

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

### **REGULAR MEETING**

**October 8<sup>th</sup>, 2008**

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 8<sup>th</sup>, 2008 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chair Pro Tem Tim R. Norton; Commissioner David M. Unruh; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Mr. Chris Chronis, Chief Financial Officer, Division of Finance; Mr. John Schlegel, Planning Director, Metropolitan Area Planning Department; Mr. Pete Giroux, Senior Management Analyst, Division of Finance; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Bill Meeks, Register of Deeds; Ms. Charlene Stevens, Assistant County Manager; Judge James Fleetwood, District Court; Mr. Mark Masterson, Director, Department of Corrections; Ms. Annette Graham, LSCSW, Executive Director, Department on Aging; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

#### **GUESTS**

Mr. Brad L (Information Confidential)  
Mr. George Fulp, 14220 E. Donegal Cir, Wichita, KS 67230

#### **INVOCATION**

The Invocation was led by Pastor Doug Luginbill of Hope Mennonite Church, Wichita

#### **FLAG SALUTE**

#### **ROLL CALL**

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

#### **PROCLAMATION**

##### **A. PROCLAMATION FOR COMMUNITY PLANNING MONTH.**

**Chairman Winters** said, "Commissioners I have a proclamation for your consideration. **WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and,

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**WHEREAS**, change is constant and affects all cities, towns, suburbs, and counties; and,

**WHEREAS**, community planning helps manage this change in a way that provides better choices for how people work and live; and,

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and,

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the metropolitan area of Wichita-Sedgwick County;

**NOW THEREFORE, BE IT RESOLVED**, that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim October 2008 as

**“Community Planning Month”**

dated October 8<sup>th</sup>, 2008. Commissioners, that is the proclamation, what is the will of the Board?”

**MOTION**

Commissioner Unruh moved to adopt the proclamation.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “And here with us today is John Schlegel, the Director of the Metropolitan Area Planning Department.”

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**Mr. John Schlegel**, Planning Director, Metropolitan Area Planning Department, greeted the Commissioners and said, “Thank you very much on behalf of the Metropolitan Area Planning Commission and the Metropolitan Area Planning Department for this proclamation. You may not be aware that this year is the 50<sup>th</sup> anniversary of the joint agreement that was made between Sedgwick County and the City of Wichita to create the Metropolitan Area Planning Commission and the Metropolitan Area Planning Department. That is quite a milestone. I don’t know that it is unique in this country but it is an unusual arrangement and it represents a commitment by both governing bodies to the joint planning and the growth and development of this community. And in celebration of that, we have put together a brief video, which in a few minutes I would like to show to you and the audience if I may. But before we go to that, what I would like to do is recognize some of the Planning Commissioners that are here today starting with the current Chair, Darryl Downing; seated behind him is Commissioner Bud Henson; next to him is Commissioner Nelson Van Fleet; and over in the corner is Bill Johnson and I hope I haven’t missed anybody. And if I also may, I would like to have the staff that is present from the Metropolitan Area Planning Department stand and be recognized. This is a group of very competent planning professionals that come to work every day with a great deal of dedication and purpose in their hearts to help better this community. And one more thing before we go to the video, this morning at 10:00 a.m. there will be a news conference over in City Arts in Old Town at which time we will announce the designation of Wichita’s Old Town as one of the American Planning Association’s Great Places in America. It will be designated as one of ten great neighborhoods and I think this is an acknowledgement by the National Planning Organization of the efforts that went into planning and developing and revitalizing Old Town. And with that then I will go to the video.”

**Commissioner Parks** said, “Mr. Schlegel, if I could acknowledge Eldon Miller from Valley Center also.

**Mr. Schlegel** said, “I am sorry that I didn’t point him out. Yes, Eldon Miller is the planner for the City of Valley Center. And with that I will turn on the video.”

### **VIDEO PRESENTATION**

**Mr. Schlegel** said, “Mr. Chairman, thank you for allowing us to show that video and joining us in celebrating 50 years of Metropolitan Area Planning for Wichita and Sedgwick County.”

**Chairman Winters** said, “Well, John, thank you very much. I would certainly extend the thanks of the Board of County Commissioners to you and your staff that work daily on planning issues. We appreciate the Planning Commissioners work. For volunteers and citizens to serve on this Board is

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very important. We appreciate those of you who are here today. All of you do very valuable work. We have a special connection to a few of them. Bud Henson is a former County Commissioner so he understands processes very well so Bud we appreciate your service and my appointee, Bill Johnson, is here and I certainly extend a special thank you to Bill for the years of work, Bill, that you have put in working as a Planning Commissioner. That is a very, sometimes difficult, not rewarding job but it is a way that citizens can really help and direct the way our communities grow. We have a couple of comments. Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chair. Well, John I just want to second the comments that the Chairman has made and compliment you on an outstanding video that tells your story very well I think but also to just make a statement that I think many of our citizens don't understand how critical the function that you all provide is to the development and the culture of our community. I mean you all do a great job. It is hard work and a lot of the nuts and bolts activities of planning that gets done is difficult, hard work, day to day grind it out and I just want to express appreciation for the staff and for the Metropolitan Area Planning Commission from the folks in our community who are offering their time take things, large projects from a concept to developing support for it and moving it through the process to get it accomplished but it's hard work, critical work but without our MAPC we would not have the community that we have and so I just wanted to thank you for that and especially thank you John for your leadership these last few years. I think you've been here just about as long of a time as I have so I haven't really experienced too much interaction with the Metropolitan Area Planning Department except under your leadership and you have done a great job, developed a great staff and I really appreciate your contribution to our community. That's all I have."

**Mr. Schlegel** said, "Thank you."

**Chairman Winters** said, "Alright, thank you. Thank you all for attending today and we appreciate the fine work that you do. Madame Clerk, would you call the next item?"

### **B. PROCLAMATION DECLARING OCTOBER 5 – 11, 2008 AS "MENTAL ILLNESS AWARENESS WEEK".**

**Chairman Winters** said, "Commissioners, I have a second proclamation for your consideration.

**WHEREAS**, raising awareness means talking about mental illness. Real recovery from mental illness requires community action, understanding and teamwork; and

**WHEREAS**, mental illness is not simply about grim headlines or statistics, it's about individuals

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and families living in our community. It's about courage and hope; and

**WHEREAS**, serious mental illnesses such as major depression, bipolar disorder and schizophrenia affect one in every four people annually; and

**WHEREAS**, mental illnesses have been scientifically proven to be highly treatable illnesses of the brain and scientific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and

**WHEREAS**, in spite of the scientific progress and increased understanding about the origins and treatment of mental illnesses, there continues to be a general lack of awareness in society, which leads to continued stigma for individuals with mental illness and their families.

**NOW, THEREFORE BE IT RESOLVED**, that I, Thomas G. Winters, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim October 5-11, 2008 as

**“MENTAL ILLNESS AWARENESS WEEK”**

in Sedgwick County and call upon all Sedgwick County citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness. Dated October 8<sup>th</sup>, 2008.

Commissioners, that is the proclamation, what is the will of the Board?”

**MOTION**

Commissioner Welshimer moved to adopt the proclamation.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “And here to accept the proclamation is Marilyn Cook.”

**Ms. Marilyn Cook**, Executive Director, COMCARE, greeted the Commissioners and said, “Thank you very much for this proclamation but I also want to take a moment to thank my staff at COMCARE as well as the other community providers that work each day with individuals who struggle at times and who’s efforts at maintaining mental health are difficult to reach but we continue to work on it every day and I want to thank my staff. Last week was a scary and a pretty anxiety producing one for this country with the passing of the Emergency Economic Stabilization Act of 2008. Many outside of my field might not know yet that part of that act was the passing of very long awaited legislation called Mental Health Parody and Addictions Equity Act. Our field has been trying to get parody of coverage since 1999 and so part of that package last week, regardless of how people might feel about it, was a good thing for the mental health community because parody is now mandated. What that means is that insurance companies are now mandated by law to provide equal coverage for mental health and addictions treatment as they do with medical conditions and surgical conditions. That also means that our co-pay has to be mandated for employer groups over 50. The co-pay has to be the same. I don’t know if many people know this but coverage and co-pays for mental health conditions have been on average around 50% versus the more typical 20% so that is a very exciting time for us in our field. What does it mean? We don’t know yet. We are hoping the financial relief will remove at least another barrier for individuals who need these services and won’t make it so cumbersome and we are hoping eventually it will reduce stigma as well.

I have with me this morning a 17 year old young man named Brad. He attends Northwest High School. He has already made a significant impact on Children’s Mental Health System in Kansas with his very dynamic approach to advocacy. He is an active member of Youthlink, which stands for Leaders in Kansas, which is a consumer run initiative and he is the President of the Wichita-Sedgwick County Peers as Leaders Consumer Run initiative, which is a local peer to peer group for teens that have mental health conditions. He is the first youth consumer representative on the Kansas Governor’s Mental Health Planning Council and he attends their meetings monthly so in the past, that council has been in place for a long time so it’s the first time a youth has represented and whose voice is heard. In 2005, Brad received a President’s Education Award for outstanding academic achievement. In 2007, he received a National Federation for Families for Children’s Mental Health Celebration of Youth award and that was given to youth for a challenge with emotional, behavioral, or mental health issues who are building on their strengths to further their education and their life skills. This year, 2008, Brad received the Mental Health America Empower Award that is reserved for outstanding advocates for their exceptional effort in raising awareness of

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mental health issues among America's youth. He developed a PowerPoint Presentation and interactive workshop to shed light on discrimination and stigma and through his presentations including some to peers at his own high school, which is not an easy thing to do he encourages others to rethink the way they view people living with mental health conditions. So Brad is here to talk with you briefly this morning about how his mental health condition has affected his life as well as how his condition is not preventing him from setting and achieving his life goals and as he walks up I would like to also recognize his mom, Sherri, who is an appointment of Commissioner Parks who is also the Chair of COMCARE's Advisory Board so I would like to introduce Brad to you."

