're in favor, we're not endorsing, nor are we financially contributing, and so we thank Mulvane for at least responding to our request. The Chamber of Commerce has been silent. The Convention and Visitors' Bureau has been neutral. The Downtown Development Corporation endorses the casino but understands it's a legislative issue to expand gaming and they want it downtown.

We . . . expanded gaming, some facts that we do know, there have been 52 bills introduced in the state legislature since 1997 and none have passed, 52 different attempts. A local vote is not part of the state process, it's not part of the process. Wyandotte County held a vote ten years ago and still, no expanded action . . . no expanded gaming, no action, vote occurs, nothing happened.

There are no Indian Reservations in Sedgwick County. The Department of Interior does not favor an off-site Indian compact casino. The state legislature is not likely to change the constitution creating a state owned casino operated by expanding the authority of the lottery, which would be the only option for the state, only take a majority. This is a state issue and does not require local

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government involvement. We know that Indian gaming is not likely. Expanded gaming, through the lottery, at this time is the only viable option. The state should make decisions based on sound financial impact and they need to assure that local taxpayers don't carry the burden of the negative impacts of gaming. That's been part of our platform and we think that's still important.

A non-binding election does not mean action. It's a poll. It's an expensive poll, \$165,000 poll. It's an expensive poll that creates false expectations of citizens. I do believe this . . . in the process of voting and action taking place and I think Bob Knight was right in 2004. Topeka is the main hurdle.

What needs to happen? Well, the Board of County Commissioners again formally tell the state our position and send to all legislators and to the governor, cities and region to express our Sedgwick County position.

The cities and counties should do the same and I would suggest that we work at talking to the cities in Sedgwick County and if they would like to weigh in and counties in the region, they need to do so in a way that would be helpful to the state legislature.

Citizens want to express their views and we know that, but I think the citizens have been misled in this idea about voting. They need to let the legislators know what it is. You receive phone calls. You receive letters. You receive e-mails. You have meetings with your constituents and people who have been supporters of you that influence your decision-making process all the time. I've been in some of those, I've witnessed it, I know how the process works. That's how it works. We don't take a vote on every issue that comes before us because we're scared to make a decision. Sedgwick County will cooperate with the legislature and the governor in any required capacity. If they require us to do something, then it is our intent to be cooperative.

So commissioners, that's what I have for you on gaming. I hope that may have been helpful. You have before you a resolution that we have prepared and I'd like to read that, if it suits you and I will proceed:

*Whereas, the issue of expanded gambling, in the form of destination casinos continues to be of significant interest to the citizens of our community; and  
Whereas the State continues to look at gambling as a source of new revenue to fund the state budget and; Whereas the State Legislature and the Governor*

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*have sole authority to expand gambling in the State of Kansas; and Whereas, since 1996 the State of Kansas has allowed expanded gambling on Indian Reservations and communities have held advisory referendums with the hope of getting casinos in their communities, but the State Legislature has not passed one piece of legislation to further expand gambling in the State of Kansas.*

*Whereas, the Board of County Commissioners of Sedgwick County, Kansas wants to send a clear message to the Governor and the Kansas Legislature concerning where the Board stands on the issue of expanded gambling in the State.*

*Now therefore let it be resolved by the Board of County Commissioners of Sedgwick County, Kansas that:*

*In the event the State approves expanded gambling, in any form, such as but not limited to casinos, Sedgwick County citizens deserve and should be afforded the opportunity to vote on whether said expanded gambling is appropriate in Sedgwick County. The Board of County Commissioners strongly supports allowing the citizens to vote in a binding election on the question of whether or not expanded gambling should be allowed in Sedgwick County. Furthermore, any legislation that is enacted for expanding gambling must, at a minimum, provide sufficient revenue to Sedgwick County to offset the increased social costs to our community.*

Commissioners, I'll be happy to answer any questions that you might have and I would recommend you adopt that resolution."

**Chairman Unruh** said, "Well thank you for that presentation, Bill. Interestingly, there is a request to speak. Commissioner Sciortino."