**Chairman Winters** said, "Welcome Brad. We are glad you are here today."

**Mr. Brad L.**, greeted the Commissioners and said, "Thank you and I would like to thank you Chairman Winters and Commissioners for letting me speak today. First of all, I would like to just let you know how I got to where I am today. I was diagnosed at the age of four with Bipolar, ADHD and Anxiety. It has been a pretty rough life for me. I had my first suicide attempt at age six and I was hospitalized seven times in between six to nine so it has been a pretty rough life for me. But otherwise after that I got into services with COMCARE and the Mental Health Association. I was wrapped around with case management, psychosocial groups, attendant care, OT and parent support; all of these helped me tremendously with what I needed to do especially my goals in life. You see I have anxiety and it is really hard for me to drive places that I have never been before. My case manager is helping me do that. It is hard for me to get a job because I have anxieties for that too and they help me with that too so things like that they help me do things so that I can be the way that I am today. I will say that now I am giving back to the community because I don't want what was done to me done to other people so I want other people to know that there are other ways out and to let kids know how to advocate for themselves and me and the kids in our groups will go talk to the Legislators and Senators in Topeka about our testimonies and we will advocate for ourselves and tell them our stories and let them know that we are not alone and that this problem is big and there is help out there. We do stuff on teenage suicide; we do workshops and interviews, PSA's and other things too. So that is pretty much what I have done to get as far as I am today."

**Chairman Winters** said, "Well, Brad, thank you very much for coming and sharing your story. We've got a couple of comments up here. Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I think the Mental Health Department has done a lot of good but I think your own determination and hard work and conscious work for yourself has probably been the best thing and you are a very good speaker as well."

**Brad** said, "Thank you."

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**Chairman Winters** said, “Alright thank you. Commissioner Parks?”

**Commissioner Parks** said, “Brad, I just wanted to say that I was proud of your accomplishments and improvements that you have made and I want to thank your mom also, Sherri, for serving on this Board. She works tirelessly for not only you, but for the whole Board and we are fortunate to have to have her in Sedgwick County.”

**Chairman Winters** said, “Brad, again, on behalf of the Board of County Commissioners we appreciate the work that you do in the community and in our State and probably even further than that as we recognized Mental Illness Awareness Week you are somebody who is a success and we continue to wish you the very best in your future. Thank you for being here.”

**Brad** said, “Thank you.”

**Chairman Winters** said, “Alright, Madame Clerk would you call the next item?”

### CITIZEN INQUIRY

#### **C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING TAXES IN SEDGWICK COUNTY.**

**Chairman Winters** said, “This is the time in our agenda where citizens can request to be placed on our agenda and address the Commissioners and we do have such a speaker here today and we would like to try and limit your comments to five minutes if we can so welcome to our Commission room.”

**Mr. George Fulp**, 14220 E. Donegal Cir, Wichita, KS 67230, greeted the Commissioners and said, “In the five minutes, and I will get through this as fast as I can, but it doesn’t lessen the importance of what I need to impart today. There are two items. A couple of months ago we talked about property taxes and evaluations and the national decrease in property values around the country average 7% to 10%. As we all heard yesterday and in the last 48 hours the national percentage now in decreasing property evaluations across our country is 25%. We need strongly to take a look at the current property evaluations that are about to build out this fall. The one thing I love about local government is that we can cut through the bureaucracy when we have to respond to community needs and take action. We are not bogged down such as Washington and Topeka are. And businesses and individuals are hurting, credit is dried up, there is no way a reasonable person can say that the increase in property evaluations imposed by the County Appraiser on a lot of residences and businesses this County can still stand under these current conditions. This Board has the ability under Item E and I by a vote, by a motion, a second and a vote of majority of three in our opinion to

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do one of the three suggested things. Put on the agenda to instruct the Appraiser to roll back the evaluation, the increases that are about to be billed out because they can no longer be justified. Number two, recognize the national average of decrease in evaluation by 25% and have him roll back all property evaluations by 20-25%, business and residential or three, at least by direction of this Board, have him do a reevaluation, taking into consideration current financial and market conditions and that could be done with his office, his staff and if you go that route then I would suggest that we have a citizen's input oversight committee independent of the real estate of development industry to watch this process so as a result comes back and it is reported to you and the public they can say as independent observers it has balance and integrity. Of course, the fourth option is to do nothing but we really feel strongly that you need to consider that. Again, you could take action today under Item E or I.

Second item, Chateau Estates, raise your hand please. A couple of weeks I have gone and I saw the tapes when I got home relative to the paving of the street, was it Calais Lane? Calais Street in Chateau Estates. It is a dead end road and it did pass the second time around. I saw that and I was appalled. I like to think of us paying community taxes in a local government environment as somewhat of an insurance pool so that if I ever need police it's there and the best that can be had, or Fire, or EMS, my roads are safe. The basic things that we all pay taxes for, bridges and roads. \$2,400 a year as the minimum is going to be opposed upon these good folks for 15 years to pave that road. I don't think a lot of them understood that right now you are paying \$800 a year to Sedgwick County in taxes, now you are going to be paying \$2,400 for a special for 15 years. We could spend tens of millions of dollars on social engineering programs, a \$1.7 million targeting drug users. Look at the tens of millions of dollars in the CIP budget that we have spent in the past to provide roadways almost of no worth for the later convenience of developers so they won't have to pay the infrastructure cost. Things that we pay taxes for to me, and I think Commissioner Parks I want to compliment you because I watched the tape. He got it right, didn't speak up for us way enough sir in my opinion but he got it right in voting no. It is not going to increase their property value by the time the 15 year special is over that road is going to have to be repaired or replaced. Their poor little townships like the one I live in. So much has been gobbled up by annexation we don't have enough money in my township to do our roads, for now or for the foreseeable future. I request today and I think also these people do is that you under Item I or Other today vote to put this under reconsideration. Bring it back up next time, give these people an opportunity. \$200 a month is easy to think up but they are going to get billed once a year on their tax statement, \$2,400. This one gentleman sitting here, his total bill last year, school and everything was \$2,400-\$2,600. This addition will cost him \$2,400 more at least. He is going to be looking at Christmas time with a tax bill of \$5,000. We urge you to bring this back for reconsideration. Thank you."

**Chairman Winters** said, "Alright, thank you sir. Commissioners, I would make just one comment for the public that may be listening. The County Appraiser does value property, he establishes that

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value on January 1<sup>st</sup> of each year, property evaluation notices are mailed out in March and the value of those properties are established by the market and sales transactions that happen in the housing industry. He is monitored by the Kansas Department of Revenue and the Department of Property Evaluations. If his values don't match up with sales then he is in trouble, we are in trouble, so I just thought I would make those comments for anybody who may be listening. Madame Clerk, would you call the next item?"

**D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING RFP 08-0241 FOR LEGAL PUBLICATIONS.**

**Commissioner Welshimer** said, "Mr. Chairman?"

**Chairman Winters** said, "Yes?"

**Commissioner Welshimer** said, "This issue was postponed by the Bid Board and Mr. Bush wanted to address the issue after the Bid Board."

**Chairman Winters** said, "Yes, I think he has asked to be scheduled next week or at another meeting so at this time do we have a motion to defer Item D until a later time?"

**MOTION**

Commissioner Welshimer moved to defer Item D to a later time.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, "Madame Clerk, call the next item."

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### NEW BUSINESS

#### **E. DIVISION OF FINANCE.**

##### **1. REPORT BY THE CHIEF FINANCIAL OFFICER REGARDING COUNTY EXPOSURE TO FINANCIAL MARKET TURMOIL.**

**Mr. Chris Chronis**, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, "It is not news that the financial markets are in turmoil and have been for a month or so now for a variety of reasons. I have had questions from several of you and from citizens about what impact this turmoil might be causing on Sedgwick County and so I thought it might be beneficial to do just a brief report to you on what kinds of exposure we have to the financial markets, what risks those exposures create for us, and what we're doing to minimize those risks and so that's the purpose of this agenda item today.

We are interacting with the financial markets in four ways. First, as a depositor of funds, we have significant balances in bank accounts that we use to pay our bills with, as you would expect. It is a fairly significant amount of money, as you will see. We have additional balances that we invest in a variety of different kinds of securities and that creates a set of risks for us and I'll talk a little bit about those. We are a seller of debt. We issue bonds to finance various County projects and as a provider of funds to the financial markets we also face a set of risks that are somewhat different than our risks as an investor in the market and I'll speak a little bit about those. And finally, we are an issuer of housing bonds and that is a particular kind of investment or a debt and it creates its own risks for us and we are taking steps to minimize those and I'll talk a little bit about that. First, county deposits. What you see on this line graph is the level of county deposits at the end of each of the past 12 months and what you can see is that our deposits varies fairly substantially as the year passes and that variation is caused by the county's tax collection cycle. What you're seeing on this chart is not just what's in the county's checking accounts, but also what we have in collateralized time deposits, which also are forms of deposits. As of the end of September, we had about \$35 million in various kinds of deposits with banking institutions. The deposit of \$35 million creates a serious of kinds of risks for us. One risk obviously is that the bank might close, it might cease to do business and we've seen in the news in the past several weeks a number of banks have closed. When that happens, the depositors in that bank are secured by the FDIC, the Federal Insurance Program, now to the level of \$250,000. We have far more than \$250,000 in our bank accounts and so we have to take additional steps to provide security for our deposits. A second risk is that the bank might become illiquid. It's still in business but it doesn't have sufficient cash on hand to address the demands of its customers for that cash. In other words, a run on the bank. That is a considerable risk to us since we have so much money in the bank. And finally, there is a risk to us

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that collateral that has been pledged for our accounts might not be worth what we think it's worth and so if the bank does close or if the bank can't provide the cash that we demand and so we call on that collateral in a fire sale, a quick sale of that collateral, we can't convert it to cash having the value that we expected to have. All of those are risks of county deposits.