**Commissioner Sciortino** said, "Could you explain something to us. First of all, I compliment you on for the first time clearly giving the public a total tab by . . . line item by line item, total history of

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gaming in general and how it's evolved in the State of Kansas. I wasn't aware that there was that many bills on trying to expand gambling in some form. I wasn't aware that Wyandotte County apparently had a non-binding referendum or whatever to approve something 10 years ago and nothing happened and I'm sure those people got false expectations when they voted and I would think ten years is sufficient times for the legislature to act on the will of the people from that.

But you had said something about if it was going to be highly unlikely that the Department of Interior would approve an off-site island annexation of land to make that their Reservation to put gambling, that state-owned gambling was the only way to go, but then you indicated that it would probably take a constitutional amendment for state-owned, but that the lottery expansion was the only way . . . is that the . . . could you kind of explain what the lottery expansion has to do with casinos."

**Mr. Buchanan** said, "Yes. If we assume that Indian . . . off-Reservation Indian casino are off the table, then there are two ways in which the State of Kansas could allow casinos. One would be, the constitution now allows state-owned casinos, so you could change the constitution."

**Commissioner Sciortino** said, "It requires state-owned casinos?"

**Mr. Buchanan** said, "The constitution requires state-owned casinos."

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

**Mr. Buchanan** said, "So you could change the constitution to allow the 'Bill and Ben Casino' to come to town, change the constitution to allow privately owned casinos, or you could expand the lottery, the function of the lottery to create a system to have state-owned casinos."

**Commissioner Sciortino** said, "Oh, I get it, okay, all right. So to have state-owned casino, you just expand the lottery, since it's already allowed in the constitution. Okay."

**Mr. Buchanan** said, "But you have to give someone authority to . . ."

**Commissioner Sciortino** said, "But the idea of changing the constitution would be State of Kansas wide open, anybody that wants to come in and get a permit from us, we'll let you put it anywhere you want to."

**Mr. Buchanan** said, "Right."

**Commissioner Sciortino** said, "Okay. The other thing that I . . . I have always been and I still am .

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. . . wherever it's probable or wherever it's applicable to have a vote of the people, and I understand this is . . . I understand, you know, there's a lot of political underturns and what have you, and that conceptually this idea that we were batting around here a month or so ago about letting the people vote was in fact to send a message to the legislators to try to influence them to vote for expanded gambling, in other words saying in essence the same thing you're saying here, is that if you expand gambling, we want to be part of that expansion. And some of the concerns that I've heard, and my e-mails in the last couple of weeks have been running 95 to 5 in favor of sending that message to Topeka, in the form of a non-binding referendum.

The unions are for it, because I believe they feel, number one, it's the right thing to do and number two, there's potential for increased employment for our local citizens. I always had a concern about the \$165,000 to have an official poll. We've already had a couple of polls and I don't know who did the poll that the 63% was, but I think it's a very credible polling agency and I believe that could even be broken down by districts if they wanted to, I don't know for sure, but 63% of the population that they represent say, 'If you expand gambling, we want to be part of that expansion' is a pretty clear message. Whether or not they chose to listen to it or not is up to them.

But I also heard that the governor was saying that unless we have a non-binding referendum and spend 165,000, we're not going to be even considered, but I don't believe any of us ever got . . . I've been hearing it third-hand, fourth-hand, listening to it on the radio, seeing it in print, but I haven't seen anything from the governor, with her signature on it saying that if you don't have this vote, we're not going to consider you. I also remember earlier on, the message from the governor's office was we want to hear from the Sedgwick County officials what is their position on this and I think now this is . . . I don't know, even I can understand the words. I mean, this pretty well says what an unofficial poll would say. I believe this is a good compromise that I can get my arms around. It saves us the money and it sends the message as clearly as any . . . and I'm sure it's going to be followed up with a letter and you may even want to include a copy of the poll that was taken, that Sedgwick County would very much want to be part of any expansion and that expansion should be conditioned on a county-option vote of the people and at that time, the people would know that a yes vote means you're going to get a casino and a no vote means no, not like those people up in Wyandotte County that voted ten years ago yes and the answer is still . . . I think that was pretty graphic, because they haven't got an answer yet from Topeka, one way or the other.

And I think that hopefully now, clearly identified, this will get the message that if this is passed by this board, we are saying that while not talking about individually whether we personally believe in gambling or not, that we have listened to the will of the people and we're trying to send a very clear

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message that the majority of the citizens of Sedgwick County want to be part of any expanded gambling that might occur through legislative action up in Topeka and I commend you on this resolution and I will be supportive. Thank you.”

**Chairman Unruh** said, “Thank you, commissioner. Commissioner Burnett.”

**Commissioner Burnett** said, “Well I also want to thank you for your presentation. That was very good to get the facts and I’m also going to be very supportive of this resolution. And what I like about it is the part that says ‘allowing the citizens to vote in a binding election on the question’ and I’m glad that the commissioners have taken our time to research this issue and we’re not making a snap decision or scrambling around to get this done. We have had thoughtful consideration on this.

The definition of binding is: imposing an obligation and non means: the absence of so if we have a non-binding referendum, there is absence of imposing an obligation, which means to the public you can have your non-binding referendum and the state can say ‘Well, we don’t have an obligation to you’. This way we are saying we want the obligation when and if they make any decisions on gaming, that we have the opportunity to have a binding vote and I think that is very important and I like the message that we’re sending, so I will be very support of this resolution.”

**Chairman Unruh** said, “Thank you, Commissioner. Any other comment? Commissioner Winters.”

**Commissioner Winters** said, “Mr. Chairman, I also am going to support this. Mr. Buchanan, I appreciate your wanting to have this on the agenda and to giving us this background. You know, you can always probably write and rewrite resolutions. This probably has a few too many words in it for me, but the sentence or two that I’m going to be supportive of are those that say, ‘in the event that the state approves expanded gambling, Sedgwick County deserve and should be afforded the opportunity to vote on whether expanded gambling is appropriate in Sedgwick County’. I think that’s been our platform policy position for several years and this is just a clarification of that, so I’m going to be supportive of this.”

**Chairman Unruh** said, “Well I would just say that I’m going to be supportive of the resolution also, for the reasons that have been already verbalized. My position about this is the decision should be made on the basis of what’s good government, not on the basis of my personal opinion about this and really not on the basis of a Gallup Poll or any other sort of poll, but what’s good government, what’s the right thing, in light of the circumstances surrounding this issue. And to me, that means to follow under the guidelines and the policies that are established and under the law that’s establishes, which simply means that this is a state legislative issue. If they decide to

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proceed with it, with a plan that we can make an opinion on, it's important in my thinking that if we put a referendum out there, that we put something out there that talks about location, that talks about the revenue that they anticipate, talks about the revenue sharing, that talks about the ownership of the casino facility. All these things, I think, need to be defined at least to some degree before we proceed with a referendum and I think that will happen when the state moves.

So, I'm going to be supportive of this. I think if we go moving forward, our citizens ought to have a right to vote on a binding referendum saying whether we want gaming or not want gaming, based on specifics of a specific proposal. Commissioner Sciortino."

**Commissioner Sciortino** said, "Yeah, just one other comment Mr. Chairman, thank you. I also like the fact, and I recognize the fact that this is a state decision, it's not a Sedgwick County decision whether or not expanded gambling should happen in the state and I like the sentence that still acknowledges the fact that the legislators have the right, authority and responsibility to make a decision, because it says, 'In the event the state approves expanded gambling' etcetera, etcetera. So that is not trying to step on the legislators toes and not trying to do their job. It says, you still have a job to do, but in the event that you decide certain things, we don't want to be excluded, we want to be a part of that expansion or at least we want our citizens to vote whether they wish to be part of this.

So I think that should satisfy our . . . and I'm not doing something to try to specifically satisfy a legislative delegation's concerns, but I think we need to acknowledge what they had said to us, that this is a state issue, not a Sedgwick County issue, and this first sentence, I believe, clearly acknowledges that, so thank you."