Now what are we doing to protect against those risks? Well, under State law, the banks, the financial institutions are required to pledge collateral for public deposits. That means that they are required to place in the name of the depositor various kinds of securities, federal securities, generally federal securities. The State law provides that that pledged collateral has to be equal to 100% of the amount of deposits that the public institution has placed in the bank. The collateral, under State law, can include a variety of different forms including direct obligations of the United States, meaning treasury bills or notes; Kansas government bonds; no fund warrants of Kansas local governments; temporary notes; not for profit corporation bonds; commercial paper and negotiable promissory notes, all of those are acceptable forms of collateral under State law. Our County policy is an additional layer of protection that we have created. Our policy is more restrictive than State law. In contrast to the State law, our policy requires banks, financial institutions to collateralize county deposits to the tune of 102% of market value. We have, in other words, a small margin to allow for fluctuation in market value, which always happens, so we have a layer of protection to allow us to determine when values are dropping and we can get to the bank in time to require them to pledge additional collateral. We also limit the forms of collateral that we will accept from banks to fewer forms than are permitted by State law. Unlike State law, we do not accept no fund warrants or temporary notes or not for profit corporate bonds or commercial paper or negotiable promissory notes. All of those are permitted by State law but not by Sedgwick County because we consider those to be too risky to accept as security for county deposits. The pledged securities that, those securities that a bank pledges against county deposits, we require the bank to place in a third party depository. We don't allow the bank that holds our deposits also to hold the security that is pledged against our deposits. If the bank closes, it doesn't do us much good to have security pledged to us if we can't get to that security and so we want that bank to place that security with a third party and we require that to happen. We monitor the market value of that collateral routinely and in this current market condition, we are monitoring the value of collateral more regularly than we normally do. Normally, we price security, price the value of collateral, on a monthly basis and we require banks to adjust as we find that the values of collateral have dropped below acceptable levels. Now we are monitoring collateral on a weekly basis and we requiring banks to take appropriate adjustments. We do not allow banks to substitute collateral. A typical practice in many governments and with many financial institutions is for the bank to be in charge of what collateral has been placed for a public deposit and the government allows the bank in response to its own business needs, to swap collateral as its business needs change. We do not allow that. We require collateral to be pledged in the name of the county and we require that the county release that collateral, so a bank that has pledged collateral to Sedgwick County cannot on its own initiative,

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substitute, take that collateral away and replace it with something that might have lesser value or be more volatile in the marketplace. So that's an additional protection that we've provided through our local policy. Finally, of course, if the bank fails, we have a claim on that collateral. It is in our name and solely at our demand that third party that's holding the collateral will release it to Sedgwick County, so that we can then sell that collateral in the secondary market and restore our balances.

The second area in which we have exposure to the markets is through our investments. These are uncollateralized because what we are investing in are the very securities that in the case of deposits form the collateral. What you see on the top of this chart collateral is the monthly investment portfolio that we've had for the past 12 months and what we are showing here is only the uncollateralized investments. Again, the time deposits, the collateralized time deposits, repurchase agreements and certificates of deposit that we have were shown previously with the deposits so this shows our uncollateralized investments and it ranges again according to where we are in the tax collection cycle anywhere from about \$300 million on the low end to about \$450 million on the high end. As of the end of September, we were at \$311 million in our investment portfolio and what you see on the bottom half of this chart is the distribution of that portfolio among types of securities. The three largest slices of the pie, the green; the dark blue; and the lighter blue at the bottom represent the far and away, the largest shares of our investment portfolio, cumulatively a little over 75% of our \$310 million was contained in securities issued by the Federal Home Loan bank, the green; Fannie Mae, the dark blue; and Freddie Mac, the light blue.

Now, I am sure that some of you and some of the people that might be watching this hear the names Fannie Mae and Freddie Mac and start to wonder why in the world the County is investing in those, those have defaulted haven't they? Well, in fact, they haven't defaulted. Those institutions have effectively been nationalized. The people who had invested in those institutions, the people who own stock in those institutions, took a loss when the Federal government took over control of those institutions but the securities that had been issued by those institutions, which form our investments remain good. They remain valid. They are every bit as valuable now as they were before this crisis hit and as long as the Federal government stands behind those securities we are perfectly safe, it is not a concern for us.

Now, our investment risk exists in several areas. First, we have to be concerned about whether or not the issuer of the security in which we have invested remains in business. Again, Fannie Mae and Freddie Mac to site two that we have invested in remain in business, their ownership has changed but they remain in business and their securities remain valid. If they go out of business we've got a problem. We also have to be concerned if the secondary market for the securities that we invest in dries up. We rely in a crisis on our ability to sell these securities to some other party other than the issuer if we need to get cash quickly. We don't typically operate in that way but if

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we were to have to sell these securities very quickly we would not sell them back to Fannie Mae or Freddie Mac or the Federal Home Loan bank, we would sell them to another investor. We rely on the presence of those investors, what's termed the secondary market, to do that and so a risk to us in the current market conditions is that that secondary market might dry up. A third risk is just simply the loss of principle. Securities rise in value and they drop in value and if we have to sell a security before its maturity date we run the risk that we will have sell it at less then what we invested in it. That would be a problem for us.

Now what do we do to minimize those risks. Well, again, we have a State law that establishes a set of perimeters under which local governments are allowed to invest public funds. That State law generally limits public investments to local bank certificates of deposit and to investments in the State's municipal investment pool. The State law also provides that if a local government has an investment policy that is approved by the State then that local government can invest in an additional array of securities, a second State law applies to that government. We are one of a handful, I believe its nine local governments in the State of Kansas that have an approved state policy and our policy, a policy that has been approved by the State, excuse me, not an approved state policy. Our policy establishes very clearly that our investment objectives are first, safety; we do not want to take a chance on losing principal. Secondly, liquidity; we do not want to take a chance on not having a secondary market available to us if we should need to sell securities before they mature, and only finally, only third, yield; we are not primarily interested in maximizing the return on our investments. We're primarily interested in assuring that those investments remain whole, they remain safe, and they remain liquid. We can sell them when we need to. Only after we've satisfied those conditions do we go after yield. Now, our policy requires the brokers with whom we do business to read and acknowledge that policy. In other words we require our brokers to sign a document saying that they understand what our investment objectives are and what the parameters are surrounding our investment program and we do that as a way of minimizing the chances that a broker out there interested in making some money, is going to offer us securities that are really too risky for our portfolio. We want to make sure that they know what our objectives are and what our parameters are, so that they don't bring those high risk investment possibilities to us. Our investment policy requires that we be diversified. The basic state law requires or limits public investments primarily to bank CD's and to the State's investment pool. That is not a very diversified portfolio. Our policy sets upper limits on the share of the total portfolio that can be invested in each type of security; federal agency securities, treasury bills and notes, CD's, the State investment pool, other money market funds, and so on. It sets upper limits on the share of the portfolio that can be vested in each of those so that we are required to have a diversified portfolio.

Our securities, as with our collateral, are all held by a third party. We don't place an investment with an institution and allow that institution to hold the security that we have bought from them. We require that security to be transferred to a third party and held in our name. Again, for the same

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reason as we do with collateral in banking institutions. Our general practice is to hold securities until maturity so that we eliminate the potential for price volatility to cause a loss of principal. If we try and aggressively sell securities before maturity, we run some risk of price volatility. Sometimes we'll win, we will sell at a gain. Sometimes we'll lose, we'll sell at a loss. We don't want to play that game and so we generally hold all of our securities until maturity. We take the stated interest that we receive on that security and we give back 100% of the principal and we call it good. Finally, our investment policy and our practices require frequent monitoring and reporting of the program. We monitor our investment program on a daily basis. I receive a weekly investment report that identifies the composition of the portfolio. You receive a quarterly investment report that identifies our performance for the past quarter and it identifies all of securities that are in our portfolio as of the end of that calendar quarter. And of course that information is available on request at any point during the quarter but we routinely provide that information in an effort to assure transparency of the county's investment program.

Turning now to County's debt as a third area of exposure to the markets. What you see on the top of this chart is the amount of outstanding debt that the County expects to have at the end of 2008 and each of the next five years after that. Currently, the County has about \$130 million of debt outstanding. Later this year we expect to issue about \$60 million of additional debt to pay for the National Aviation Training Center, the expansion of the Regional Forensic Science Center and several road and bridge projects. All of those projects you are well aware of, they have been in our plans and in our CIP for some period of time. After 2008, our current adopted financial plan and capital improvement program calls for us to issue an additional \$75 million of debt over the next several years to pay for a variety of other projects. Principally, the new radio system that we have discussed with you in recent months, a variety of road projects, drainage projects and improvements to County buildings. The presence of that debt creates risk for the County, not so much in what we have outstanding but in what we want to sell going forward. The way we sell our debt, once it is sold we don't have any exposure. The secondary market, the people who invest in our debt, are exposed to some risks. They run the risk that we may not pay them but we don't have any risks once we have sold debt. Our risk in the current financial markets is that we may not be able to sell bonds when we need to sell them to finance projects or if we sell the bonds we may have to pay an extraordinarily high interest rate. Now let me show you a couple of charts to illustrate this risk to us. What you see here is the average interest rate for municipal bonds going back to the late 1970's and you can see as you move across to the right to current time period that over that long period of time, interest rates generally have been dropping. Back in the late '70s municipalities were selling bonds at 13% or 14%, now and for the past several years we have been selling bonds at 3% or 4% or 5%. This chart shows just the last couple of years and it highlights the volatility that we see in the current marketplace. If we went to market a month ago we would have sold bonds at about 4%. The average for the entire marketplace, according to this chart, was a little over 4.5%. Today, those same bonds would sell for a good two percentage points higher than they would have sold

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about a month ago. That represents a significant risk of increased interest costs to us which could have an effect on the County's budget and on our ability to finance projects. So that is the risk that we are trying to avoid.

Now, how do we do that? Well, again, we rely heavily on an established County's debt policy to set the perimeters within which we can operate. The best way to avoid risk in the debt markets, in the debt issuance markets, is not to incur debt and we don't incur debt in a number of ways that many governments do and that is causing a lot of heartburn around the Country right now. It is not uncommon for governments, like many businesses, to provide cash flow to pay their ongoing bills through short term financing, the issuance of commercial paper or bank lines of credit. You might have read recently, just within the past week, that the State of California, which does that, is now talking about approaching the Federal government for an emergency \$7 billion loan in order to make payroll within the next month. They rely on a rollover of short term debt to provide operating cash to short term market in the current turmoil has dried up and that cash is no longer available to the State of California so they are going to the Feds. If the Feds say no, it's a good chance that the people who work for the State of California are going to miss a paycheck. That is a significant risk that Sedgwick County avoids by not engaging in that practice of using short term debt to provide operating cash. We have significant cash balances that we use to provide for the cash flow needs of the County and that is why we have those cash balances. The debt policy that we have establishes limits on the amount of debt that the county will tolerate. It sets capacity limits. It requires that we engage in substantial amounts of planning for debt issues so that we know well in advance what we expect to sell debt for and what impact that debt is going to have on the County's budget and we have fallback plans in case we can't sell that debt. All of that is required by County policy.