**Chairman Unruh** said, "Thank you. Commissioners, is there any other comment?"

### MOTION

Commissioner Burtnett moved to adopt the Resolution.

Chairman Unruh seconded the Motion.

**Chairman Unruh** said, "Is there any other comment on the Motion? Commissioner Norton."

**Commissioner Norton** said, "Well, I'll probably vote against the Motion. I may be the odd man out here, but I think there's a lot of layers of this onion. And you know, we keep talking, well it's Topeka's decision, it's the legislators' decision, truthfully it's the people of Kansas' decision. And I don't know that we know what the people of Kansas want and yes, the vote is expensive, yes it's non-binding, but I hear from more and more and more and more people that don't even care about

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gaming in our community, but that would like to settle this in the manner we settle a lot of things in our world, and that's through the vote of the people.

And I've advocated for that. I know there's a lot of political maneuverings under the water, I know there's a lot of egos and lobbying. I know it has to do with gubernatorial politics, it has to do with local politics, but at the end of the day for me it has to do with allowing people to have their voice, and I've heard just way too many average citizens, average guys in the street says 'Just let us vote'. Yes it's expensive, yes it's non-binding, but what wags the dog? Does Topeka wag the people or do the people wag Topeka and that's the debate that you'll have forever. Does the local people send the message of what they want, as far as gaming, or does Topeka tell them what it's going to be, and I tend to want to err on the side of the local people that would like to vote, one way or the other, up or down, and send that message. What guides public policy, people sitting in a dark room in Topeka, or people engaged in their community wanting to make a difference? I think it's a philosophical debate you could have forever, but I probably will vote against the resolution today. That's all I have."

**Chairman Unruh** said, "Thank you, Commissioner. Commissioner Winters."

**Commissioner Winters** said, "Well thank you and Commissioner Norton, I appreciate your comments and I agree with some of what you said. I certainly agree that more and more people are contacting us, wanting a final solution, but it's obvious that the Wyandotte vote ten years ago didn't provide a solution and a vote here, in Sedgwick County now, will not provide a solution but I appreciate your comments and I know you've been one that has been trying very hard to make sure this commission stays together on all kinds of issues and we appreciate that and so, I certainly am going to understand your vote on this but I'm going to stay with my support. Thank you very much."

**Chairman Unruh** said, "Thank you. Commissioners, any more comment? Seeing none, call the vote."

**VOTE**

Commissioner Norton	No
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Bill. Madam Clerk, please call the next item."

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**G. GRANT AWARD CONTRACT WITH KANSAS HIGHWAY PATROL FOR DEPARTMENT OF HOMELAND SECURITY FUNDING IN THE AMOUNT OF \$789,673.**

**Mr. Randy Duncan**, Director, Emergency Management, greeted the Commissioners and said, "I'd like to take just a couple of moments this morning and share with you a story. A story that has its beginnings on the 19th day of April, 1995, a couple of hundred miles south of us in Oklahoma City. The name of the place is the Alfred P. Morrow Office Building and the event I think we're all very much familiar with, the bombing of that building and the senseless killing of the lives there.

As a result of that event, several senators were moved to make an appropriation at the national level to help us deal with the issue of terrorism. We got what was originally called the Nunn/ Luger/ Dominici Bill starting that very next year, providing funding for terrorism and of course, we all know the events that have happened since then, with September the 11<sup>th</sup> of 2001 and the most recent events, just earlier this year, with hurricane issues, certainly have nothing to do with terrorism, but have a major impact on our nation and disasters that are affecting literally tens of thousands of people.

As a result of all that, the federal government has understood that it has a role in providing support to local governments to be able to handle these issues and one of the ways that happens is through this Homeland Security funding, which I'm here to ask you to consider authorizing me to sign that grant on behalf of all the governments in Sedgwick County to receive our funding for fiscal year 2005. I'd be happy to answer any additional questions that you might have, regarding this situation. I would note that this is a slight increase in the funding level over fiscal year 2004. So, commissioners, what is your will with regard to this issue?"

**Chairman Unruh** said, "Well thank you for that presentation, Randy. And this is an opportunity for us just to stay abreast of our preparedness and also . . . but this award that you're signing though, it would provide funding for several different entities, is that what I'm understanding?"

**Mr. Duncan** said, "Yes, Mr. Chair. This . . . we would serve, Sedgwick County Emergency Management and Sedgwick County serves as the gateway for Homeland Security funding for every unit of local government inside Sedgwick County."

**Chairman Unruh** said, "Okay. Well, appreciate that clarification and in today's environment and culture we live in, it's just not something that we can overlook or take lightly. We have to be prepared and that preparation takes training and it takes equipment and that requires money, and so I'll be very supportive of this. Commissioners, are there any other comment or questions of Randy?"

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**MOTION**

Commissioner Burtnett moved to approve the Contract and authorize the Director, Emergency Management, to sign all related forms, including the special conditions document for Federal Fiscal Year 2005 funding.

Commissioner Sciortino seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Randy. Next item please."

**H. PUBLIC WORKS.**

**1. AGREEMENT WITH PROFESSIONAL ENGINEERING CONSULTANTS, P.A. FOR DESIGN OF STREET IMPROVEMENTS FOR SAVANNA AT CASTLE ROCK RANCH 10<sup>TH</sup> ADDITION. DISTRICT #1.**

**Mr. Jim Weber**, P.E., Deputy Director, Bureau of Public Works, greeted the Commissioners and said, "In items H-1 and H-2 we're requesting your approval of agreements for engineering design services and construction staking on special assessment projects in the unincorporated area of the County. In both cases, all costs of the project are to be paid by the benefited properties through special assessments.

In item H-1, we're requesting your approval of an agreement with Professional Engineering Consultants for engineering design and staking services on the Savanna at Castle Rock Ranch 10<sup>th</sup> Addition street project. This project is located north of 13<sup>th</sup> Street North and east . . . I'm sorry, west of 143<sup>rd</sup> Street East. The cost of the work will not exceed \$39,300. We request your approval of the agreement and that you authorize the Chairman to sign."

**Chairman Unruh** said, "All right, thank you Jim. On Item H-1, in District 1, I'm somewhat

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familiar with this and think this is the right thing to do, so I would be approving of it.”

**MOTION**

Chairman Unruh 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 Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Next item.”

**2. AGREEMENT WITH CERTIFIED ENGINEERING DESIGN, P.A. FOR DESIGN OF STREET IMPROVEMENTS FOR WINDRIDGE ADDITION. DISTRICT #2.**

**Mr. Weber** said, “In Item H-2 we’re requesting your approval of an agreement with Certified Engineering Design for engineering design services and construction staking on the Windridge Addition street project. This project is located south of MacArthur and east of Ridge Road. The cost of the work will not exceed \$10,350 and again we would request that you approve the agreement and authorize the Chairman to sign.”

**Chairman Unruh** said, “Thank you. Commissioners, what’s the will of the Board? I think this is in Commissioner Norton’s district.”

**Commissioner Norton** said, “I haven’t heard any complaints, one way or the other.”

**MOTION**

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

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Commissioner Winters seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Jim. Next item please."

**I. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. John Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, "Report today on the operations for September. In September, we had almost 20,000 people in attendance at our events. We had eight events, 15 individuals performances and our net revenues were in excess of \$93,000.

Highlights for the month, we did our second annual Valley Center Invitational where we come and we mow a 5-K course in Wiedemann Park and we have about 12 high schools, we had 450 kids take part in that this year and it's really a lot of fun. They had a great day for it and it worked out very well.

We had Kansas Paint Horse, another annual event, now this is a smaller show the week before the Worldwide Paint Horse Congress, which just finished up and we had almost 1,600 people in attendance at that. We had the Kansas Junior Livestock Show, 8,000 people in attendance. This is one of my favorite pictures, because this really, really illustrates the young people's involvement in the 4-H and the agricultural heritage of our area.

And we had the Gaither Homecoming. The Gaither's were one of the top touring concerts in the country last year. We had nearly 6,000 people in attendance at that one, very good show, very

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wholesome family entertainment. We're looking to bring them back again, not in 2006, but again in 2007.