Finally, our policy discourages what I would term gainsmanship. There are lots of ways in the financial markets and the debt issuance markets of tweaking the structure of the bond issue and saving a few bucks. We generally don't do that because those tweaks are what is causing the turmoil that we're experiencing right now. The County doesn't have variable rate debt and so we are not exposed to the volatility that we see in interest rates right now. We don't have insurance on our debt as a way of driving down interest rates and so we don't have exposure to third party insurers, who suffer a loss of their credit rating, which affects our debt. We don't have demand bonds, which is a form of commercial paper that we use to, that many governments use to finance project costs. Again, we rely on cash balances to pay for the upfront costs of projects and then we reimburse those cash balances when we finally sell long-term debt. All of those are ways that we have minimized our exposure to the current turmoil as it affects debt issuers.

The final area of exposure that we have is with housing bonds and I don't have any charts to show you here because, frankly, this is an area that I know probably less about than I know about

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anything else that I have discussed today. What I can tell you is that the County has currently over \$700 million of housing bonds outstanding in the marketplace. Those housing bonds, again, are not a risk in and of themselves. The risk to us is having the cash available to repay that debt when it comes due. Housing bonds have as one of the critical issues, the feature of advance repayment by mortgage holders and default by mortgage holders, delinquency by mortgage holders. To the extent that if either of those two things happen, the plan for repayment of debt gets altered; we either receive funds faster than we thought we were going to receive them from the mortgage holder and so we don't receive all of the interest that we thought we were going to receive from that mortgage holder and so we don't have the cash flow to repay the debt or the mortgage holder goes delinquent and we don't get repaid at all. Either of those creates a significant risk to us in our ability to repay those housing bonds. Now, how do we address that? Well, first, the housing bonds that we have sold are secured solely by the revenues that are projected from that housing bond issue. No county revenues are pledged against any housing bonds. And so from a legal standpoint, if there is insufficient cash in the account to repay the purchaser of a Sedgwick County housing bond, that purchaser has accepted that risk. They don't have a claim on Sedgwick County, on our taxes, to make them whole, as bond holders do for typical county bonds. Now, we do have a moral obligation to that bond holder. That's an issue that we would have to take on, to address if that situation arose. Those bonds have Sedgwick County's name on them and if those bonds go into default, those bond holders understand the risks that they took and they are going to accept that risk. But if Sedgwick County's name is associated with a defaulted bond, for any reason, that would have an effect on Sedgwick County's ability to sell any kind of debt. And so we have a moral obligation to make that bond holder whole to repay that and so if we were to reach a situation where there were insufficient funds from the housing program to repay housing bonds, we would have to consider whether or not the risk to county's bond issues and our moral obligation to bond holders was sufficient that we are willing to tap into county cash, county revenues, to repay those housing bonds. Again, not a legal obligation, but perhaps a moral obligation.

We also have a risk with our housing bonds in the master servicer that we have hired to run the program for us. When a bank sells a mortgage and funds that mortgage with Sedgwick County bond proceeds, that mortgage gets repaid by the homeowner to a servicer of the mortgage. We have what we call a master servicer who handles all of the Sedgwick County deals so anybody that buys their home with monies that came from a Sedgwick County bond are going to repay their mortgage eventually to Sedgwick County's master servicer. The money may flow through several hands before it gets there but that is where it's going to end up and that master servicer is going to place that repayment into an account that is invested on our behalf and eventually is used to repay the bonds. During the period of investment that company with which it is invested has guaranteed us a particular interest rate and we have counted on that interest to provide sufficient cash to make the bond payment when it comes due. If that company with whom we have placed the investment, for whatever reason, is unable to make good on its commitment then we run the risk of a short fall in

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cash to make the bond payments. Two of our investment contracts are in that situation right now, two sets of investment contracts. One set is with AIG and you have all heard about AIG the insurer.

We have guaranteed investment contracts with AIG for some of our housing bonds. AIG has, because of their downgrade, has been forced to return that money to us. They can no longer make good on the investment contract and so we are in a position where we are unable to earn the rate of interest on those monies that we expected to earn. Similarly, we have an investment contract with a bank called Deptha, which nobody's heard of. It's an Irish bank that exists primarily to do this kind of business. It is a subsidiary of a German bank that collapsed last week and again, Deptha has been downgraded and so under the terms of our agreement with them they are required to return the money to us so that we can place it elsewhere but in the current market we can't place it anywhere and get the rate of interest that we expected to get from Deptha and so we will incur a shortfall on those investments that we had with AIG and with Deptha. We expect to cover that shortfall with excess proceeds that we have accumulated in other prior housing bond issues that remain in our accounts and to the extent that those are adequate and we expect that they will be then this risk is not a concern. To the extent that our excess proceeds from other investments are insufficient to pay this shortfall, then we run into that situation that I described earlier of whether or not we want to stand on our legal obligation and require the bond holder to suffer a loss or whether we want to consider our moral obligation and the potential impact on other county bond issues and we want to draw down some county revenues to make that payment. I don't think that's going to happen. That's not a major concern but it's a possibility.

That, in I was going to say in a summary, but that's not much of a summary, that is, those are the four areas of exposure that we have to the marketplace and those are the risks that we face and those are the actions that we are taking to address the risks. What I'm sure you would like to hear, what I would love to be able to say, is that the county is fully protected, you don't have to be concerned. If I were to say that, if anyone was to say that, that person would either be a fool or a liar because it isn't so. We cannot give you absolute assurance that the County is protected from downturns in the financial markets. What we have done through our prior policies and through our current actions is take all of the steps that we know of to assure that our risks are minimized and to the extent that we face those risks, that we have adequate protections in place and adequate reserves in place to address those problems.

This presentation was prepared primarily by Troy Bruun, you know Troy, our Deputy CFO. The County's deposits are primarily the responsibility of Anne Smarsh, the County's Accounting Director, who is in the back of the room, and the County's Investment Program is primarily the responsibility of Sara Jantz, who also is in the back of the room. Now I would love to say that if this all goes downhill, it's their problem but sadly, I can't do that. They do the work to keep us safe but if we have problems, I am the guy at the top of the food chain and they are my problems and I'm the guy that you need to hold accountable. If you have any questions, I'll be glad to try and

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address them. If not, that's the report and I recommend that you receive and file."

**Chairman Winters** said, "We have a couple of questions. Commissioner Norton?"

**Commissioner Norton** said, "Chris, if there is kind of a medium which case scenario, what do you anticipate the shortfall dollars to be from a little bit of loss of investment, a little bit of money out of the housing market? Is there a dollar figure that County Commissioners will be sweating over, that we might have to pull out of some fund balances or whatever? Is there anything that you...?"

**Mr. Chronis** said, "I don't anticipate it, no. Based on everything that we know right now I don't anticipate it."

**Commissioner Norton** said, "So even though it's still a dicey situation, right now it doesn't look like the County Commissioners are going to have to have some kind of a meeting to come up with a million, two million dollars to fill in some gaps or whatever?"

**Mr. Chronis** said, "No, I don't believe so."

**Commissioner Norton** said, "And if that looks like that is going to happen we are going, you will give us some kind of a briefing?"

**Mr. Chronis** said, "You will be the first to know."

**Commissioner Norton** said, "Ok. I guess the second thing, is there items in the next few years that we anticipate to bond that will be at higher...what are those items? I guess that we anticipate to bond in 9, 10, 11...as that bond graph goes up."

**Mr. Chronis** said, "The largest single project is the new radio system that we've discussed, the emergency radio system. The bonds for that, if I remember right, are estimated to be about \$24 million I believe and that sale would take place in 2010 or 2011. Now, it's hard, a month ago I would have said it is hard to conceive that what we are experiencing now we would experience, but it is hard to conceive that two years from now we would still have the kind of turmoil that we have in the marketplace and so the farther out, the time of horizon we go, the less worry I have about our ability to sell bonds at a reasonable rate. The immediate concern is the bonds that we expect to sell later this year for the National Aviation Training Center and the Regional Forensic Science Center. Those will be public building commission bonds. Tentatively, we are scheduling the sale the first week in December for those after we've received bids on the two projects in November. We have adequate cash reserves, we have paid the bills to date with cash balances and we have expected to reimburse those cash balances from bonds when we finally sell them. We have adequate cash balances that if the market place remains as unstable as it is now in December, most likely we

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would not go to market, we would not sell those bonds and we would continue to draw down cash balances. We would simply delay that sale. That is again a considerable advantage that we have by having adequate cash balances on hand. The unified government of Kansas City-Wyandotte County was forced to go to market last week with some bonds that it could not delay because it didn't have cash balances and it had contractors under contract that needed to be paid. As I understand it, as I have been told, they sold some one year notes for, I was told, about 3.5% that several weeks ago would have been sold for about 2%. They sold some standard long term bonds for about 4 ¾%, I believe it was, those I believe were 10 year bonds and several weeks ago those bonds would have sold for between 3% and 3.5%. So they are looking at 50% higher interest costs that they simply couldn't avoid because they had to go to market."

**Commissioner Norton** said, "Even at that we've had record low bond rates for the last few years anyway, is that correct?"

**Mr. Chronis** said, "Yes."

**Commissioner Norton** said, "I mean we've kind of been blessed that we have had a pretty good market to go into so..."

**Mr. Chronis** said, "As you saw from that prior chart, that chart, over the long term, the last 30 or 35 years the rates have consistently come down from their peaks of the late '70s and so looking over the long term, yes, we are in a good situation."