In 2004, last year we received official notification that the software provider for the Select-a-Seat ticketing system was no longer going to support the Laser Gate software that we had been using very successfully for the 13 years it was in service, so we had a decision to make. We certainly didn't want to give up the revenues, because Select-a-Seat annually contributes between six and seven hundred thousand dollars for the Coliseum's bottom line and it helps us be successful.

So we went out for an RFP, because we certainly want it to continue and looked at several different platforms. The one we decided on is from Tickets.com, which very curiously is owned by major league baseball and if you know anything about baseball, they do tens of millions of tickets every year, so we have an organization behind the software that is used to moving a lot of inventory and doing it very well.

We went through the installation process, working very closely, and I can't say enough good things about the County's Information Services Department. They really helped us out. They spent a lot of hours out there working with us on connectivity, on equipment and getting it up and running. It really, really was a good process.

Part of what we've done is we've launched a brand-new website for Select-a-Seat. We feature, as you know, more than just the Coliseum, the Orpheum is on there, the Cotillion is on there, the Kansas State Fair and we do a lot of other special events around the market, very easy to use inner-face, we can change the front page to meet whatever events that are currently popular on the system and you see right now Brad Paisley, which is a show that we are hosting this coming Sunday, Symphony in the Flint Hills and Wanda Sikes, which is going to be performing over at the W.S.U. Metroplex.

We also go down below, when we feature some other things going at the Cotillion and things going at the Orpheum. Very simple, if you're looking for a ticket, you click on the Coliseum, you go right to our web page, it shows you what the inventory is, what the price is. You can go down and click on how many tickets you want on each side. You click through, it takes your credit card information. Boom. The tickets are mailed right to you.

Now, what will happen eventually is we are going to phase in a print at home option, where the customer doesn't have to wait for the mail. The customer hits the print at home and prints them on their regular computer printer at home, very easy, very convenient and what we'll do when that person comes to the venue to see that event, it's just like a bar code scanner, you just scan that

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ticket and in they come, it only scans once.

Now this is an illustration of a page for the Sam Bush Band, which is going to be performing at the Orpheum, very simple, very easy, the same thing. It has your prices, you click on it, you walk right through. We're very pleased with the way it's operated so far. We went live towards the end of September. The first show 100% on the new system is the Manheim Steamroller event and right now we've got about 3,000 tickets sold, 91% of those tickets have sold either on the Net, on the phones or at the outlets, so the public is responding and they're taking advantage of the convenience that we are providing as a service of Sedgwick County.

Coming up, Thunder opens their situation, they open their new season here against Odessa this Friday. We have the Thunder again Saturday, versus Oklahoma City, and you know that's a real strong rivalry. We have Brad Paisley, Sarah Evans and Sugarland on Sunday the 23<sup>rd</sup>, Mid-American Flea Market on the 23<sup>rd</sup> also. We have a merchandise tool sale 27<sup>th</sup> through the 30<sup>th</sup> in our Pavilion II. Thunder is back in action again, versus Colorado, which won the league last year, on the 28<sup>th</sup>. And we have the Wheatland Poppin' Johnnies coming back for their annual show the 28<sup>th</sup> through the 30<sup>th</sup>. If there's any questions at this time, commissioners, I'd be happy to answer them."

**Chairman Unruh** said, "We do have a comment, John. Commissioner Sciortino."

**Commissioner Sciortino** said, "Thank you. John, just real quickly, on the Coliseum monthly report where you itemize the events and attendance and revenue, could you explain to me, like the Park City Raceway they had two events but it seemed like on the first one we received like 28 cents per attendee and the second one 19 cents per. What is that?"

**Mr. Nath** said, "I think you're looking at the Park City Raceway and you're seeing a direct reflection right now on weather and the cost of gasoline."

**Commissioner Sciortino** said, "No, but what does that mean 'Revenue to the county'? I mean, is there not . . . do we not charge them admission fee to the raceway?"

**Mr. Nath** said, "We are in a partnership with Pro Motor Sports. We intake registration fees, when

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people enter, fees. We pay out levels of prizes, whatever is left over is what we realize as revenue, and quite now that has been limping, mostly because of the cost of gas. It's been a very low attended event."

**Commissioner Sciortino** said, "Okay, but I mean, do we have a flat per-attendee charge to them?"

**Mr. Nath** said, "There is an attendee charge and quite frankly, we haven't been getting many people out there. It's been mostly on registrations, people that are participating in the races."

**Commissioner Sciortino** said, "Okay, but we have a fixed cost? I mean, we've pledged a fixed amount in prizes and giveaways, regardless?"

**Mr. Nath** said, "We take care of that through the entry fees that the drivers pay, so that's not something we're shelling out. That's something that's paying for itself."

**Commissioner Sciortino** said, "Okay, because it's getting pretty close to just being a break even."

**Mr. Nath** said, "Exactly right."

**Commissioner Sciortino** said, "Does that take into consideration all of the supportive work, the electricity, the staff, everybody that's required to put on this thing?"

**Mr. Nath** said, "Yes."

**Commissioner Sciortino** said, "So it still isn't costing us anything."

**Mr. Nath** said, "No."

**Commissioner Sciortino** said, "Okay, thanks. That's all I have."

**Mr. Nath** said, "And commissioner, if it does cost us anything, that money is paid through the promotions' fund, which handles any losses that we have."

**Commissioner Sciortino** said, "Okay, so right now it's still on the plus side and it's a service."

**Mr. Nath** said, "It's not a huge plus side, but it is on the plus side."

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

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**Chairman Unruh** said, “Any other questions, commissioners? I’d just make a comment that I’m very pleased that you were able to transition into that new computer program so successfully and that the results are gratifying, that that was a good choice for us.”

**Mr. Nath** said, “We’re very, very pleased with it so far.”

**Commissioner Sciortino** said, “I want to go out and see if there’s any other . . . I don’t know, cities or people putting on events that might want to avail . . .”

**Mr. Nath** said, “We’re constantly looking for new clients for the system. We pick up a show here, we pick up a show there. We have a lot of promoters coming to talk to us about it and we’re in the business of selling tickets, and we really don’t care where it’s at, we can do it.”

**Commissioner Sciortino** said, “Excuse me, Mr. Chairman, I should have my light on. That just has generated a thought in my mind. Like if a high school puts on events at their gymnasium and they’re asking for tickets to the . . . I don’t know where I’m going here, with the Panthers football game and they want to maybe see if they can expand more attendance or what have you. I mean, could we go that . . .?”

**Mr. Nath** said, “We certainly could, it would take about 15 minutes to add that facility and that event onto the system, it wouldn’t take long at all.”

**Commissioner Sciortino** said, “Okay. Thank you. That’s all I had.”

**Chairman Unruh** said, “So there’s still potential.”

**Mr. Nath** said, “There’s a lot.”

**Chairman Unruh** said, “All right, very good. Commissioners, I don’t see any other comment. What’s the will of the Board?”

### **MOTION**

Commissioner Sciortino moved to receive and file.

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Commissioner Burtnett seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, John. Next item please."

**J. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING OF OCTOBER 13, 2005.**

**Mr. Jerry Phipps**, Purchasing Agent, Purchasing Department, greeted the Commissioners and said, "You do have the Minutes of the October 13<sup>th</sup> meeting of the Board of Bids and Contracts and there are four items for your consideration.

**1) 4 x 4 HALF-TON TRUCKS- FLEET MANAGEMENT  
FUNDING: VEHICLE ACQUISITION**

Item one is 4 X 4 half-ton trucks for the Fleet Management. It was recommended the low bid meeting specifications from Don Hattan Chevrolet in the amount of \$36,095.

**2) APPRAISER'S OFFICE REMODEL- FACILITY PROJECT SERVICES  
FUNDING: CAPITAL IMPROVEMENT PROJECT**

Item two, Appraiser's Office remodel for Facility Project Services. It was recommended the low bid of Descon, Incorporated for a cost of \$39,156.