**Commissioner Norton** said, "It's not untypical sometimes to take a project and pay it for cash for a while until the bond rates are kind of where you want them to be anyway is that not correct. And we haven't had to do that recently cause the bond rates have been so low but I know in the past..."

**Mr. Chronis** said, "It's less common now because of the market conditions that we have been facing then it used to be but it used to be a fairly common practice yes."

**Commissioner Norton** said, "Yes, ok, that is all I have Mr. Chair."

**Chairman Winters** said, "Thank you. Commissioner Parks?"

**Commissioner Parks** said, "Alluding to the radio purchase in 2010, you said something about you couldn't imagine this going on that long, however, we are not to the magnitude we were in 1929 but that took 16 years to recover from that so I just thought I would throw that out there. Back to the first of your presentation you were saying that the collateralization, is it 102%?"

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

**Commissioner Parks** said, "Who audits this or who makes sure that the collateralization is there?"

**Mr. Chronis** said, "It's our investment officer, Sara Jantz, who has the primary responsibility for that. Our compliance policy is monitored annually by the County's external auditor as a part of their audit and if they find policy deviations, they are going to report those to you in the Management letter."

**Commissioner Parks** said, "Well, I would like to make sure that that message is given to us quickly on that. Can you send this to me electronically, the program that you just gave today?"

**Mr. Chronis** said, "Yes."

**Commissioner Parks** said, "Thank you."

**Chairman Winters** said, "Alright, Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chairman. Well, Chris as you know sometimes we have chaffed a bit at the controls, internal controls that we have and our self imposed policy, especially about our debt limits that we put on ourselves and we've had discussions about the size of some of our reserves, about how we can use that to manage County budget but I think this is a situation where it shows the wisdom of that and the safety of that for Sedgwick County citizens. So just an expression of support and congratulations for you making us hold the line on some of those issues and the good job that your staff does in helping us manage this. I think in the current situation it can be said that Sedgwick County is strong and has the ability to take advantage of opportunities as they arise, as probably any government around here that we know of and that is because we have maintained strong reserves, we have good controls on our debt and good policies about our investments so although we have to be careful and we can't get giddy over what is a relatively strong position, I think that we just want to send a message to our citizens that our staff has done a great job managing and the Commission has done a good job in trying to monitor that so that we are in a strong, safe position for our Sedgwick County citizens. So that is a long way to say you've done a good job and appreciate it."

**Mr. Chronis** said, "Thank you."

**Chairman Winters** said, "Alright, thank you. Commissioner Welshimer?"

**Commissioner Welshimer** said, "Well, I think the other time we figure in here is the evaluation

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increase that we've had, about 5% every year for the last few years, and so far this year I think we have a 2% increase, which is going to affect us so we do have that to consider and we will see how that turns out. We have fewer sales but at least in Wichita we are holding study on prices and they are up but for how long we don't know."

**Chairman Winters** said, "Alright, Chris, thank you. Thank your staff. We appreciate the report today."

**MOTION**

Commissioner Unruh moved to receive and file the report.

Commissioner Welshimer seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

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

- 2. AMEND THE 2008 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE THE ADDITIONAL COURTROOM AND CHAMBERS IN THE JUVENILE COMPLEX PROJECT.**

**Mr. Pete Giroux**, Senior Management Analyst, Division of Finance, greeted the Commissioners and said, "I have two requests for CIP amendments this morning from the District Court. They are similar in nature and they both accelerate two projects that are in the 2009 Capital Budget. The first is to add courtroom and chambers to the Juvenile Court Building. It is needed first to accommodate one of the two new judges that was approved by the Kansas Legislature in the past session. It is also needed to accommodate the Kansas Supreme Court Ruling that extended right to jury trial to

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accused juvenile offenders and that ruling was in May or June. Again the project is a part of the approved 2009 CIP. It will be an addition to the recently completed Juvenile Court Building. We did design the building with sufficient infrastructure to allow it to be relatively easily expanded. Again this allows us to begin design a bit sooner. The project cost is as indicated and again we anticipate funding this with bonds issued in 2010. The CIP committee and staff recommend the approval of the CIP amendment. Do you have any questions?"

**Chairman Winters** said, "Alright, thank you Pete. Again, this is an amendment to the CIP. This project was discussed at our August budget time and was scheduled to commence in 2009. Is that correct?"

**Mr. Giroux** said, "Yes, sir. We are just accelerating it into the 2008 CIP."

**Chairman Winters** said, "Alright, thank you. And this particular item has to do with the Juvenile Complex?"

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

**Chairman Winters** said, "Alright, thank you. Commissioners, are there questions about this item? Commissioner Unruh?"

**Commissioner Unruh** said, "Well, I don't have a question but just a comment that in the planning for the Juvenile Complex down there, it was anticipated that this might incur in the future. This is a little sooner than we anticipated but not totally unexpected. We just hoped that it was further down the line. It is precipitated in a large part by action by the Legislature and so we are compelled to respond and although this is not something at this time that we would prefer to do I think it is a necessary item that we proceed with and I am going to be supportive."

**Chairman Winters** said, "Alright, thank you. Commissioner Norton?"

**Commissioner Norton** said, "Well, it is really just an add on to what Commissioner Unruh was saying. We are compelled to provide facilities and budget for the Courts and much of what they do is driven by the Legislature that enacts laws and rules and funding strings for more judges and I think that is where we find ourselves today. I think we planned ahead prudently for this but I don't think we anticipated that it was going to happen this quickly and the Legislature moved it through pretty fast, they authorized an additional judge and we are pretty well compelled by State laws and the rules of order to provide for the judiciary and I think is the way we do it. It has to be at that complex. It is a juvenile issue and because now we have to offer them the ability to have a trial by jury we need a courtroom that will allow that because I think, as I understand now, the courtrooms

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don't allow trials by jury.”

**Mr. Giroux** said, “That’s correct.”

**Commissioner Norton** said, “And to be able to provide that at the Juvenile center and not try to move those trials, court jury trials into the main courthouse, really our only alternative is to put it here. I am going to be supportive of this. I had hoped that it wouldn't happen so quickly. The good news is that we had planned ahead for it with infrastructure and now we can move prudently ahead to put it in a budget so it is just too bad that we have to expand those County juvenile facilities. That is all I have Mr. Chair.”

**Chairman Winters** said, “Thank you. Commissioner Parks?”

**Commissioner Parks** said, “I will be very short. We don't only have to abide by the Legislature and what they have imposed on us but the Kansas Supreme Court also. Thank you.”

**Chairman Winters** said, “Alright, thank you. Commissioners we are Item E-2, what's the will of the Board?”

**MOTION**

Commissioner Welshimer moved to approve the amendment to the CIP.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

- 3. AMEND THE 2008 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE THE ADDITIONAL COURTROOM AND CHAMBERS IN THE MAIN COURTHOUSE PROJECT.**

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**Mr. Giroux** said, “This second request is to add an additional courtroom and chambers to this facility here in the main courthouse. Again, it is needed to accommodate the second of the two new judges that were approved by the Legislature. It is an approved 2009 project. Cost is approximately \$1.7 million. We anticipate funding this with a different fund source, a courthouse bond that we plan on issuing in 2009. CIP committee and staff recommend approval of this CIP amendment.”

**Chairman Winters** said, “Alright, thank you Pete. Commissioners, I have had a request from Register of Deeds, Bill Meek, to address this item. This item will cause some reshuffling in the courthouse and I have told Bill that he could certainly come and address us if he would like to do that. I see he is in the room.”

**Mr. Bill Meek**, Register of Deeds, greeted the Commissioners and said, “What I would like to do today is two things, one is explain what my position will be on the move and two, share with all of the Commissioners some information that I have only shared with a few. First of all, once the County Commission makes a decision on what they want to do, the Register of Deeds will do whatever is necessary to comply and to be cooperative and to work with the County Manager’s staff and your wishes. We have always tried to do that, we’ve always tried to work with people and we have no reason not to continue doing that. Our biggest concerns, moving and change always causes a little bit of conflict but sometimes moving in changes, not a bad thing because you can look at different procedures, you can make things a little faster, make things a little better, easier for the...you look at your business processes and try to improve that. Our biggest concern, our need not our want, is that we have got to have a safe, secure place for our County records. If nothing else, the Greensburg Tornado showed how important a vault, secured area is. In Greensburg, the Register of Deeds was able to retrieve all of their entire records from their vault. No other departments were able to do that. District Attorney lost some records, Appraiser lost some records but that is how important that vault is.

The second major concern is that we must be open for business all the time. I know that is your wishes, I know that is the Manager’s staff and wishes. I just know that that is what we have to do. So if we have to run dual systems parallel for a short period of time then we might consider that. It is important that we be open for business to be able to accept documents because that is the...Kansas has the race to the courthouse and that is extremely important. The next item is do I have any doubts at all that we will be involved in the planning? Absolutely not. The people that work for you work hard at what they do and they really, really try to be considerate of all the things that we need. We have had people from your construction staff come up and see what we have in the vault and say yeah because it didn’t show up on the original drawing so they actually went out and really came up and took a look at it so I am confident that that will work out.

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The last and final thing is that the people that I work with asked me to ask you this. Would it seem more reasonable to move the Judge's Chambers to the second floor and I promised them I would ask you and a promise is a promise. I want to assure all of you that whatever decision you make, we will do whatever is reasonable and necessary to try to get it accomplished and I will stand for any questions."

**Chairman Winters** said, "Alright, thank you Bill. I don't see any questions now but we appreciate you addressing the Commission and we will take in consideration your comments."

**Mr. Meek** said, "Thank you."

**Chairman Winters** said, "Thank you. Commissioner Norton?"

**Commissioner Norton** said, "Well, I have several things. First of all, you know I think Bill is right. There needs to be a continuation of operations kind of plan put in place because that is a critical area to many, many people in our community that deal with it. I don't have the numbers, Bill could probably tell us how many documents and deeds and transactions, both electronic and paper that he deals with every day, every month, every year and it is a volume that I can't even digest myself so a coop plan, a continuation of operations plan going into this is going to be very important. I think that is going to have to do with movement of actual documents and paperwork and offices but its also going to have to do with electronic hook ups and dual systems and I am going to be supportive of that because I don't think we can just let this happen by serendipity.

The second thing would be, I would hope that we would engage the Register of Deeds and maybe the County Clerk and the Treasurer in kind of a strategic planning session for the future. If we are moving the Register of Deeds right now is that going to be a five year fix or is that going to be a 20 year kind of fix? The truth is I have had some extreme thoughts about what the future of the Courthouse is going to be for the last five years. I will consider moving the Judge's Chambers but I don't know that that is going to fit in well with what the real strategic plan needs to be for the next five to ten years but I would certainly open that up and look at it.

The final thing is, I think we have to continue our conversation about a Courthouse movement to create a County Administration building. It only looks to me like the future is that the Courthouse is going to be absorbed and totally moved towards a Judicial Courthouse, DA, Sheriff system building and ancillary kind of things like the County Commission, the Finance officers, Register of Deeds, County Clerk, Treasurer; are going to eventually have to move out of the Courthouse. Now whether that is today or five years from now, maybe I am not even going to be involved in that decision but I think we have to be looking at it. I advocated several years ago that we look at some buildings that were for sale up and down Main Street to get out of this building before these kinds

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of decisions had to be made, where we are going to move the Appraiser out of downtown but I think the time is now for us to start thinking about it. It probably will not be popular with every citizen. They'll say 'well, shrink down the Courthouse, make it smaller, put everybody in there.' The truth is, the judiciary is getting bigger. There is more case load for the DA, we know the jail has been a dicey issue plus all of the ancillary programs we have put together have to have space and that eventually it may be a time when the folks that house in the Courthouse that aren't part of the Court Judicial System are not going to house here anymore. Once again, I think it may be unpopular. It is going to be gut wrenching to try and figure that out. I think most of people see the seed of County government as the Courthouse but just like we had to move out of the Historic Courthouse many years ago to build this, we are now faced with a little bit different problem and we can't keep ignoring it. We are going to have to think about what we are going to do for the future. So, that is all I have Mr. Chair."

**Chairman Winters** said, "Alright, thank you. Commissioner Parks?"

**Commissioner Parks** said, "I don't think a move of the safe from the Register of Deeds' Office is a good steward of the taxpayer's money. The Appraiser office move is easier. We will be asked soon...and this all goes back to the taxpayer's money and being good stewards of that, we are going to be asked soon by the Downtown Chamber of Commerce about TIF's and taxation and that taxation goes back and chips away on the middle class taxpayer and I just think that there are some things that aren't being utilized that could have been and I have discussed those with judges. Some of them agree with me, some of them don't, that is going to be in any, as this Board I am sure will have some disagreement, but I have also heard from my taxpayer's in my district and I will be voting accordingly. Thank you."

**Chairman Winters** said, "Alright, thank you. Commissioner Unruh?"

**Commissioner Unruh** said, "Thank you Mr. Chair. First of all, I wanted to thank Register Bill Meek for talking to us and for being such a professional in the way he presented himself today. It is a good illustration I think of why county government works so well is that we've got other elected's in our building that we provide space for who are, they are all good guys if I can use that term and they want to be cooperative with what goes on here. They are willing to express their opinion but, not only with Bill but with our Treasurer, Ron Estes and our Clerk, Don Brace, our District Attorney, Nola Foulston; all the elected and the folks in the Judicial District. I mean we have a very good cooperative effort here in trying to solve our problems. Particularly today I know Bill did a good job in presenting his case, very professionally, and I know he is more energized on the issue then he displayed today. I know that he has spoken to some of us individually and he is more passionate then he displayed and I know some of the folks in his office are but appreciate the fact that he repeatedly said that he is a team player, he is going to work with us and try to be as

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cooperative as he can. So want to say we have a great group of elected people here who all work together and so I appreciate that. I would say that to this point, this has been a very thorough analysis of what we need to do as we try to analyze and prioritize the needs of our space here. Right now decision is kind of driven by the fact that our Appraiser is faced with renewing some leases, he's got some people in satellite offices, doesn't have enough space in this building, and so we are compelled and required to do something with that space so that is one piece of the puzzle. The other piece of the puzzle is that the Legislature has authorized another Judgeship here and there has been some discussion in the press about why they need space and why there is sometimes vacancies and those sort of issues that I think lead us to the conclusion that the judges need this space. So now we get down to the question of how is the best way to manage it in this building and I think the process has done, we've had discussions, we've tried to analyze it and I think we've come to the point now where I am satisfied that this is the best thing at this time for us to do. I know that if all things were perfect then we would establish an Administration building that would put all of us together as Commissioner Norton suggested and let the District Court just take over all the space in this building and ultimately I believe that is where County government will be but for now I believe that during this window of time, until we can get to the planning stage for that solution this is what we ought to do. But Mr. Chairman if it is possible or appropriate I see Charlene Stevens in here. She is the Assistant County Manager, kind of been driving this...is it...would it be appropriate for her to just kind of give an analysis of the space planning as it is rather than some alternative?"

**Chairman Winters** said, "That would be fine."

**Ms. Charlene Stevens**, Assistant County Manager, greeted the Commissioners and said, "I have been kind of working on the space planning for the County. I can't really speak to how the Courts use the courts. I mean, if you have those specific questions, Ellen House from the District Court is here but to address a couple of things. Why, first of all, the courtroom is proposed on the 4<sup>th</sup> floor instead of the 2<sup>nd</sup> floor? There is already an existing courtroom on the 4<sup>th</sup> floor. There is some value in the court functions and keeping in putting additional court functions on the same floor versus on the 2<sup>nd</sup> floor where we have the District Attorney and we have other County functions and so we wouldn't have to replicate as much staffing and such to put the courtroom on the 4<sup>th</sup> floor and that is why it has been planned on the 4<sup>th</sup> floor and makes the most sense to place it there versus the 2<sup>nd</sup> floor. The reason that we've even looked at the 2<sup>nd</sup> floor for the Register of Deeds is because the Appraiser, as Commissioner Unruh indicated, they are already split into two locations because we haven't had sufficient space in the courthouse for them. Part of his staff is leasing a location on North Market Street and he has indicated the desire to have his staff in one location which is a common desire for a lot of departments and unfortunately a desire that we struggle to accommodate with the current space restraints that we have at the County. So the Appraiser was kind of a willing participant in this process in looking to actually leave the main Courthouse because we could not

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accommodate his needs in the main Courthouse. So that gave us the opportunity to really keep the Register of Deeds in the main Courthouse because if the Appraiser was not willing to do that we would have to look quite honestly at moving the Register of Deeds out of the main Courthouse. We would have to look at potential space over in the Historic Courthouse or look at leasing additional space downtown for the Register of Deeds. So I think for those reasons it is a good fit to move the Register of Deeds to the 2<sup>nd</sup> floor and I've had a conversation with Bill Meek as well and we understand certainly the needs for continuity of operations and we have moved other departments. We have moved 911 so we clearly in the County have experience with keeping operations up and running, 24/7 operations and understand the importance of doing that. So we will certainly work with the Register of Deeds on that. Also, understand some of his record storage issues. We face that too with other departments and so certainly the security of records and how to back records up and how to store records is something we will talk with him about and we will work with him on, I think there is some concern about the safe that is on the 4<sup>th</sup> floor, of whether that location really is a tornado, would survive a tornado because I think it is a vault door but I am not sure that the room itself is any structurally different than any other area of the County Courthouse but we will work through that and come up with a solution that is acceptable to the Register of Deeds and acceptable to the County Commission.

In terms of the overall space planning for the County, I think we've had some of these conversations as well, that in terms of County space I mean we really are at a difficult point in County space. When we add staff or add programs or modify staff or modify programs, we really have very limited flexibility in space that the County currently owns. We have approximately 10 to 12 departments right now that are leasing a significant amount of space throughout the County and different locations at a not significant cost of almost \$2 million a year to the County and that has come about because again, we just have such limited space that is available to the County that is County owned and so we have begun to look at the concept of master space planning. The last one done for the County was done about 15 years ago so it served its purpose. I mean 15 years is a long time to go between space planning so we are in the process right now of looking at a request for proposals to hire an architecture firm that could help us in the process of master space planning for the County, which would look at the possibility of an administration...look at the County Administration, look at the tax group for the County, look at Health Department and COMCARE, which are two of our largest lease holders and look at the potential of what those space needs are today, what they would be in the next 10 to 15 years, look at things such as public access, parking, all of those requirements and provide us a reasonable estimate and kind of a road map of if the County Commission wishes to go forward with some type of new courthouse or some type of new master space plan or health building, what those reasonable costs or probably costs might be and what steps that would be to go forward with it and that is what we anticipate doing in the next couple of months. And I think that is kind of the long term solution to the space needs for the County or at least as the long term conversation that needs to be held and then this is really a kind

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of short term solution to an immediate space problem that has been brought on by some changes in how the District Court needs to operate.”

**Chairman Winters** said, “Alright, thank you. Any other questions Commissioners? Alright, thank you Charlene. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well, I think the main thing is here is that we don’t want to lose our identity as a County seat and that is something I have been talking about for several weeks as you all know and our tax functions and our administrative functions need to be reflective in an identifiable, visible County seat location. Building a new building is a pretty risky thing right now. Cost would probably be prohibitive so we have a lot of work to do. We do have some planning meetings ahead of us and I think that we need also to compare our own building versus leasing on and on and on, which would be an ongoing debt so to speak that wouldn’t end and we need to be very careful about spreading our departments that have to do with tax and administration in all areas of tax. Thank you.”

**Chairman Winters** said, “Thank you Commissioner. Commissioner Norton?”

**Commissioner Norton** said, “Well, first of all I appreciate Commissioner Parks analysis. I know he spent some time trying to look into the Courthouse proceedings and what the schedules look like. Truthfully, I am not an expert on that. I rely on the Administrative Judge and other judges to tell me what is important and how they use their courtrooms and how the scheduling works out. That is a pretty complicated scenario I believe. But I appreciate Commissioner Parks trying to look at that and analyze it. Obviously people have talked to me about night court but I think there is some unintended consequences to that. Now we have to have security, there is floors that won’t be used and how to you keep people off those floors. Generally, during the day, you have people on every floor so you are not going to have that to worry with. So utilizing the courtrooms at night becomes...I am not an expert on that but somebody else would have to figure all of that out as to how that works and I don’t know that that really saves any money anywhere. It might create more things that we would have to do, you know, as to when maintenance folks could work, when big projects could be done, what kind of security you are going to have and on and on and on. So I am ok with the way we are moving.