**3) OFFICE FURNITURE- DISTRICT ATTORNEY  
FUNDING: DISTRICT ATTORNEY**

Item three, office furniture for the District Attorney's Office. It was recommended to accept the

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low bid of Corporate Express in the amount of \$40,478.81.

**4) PUBLICATION OF LEGAL NOTICES- VARIOUS COUNTY DEPARTMENTS  
FUNDING: PURCHASING**

Item four, publication of legal notices for various county departments. It was moved to accept the proposal from the Derby Reporter and establish contract pricing for one year, with four additional one-year options to renew.

I'll be happy to take questions and recommend approval of these items as presented."

**Chairman Unruh** said, "Okay Jerry, thank you. Commissioners, are there any questions about this report from the Board of Bids and Contracts?"

**MOTION**

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

Commissioner Burtnett seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you, Jerry. Next item please."

**CONSENT AGENDA**

**K. CONSENT AGENDA.**

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- 1. Temporary Construction Easement for Sedgwick County Project – Elk Ridge Addition, Phases 1 and 2, Street Improvements.**
- 2. Applications for License to Retail Cereal Malt Beverages.**  

<u>Applicant Name</u>	<u>Business Name</u>
Sam G. Eberly	Eberly Farm Inc.
- 3. Order dated October 12, 2005 to correct tax roll for change of assessment.**
- 4. General Bills Check Register(s) for the week of October 12 – 18, 2005.**

**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 Burtnett seconded the Motion.

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

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Burtnett	Aye
Commissioner Sciortino	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Commissioners, we have come to the end of our agenda and we don’t have Fire District or executive session. Is there any other comments anyone would like to make at this time? I see movement from Commissioner Sciortino.”

**L. OTHER**

**Commissioner Sciortino** said, “Well, I had occasion to be environmentally sensitive and Sunday I

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also . . . I wanted to see what Haysville was doing this weekend, and my friend and I from Derby, we pedaled over there Sunday morning and we were misled by Commissioner Norton in thinking that the Masons and Shriners were having a breakfast, and we got to their location, there wasn't anybody there, so we decided to pedal down Grand Avenue and get to the park and when we were within a mile and a half of the park at 8:30 in the morning, the park was full of people and the Lions were having their pancake and sausage breakfast so we got to imbibe in a few carbohydrates.

I was amazed. I mean, that early on a Sunday morning, the park wasn't full yet, but there was an awful lot of families there looking at all the wacky and some very beautiful cars. There was a lot of rides, a lot of activities, very friendly people. It once again told me, as an elected officials, don't go anywhere unless you want to get recognized, because I had five or six people 'Hey, Commissioner Sciortino' and I hadn't shaved since Friday and I was in a bicycle outfit, which are a little bit swishy, I mean with the tights and the funny shirt and whatever, but the food was fantastic. It was all you could eat and I added up the calories and carbohydrates and I needed to pedal 122 miles in order to offset the calories. But it was a fun time and it was a tremendous event and I think . . . I don't know how it must rank, but I don't think it has to take a second seat to any festival going on. It was very well received, so I enjoyed myself. That's all I have."

**Chairman Unruh** said, "Very good. Well, we had a good day Saturday at the Bel Aire Days parade, a lot of folks turned out enjoying the beautiful weather last Saturday. And then I'd just make the comment that I have the privilege of attending the awards dinner at the Wichita Crime Commission this evening and support their activities. I think that's a sign. Any other comment, commissioners? Seeing none, we're adjourned."

## **M. ADJOURNMENT**

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There being no other business to come before the Board, the Meeting was adjourned at 11:15 a.m.

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

\_\_\_\_\_  
**DAVID M. UNRUH**, Chairman,  
First District

\_\_\_\_\_  
**BEN SCIORTINO**, Chair Pro Tem  
Fifth District

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

\_\_\_\_\_  
**THOMAS G. WINTERS**, Commissioner  
Third District

\_\_\_\_\_  
**LUCY BURTNETT**, Commissioner  
Fourth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2005