You know the Appraiser search, we didn’t just pick...Helter Skelter picked the first building that came available to us, I think we looked out west and there was a certain pretty good lease that looked like it may have been good. We looked downtown at some emerging properties that are being renewed and just couldn’t come to the conclusion that those were as good as we wanted and finally came to a place where we think it is going to be cheaper and the build out will be easier. There is going to be great parking, good access and in an area that needs a little revitalization and

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some traffic so you know we didn't go at this Helter Skelter, we didn't just pick the first place that the Appraiser could light in. I think they did a lot of due diligence to try and figure out where to place this. Ultimately the best scenario would be to have the Appraiser, the County Clerk, the Register of Deeds and the Treasurer all in a bulk end together where it is a one stop shop for anybody that comes in. But that, you know unfortunately, that is not the reality we are dealing with today. I am sad because we can't figure it out with a place to put them all together but that is not the way it is going to be. We are going to have to make a tough decision today.

The other thing is we are dealing with the Clerk, Deeds, and Treasurer and this move will put them all on the 2<sup>nd</sup> or 1<sup>st</sup> floor, which does cluster them pretty close together and I guess to me that would be the best scenario, having them at different levels in the Courthouse, running people up and down because they are also interrelated maybe makes a little more sense because 2<sup>nd</sup> floor, 1<sup>st</sup> floor, pretty easy to direct people to hit all three of those and I think Bill will admit that people do move back and forth between those three offices when they come to do business with his office so it kind of clusters them together a little bit better. Hopefully, it will work out. Bill sounds like he is going to work with the County. I know the Appraiser is excited about what he is going to do so I am going to be supportive. I don't know if it is the best scenario but sometimes you have to choose between the lesser of all the evils. If I could snap my fingers and we would have a new administrative building with better spaces for all of the elected officials I would do it but not going to do that today.”

**Chairman Winters** said, “Alright, thank you Commissioner. I would acknowledge that Judge Fleetwood and Ellen House are in the room and I may give them an opportunity to speak if they would like but I have a question of Pete. Pete, again, this is an amendment to our CIP. Back in August of this year we included these courtroom expansions in our 2009 budget....”

**Mr. Giroux** said, “Yes, sir.”

**Chairman Winters** said, “And in that budget we did it with a reduction in the County Mill Levy?”

**Mr. Giroux** said, “Yes, sir.”

**Chairman Winters** said, “Do you anticipate that by us moving these forward that its going to affect our mill levy in a negative way?”

**Mr. Giroux** said, “No, sir.”

**Chairman Winters** said, “This is in effect then moving a project instead of waiting until January to start on it the Court Administrator has asked us to move up and start the planning as soon as

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possible?”

**Mr. Giroux** said, “Yes, sir. We will still have the same fund sources we originally identified.”

**Chairman Winters** said, “Alright, thank you. Judge Fleetwood, would you or Ellen like to make a comment.”

**Judge James Fleetwood**, District Court Judge, greeted the Commissioners and said, “I am presently the Administrative Judge for the Civil department and anticipate continuing on next year in the Administration here in the Courthouse and would be involved to some degree with this ongoing issue. There are two matters I would like to address. Well, first, I would like to say I have sentenced murderers and drug dealers and I have had fist fights in my courtroom with guns drawn, you guys scare me so I will take a breath here. First off, as to the...I have recently attended a seminar on case flow management as that is one of my primary issues. I met with other judges from all over the nation and discussed the problems and matters associated with that. Not one of them could compare with the efficiency of the case flow management that we have here. I do not have a case on my docket older than two years old and that involves some very complicated med-mal cases. I have talked to people who could not get a civil case started until five years out from the date of filing. We have an excellent case flow management program and that is a result of the judges that we have, the efforts that they put into moving the cases along, it has to do with the administration that we have, it also has a great deal to do with the quality of the tools that you have provided to us here. We do need another courtroom with the new judge that will be coming here and I see it as an opportunity to not only simply increase the efficiencies that we have shown. I am not bragging about myself here at all or my abilities to administer the Civil department. I am referring to the qualities of all the judges as well as the rest of the County Commission and all of that they have done and all of those that are involved in this process to move cases better than I have seen anywhere else in the nation. I have, in fact, recently received a letter from the National Judicial College asking me if I would be willing to come out and speak there on what we have done here to make other systems more efficient throughout the nation and I think that speaks for all of us here and the efforts that we have made.

I would also like to say that as far as the courtroom on the 4<sup>th</sup> floor, I have, as I said before, I have dealt with some very serious matters and I've seen lives frustrated in many different ways due to people's own actions but I can honestly say the only time I have ever lost sleep over cases or decisions is my involvement in the Family Law Department. I think that we need to do everything we possibly can to reduce the stress of these people who are struggling with the greatest issues they will ever deal with there on the 4<sup>th</sup> floor. I think having the courtrooms and chambers there available immediately on the 4<sup>th</sup> floor will not only make it easier for them to move from one place to another as far as from assignments to actually trying their cases but it will also make space

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available to them for the process of trying to negotiate, trying to settle some of these matters, trying to come to conclusions without the further trauma of actually appearing before a judge and having decisions forced on them. So I think consolidating those courtrooms on the 4<sup>th</sup> floor is of upmost importance. I would also just like to repeat again, we are good here. We have a system of case flow management and moving cases along that other people in the nation wish they had and again I expressed my gratitude for you and the tools that you have given to us and for contemplating the further needs that the court has here now. We do try, my courtroom is an example, as you all know that I presently, my assigned courtroom is on the 10<sup>th</sup> floor, however, I have been working on the 6<sup>th</sup> floor as the Assignment Judge also. I have made the courtroom on the 10<sup>th</sup> floor available. Presently, Judge Burgess is trying a murder case there because his courtroom is not big enough for it. We have also made it available for Indian Tribe matters that have come in and had judicial proceedings here. We've made it available for Worker's Comp proceedings. Outside we have even made it available to other judges. We have done everything we've could to try, my own individually, to try to make that courtroom and the courtroom on the 6<sup>th</sup> floor as well used and as efficient and possible and I commit to you, that to every degree possible in the coming future I will exercise that same effort for all of the tools that are made available including all of the courtrooms. Thank you very much for your attention."

**Chairman Winters** said, "Thank you Judge Fleetwood. One quick question; and you believe that it would be of benefit to the 18<sup>th</sup> Judicial Court System for us to move up this already approved project and begin planning on it immediately?"

**Judge Fleetwood** said, "Oh, absolutely. It needs to be taken care of as soon as possible and I don't want to see what we have been able to build up here slow down at all. I would like to move it as quickly as possible."

**Chairman Winters** said, "Alright, thank you very much Judge."

**Judge Fleetwood** said, "Thank you."

**Chairman Winters** said, "Commissioners, are there other discussions about this item? If not, what is the will of the Board as we discuss Item E-3?"

### **MOTION**

Commissioner Unruh moved to approve the amendment to the CIP.

Commissioner Norton seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Nay
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Thank you all for being here, who have participated in this discussion. Next item.”

**F. DIVISION OF HUMAN SERVICES – AGING DEPARTMENT.**

**1. AGREEMENTS WITH RURAL COMMUNITY GROUPS FOR DELIVERY OF USDA COMMODITIES.**

**Ms. Annette Graham**, LSCSW, Executive Director, Department on Aging, greeted the Commissioners and said, “Last week I brought before you the contract between Sedgwick County Department on Aging and SRS to allow for the distribution of commodities with the rural community groups. Today I am bringing before you the contracts with these rural communities to allow for the distribution of the USD donated commodities to the rural areas. So I have, this is an income based program that allows eligible consumers to receive these food products and before you have contracts between us, the Sedgwick County Department on Aging, and these 10 communities. I request that you approve and authorize the Chair to sign these contracts and would be happy to answer any questions.”

**MOTION**

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

Commissioner Parks seconded the motion.

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

**VOTE**

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Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, "Thank you Annette. Next item."

**G. DIVISION OF PUBLIC SAFETY – DEPARTMENT OF CORRECTIONS.**

**1. GRANT APPLICATION TO THE CENTER FOR CHILDREN’S LAW AND POLICY TO CONTINUE PARTICIPATING IN THE DISPROPORTIONATE MINORITY CONTRACT (DMC) ACTION NETWORK.**

**Mr. Mark Masterson**, Director, Department of Corrections, greeted the Commissioners and said, "As you know Sedgwick County was selected last December by the MacArthur Foundation to participate in their DMC Action Network to study and address over representation in minority youth in the Juvenile Justice System. DMC is short for Disporportinate Minority Contact and so I will refer to it as DMC from here forward. The work involves ongoing data collection, analysis and intervention through system improvements to help ensure fair and equal justice for all youth. Some examples of system improvements we implemented include use of objective screening instruments at decision making points, detention alternatives, defense advocacy, graduated sanctions and community engagement. We are starting the second year of a four year project with the Action Network. Each year MacArthur has guaranteed we will receive at least \$100,000 and this year I am happy to say we will get a 35% increase and get \$135,000. The funds support continuation of an agreement, started six months ago with the African-American Coalition for Community Engagement and Advocacy; technical assistance from the Burns Institute to help us identify some community engagement strategies that can help reduce disporportionality at the point of arrest; an agreement with Wichita State for research and data analysis; one position in my department for community outreach; and planning for expansion to two new Kansas communities interested in doing this work. Work in year one is focused on getting the project organized, selecting areas to work on, identifying training and key players, expanded data collection, which sounds like a small word but was 31 additional reports that had to be programmed to collect the various data for the technical assistance work to be meaningful. Our focus areas for this project are community engagement and graduated sanctions and I request that you approve the application and I would be happy to answer any questions."

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**Chairman Winters** said, “Alright, thank you Mark. I just have one question. I know that about a year ago I traveled with you and Representative Melody McCray-Miller and Judge James Burgess back to Washington when we were first offered this opportunity. Are Representative Miller and Judge Burgess still fully in support of us moving forward and are they still engaged in this process?”

**Mr. Masterson** said, “Yes, I should have mentioned the key players in this are Melody is, of course, the leader of the African-American Coalition in developing that group and focusing them around this work is part of it. The Juvenile Corrections Advisory Board has agreed to serve at the DMC committee and work on this and Wichita State, of course, continues to provide us with data analysis and recommendations and those along with my department are the key team that have been involved in bringing this project along. The people from the Center for Law and Policy have come to Wichita and done a psych visit, spoken before this Board when they came for the psych visit, and recently the people from the Burns Institute have come to do their initial visit, look at the data and we are anticipating receipt of recommendations that we will then sort through and develop our plan for year two and the African-American Coalition will be part of that work.”

**Chairman Winters** said, “Alright, well thank you. Well, I am going to be very supportive of this. I know that Representative Melody Miller has been very passionate about this, even going back to her time as serving as a Board of County Commissioner. So Commissioners, I see no other questions at this time. I would move that we take this recommended action.”

### **MOTION**

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

Commissioner Welshimer seconded the motion.

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

### **VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye

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Commissioner Welshimer           Aye  
Chairman Winters                   Aye

**2.       KANSAS JUVENILE JUSTICE AUTHORITY (JJA) SFY09    TITLE II  
          GRANT AWARD.**

**Mr. Masterson** said, “The Kansas Juvenile Justice Authority has approved a grant award of \$36,125 from Title Two funds, which requires your approval to accept. The award will provide \$30,000 to USD 259 to continue a specialized tutoring and mentoring program that operates at Brooks and Coleman Middle Schools and is focused on raising test scores, improving academic skills to raise test scores to help close the achievement gap. The remainder of the funds will be used for diversity training materials and to send a community team to the National DMC conference in November, which we have been asked to present our work in Sedgwick County at and I will be happy to answer any questions.”

**Chairman Winters** said, “Alright, thank you. Is there a motion to accept this grant award?”

**MOTION**

Commissioner Welshimer moved to accept grant award and authorize Chairman to sign all related documents

Commissioner Norton seconded the motion.

**Chairman Winters** said, “Commissioner Parks?”

**Commissioner Parks** said, “Just wanted to ask, is 259 the only school district in the County that is participating in this then?”

**Mr. Masterson** said, “In this project, yes.”

**Commissioner Parks** said, “Ok, thanks.”

**Chairman Winters** said, “Any other questions?”

**VOTE**

Commissioner Unruh               Aye  
Commissioner Norton               Aye

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Commissioner Parks	Nay
Commissioner Welshimer	Aye
Chairman Winters	Aye

**H. CONSENT AGENDA.**

- 1. Modification to District Attorney Staffing Table.**
- 2. Amendment to agreement with Regional Prevention Center to implement and operate the Wichita's Promise Youth Council and Good Gang programs.**
- 3. Amended agreement with New Cingular Wireless to perform repairs and add 3 (three) coax lines to County Tower.**
- 4. One (1) Easement for Right of Way and One (1) Permanent Drainage Easement for Sedgwick County/KDOT Project 817- V, W, X; Road widening project on Meridian between 47<sup>th</sup> St. South and 71<sup>st</sup> St. South. CIP# R-281. District 2.**
- 5. Five (5) Easements for Right of Way for Sedgwick County Project 795- N, O, P, Q; Recondition of 199<sup>th</sup> St. West between 21<sup>st</sup> St. North & US-54. CIP# R-267. District 3.**
- 6. General Bills Check Register for the week of September 24, 2008 – September 30, 2008.**
- 7. Plat.**

Approved by Public Works. The County Treasurer has certified that taxes for the year 2007 and prior years have been paid for the following plat:

**Via-Christi – West Campus Addition**

- 8. Order dated October 1, 2008 to correct tax roll for change of assessment.**

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**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “You have the Consent Agenda and I recommend that you approve as presented.”

**MOTION**

Commissioner Parks moved to approve the Consent Agenda as presented.

Commissioner Unruh seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “Commissioners, that does bring us to the end of our regular agenda items. We do need to have an Executive Session today but before we go into Executive Session is there anything we need to discuss under Other? Commissioner Parks?”

**I. OTHER**

**Commissioner Parks** said, “I would like to elaborate just a little bit and maybe ask Rich Euson a question that just came up today. On this roadway that is being paved over in Calais Estates, is this...are we too far into this project to consider coal mix or Dustrol or anything else at this point? Do you know if there is any legal ramifications or how far...and maybe this...maybe David Spears could answer this better than you.”

**Mr. Rich Euson**, County Counselor, greeted the Commissioners and said, “I will at least try to start and then maybe David could help me fill in the blanks but the petition, I don’t recall the petition specified a particular standard but Public Works does have standards for that that they are going to apply so I don’t know if there is an alternative available.”

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**Mr. David Spears**, Director, Public Works, greeted the Commissioners and said, “Yes, the standard procedure, you were petitioned by over 50% of the folks along that roadway and we have a standard that we always follow and that is, you know, you have trash trucks this sort of thing coming in there and there is a reason for a standard and the standard is we put a sub-grade fly ash and it is six inches thick and then we put six inches of hot mix over that in two inch lifts so it would be three two inch lifts, so it will be six inches thick and that is what the standard is and that is what we do in all of these developments. If you put a coal mix or a dust seal on there it would not last. A coal mix would be maybe five years or something like that.”

**Commissioner Parks** said, “The reason I brought up the Dustrol, that is a product and that is what some of the people that petitioned said they were particularly going for was the dust control so I thought to ask those questions would be the fair and the right thing for me to do at this point. Thank you for that and then I do have one other comment about...during the next few weeks I will be talking about the Sedgwick County Law Enforcement Memorial. I would like to ask the people that are watching out there that you consider making a donation to this. We don't try to just tap the taxpayer money all the time on this also. We need to try to get a resolution to get this fund cleared out. They are about \$100,000 short. This unfortunately came up at about a time that the State Memorial was going on too and lot of the Corporate giving was done to the State, back five or six years ago, and maybe it is time for those corporations or those places that have given to the state, that are located in Sedgwick County to step up and look at giving to the local memorial now and I am going to be talking about that and have some more information on that though. If they do want to give, they can certainly contact me at my office and whether it is a dollar or \$100,000. Thank you.”

**Chairman Winters** said, “Alright, thank you. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Well, over the weekend, Saturday, we had the ground breaking in Derby of the Derby Rec Center's Satellite in Oaklawn and then also on that day in Derby we dedicated the...renamed the Post Office the Sergeant Jamie O.Maugans Post Office. Sergeant Maugans was a Derby High School grad, attended Cowley County Community College and also KU and he was killed in Afghanistan in April following the 9-11 bombing of the towers in New York. Anyways, it was quite a dedication. There were a lot of people there, very touching, a big family and I was privileged to be a part of that.”

**Chairman Winters** said, “Thank you. Commissioner Norton?”

**Commissioner Norton** said, “Well, I had a chance to participate in a couple of things this week. One of them was the Livable Communities Conference and that brought together about 200 public

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health parks and interested folks on how to create a community that is walkable and very livable for health styles and wellness. Mark Finton was the key note speaker. I didn't get to participate in the full two days but I was in and out of there and a pretty powerful message about communities that have taken steps to make sure that they have what is called complete roads, which have bike pass and walking pass on the side, talks about green spaces and walking spaces and downtowns and linking to suburban communities and to get communities more linked to walking and biking and other modes of transportation, which is probably a good conversation to have right now with the price of gas and some of the other things that we have talked about. And some of the wellness issues that we talk about like chronic disease and obesity. Last week I had the first meeting of a four meeting group that I will participate in the whole year for the Kansas Public Health Leadership Institute, a two day session that I participated in and pretty powerful information and I think it will avail to me some information I can bring back to the Commission to help us as we have to make decisions as the Board of Health. This is an interesting group because in the past the Kansas Leadership has only been folks from Kansas, now they have expanded it to 30 people from Missouri, 30 from Kansas and 30 from Oklahoma, so it is a three state group so good information. And then finally, accreditation of health departments is going to be a huge issue in the next few years. The Kansas Association of Counties hosted a seminar two weeks ago that talked about accreditation, what is going to look like nationally and I want to continue to make that an issue in our county because eventually I think federal funding is going to be attached to whether you are accredited or not and we'll probably try to be an early adopter, be one of the bell weather communities that will take on accreditation but I think it is going to be a huge issue for health departments in the next five years and I want to be a leader in that if we possibly can. That is all I have Mr. Chair."

**Chairman Winters** said, "Alright, is there any other business to come before the Commission at this time. I see none. We do need to have an Executive Session."

### **MOTION**

Commissioner Norton moved to recess into Executive Session for 15 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation and legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 11:35 a.m.

Commissioner Unruh seconded the motion.

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

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**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

**Chairman Winters** said, “We are in recess.”

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:29 a.m. and returned at 11:37 a.m.**

**Chairman Winters** said, “Let the record show that there was no binding action taken in Executive Session. We do have some other business. Mr. Euson?”

**Mr. Euson** said, “Thank you Mr. Chairman and Commissioners. While in Executive Session we discussed an automobile accident case involving a Ronald Smith versus Sedgwick County and in that case we have made a recommendation that we settle that in the total amount of \$10,150 and I would ask that you approve that at this time.”

**MOTION**

Commissioner Norton moved to approve settlement agreement.

Commissioner Parks seconded the motion.

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

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

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Chairman Winters

Aye

**Mr. Euson** said, "Thank you Commissioners."

**Chairman Winters** said, "Is there anything else to come before this? Mr. Euson?"

**Mr. Euson** said, "No, sir."

**Chairman Winters** said, "Mr. Holt?"

**Mr. Holt** said, "No, sir."

**Chairman Winters** said, "Alright, this meeting is adjourned."

**I. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:38 a.m.

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

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**THOMAS G. WINTERS**, Chairman  
Third District

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

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

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**KELLY PARKS**, Commissioner  
Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner  
Fifth District

ATTEST:

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

APPROVED:

\_\_\_\_\_, 2008