

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

DECEMBER 3, 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, December 3rd, 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; Ms. Annette Graham, LSCSW, Director, Department on Aging; Ms. Susan Wilson, Director, Healthy Babies Program; Mr. Roderick Harris, Director, Center for Healthy Equity/Sedgwick County Health Department; Colonel Richard Powell, Chief Deputy; Mr. Mark Masterson, Director, Department of Corrections; Mr. Dave Rush, Director, Kansas Coliseum; Ms. Kristi Zukovich, Director, Communications; and, Ms. Kristi Vermillion, Deputy County Clerk.

GUESTS

Mr. Joe Norton, Bond Counsel, Gilmore & Bell
Mr. Dave MacGillivray, Chairman, Springsted Inc. /County Financial Advisor

INVOCATION

Moment of Silence

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

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Chairman Winters said, "Commissioners, you've had a chance to review the minutes, what is the will of the Board?"

MOTION

Commissioner Welshimer moved to accept the minutes as read.

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	Aye
Commissioner Welshimer	Aye
Chairman Winters	Aye

Chairman Winters said, "Next item."

DONATION

- A. ACKNOWLEDGE A DONATION OF \$1000 TO THE SEDGWICK COUNTY HEALTH DEPARTMENT'S CENTER FOR HEALTH EQUITY BY SPIRIT AEROSYSTEMS TO SUPPORT COMMUNITY CAPACITY-BUILDING ACTIVITIES.**

Mr. Roderick Harris, Director, Center for Healthy Equity/Sedgwick County Health Department, greeted the Commissioners and said, "Spirit Aerosystems has donated in the amount of \$1,000 a check to the Center for Health Equity for capacity building activities. The Center for Health Equity will be convening meetings with selected community stakeholders to guide them through a collaborative and creative process that will lead to the development of a strategic plan that will be collective and will be joint. This will focus on using effective partnerships to eliminate health disparities here in Sedgwick County. The activities will involve educating these stakeholders on health disparities data in Sedgwick County as well as priority setting and ways that they may inform local and state policy. I request that the Board of County Commissioners accept this donation and also request that the Chair sign a letter of appreciation for Spirit Aerosystems."

MOTION

Commissioner Norton moved to accept the donation and authorize the Chair to sign a thank you letter.

Commissioner Unruh seconded the motion.

Chairman Winters said, "Commissioner Norton, this seems to be in line with a number of the things you have been working on."

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Commissioner Norton said, “It is. Before we vote, I am proud that Spirit has stepped up to help us out with this but this is an ongoing process that we’ve been working on in our community and you know, I applaud our public health officials and others that have come to the table and helped us deal with this because as we’ve gone into a little bit of a cycle of uneasy economic times we know that there is more people dropping into the uninsured ranks, the underinsured, as people maybe lose their job or whatever, they also lose their health care provision and we started three or four years ago trying to understand our community and build capacity in the community health centers, in the medical community, working with the emergency rooms to try and eliminate the disparities in certain social economic classes of people and work with those that don’t have insurance so this just adds to that energy that we are trying to put into our community with the different health equity problems that we are working with and of course, Rod, has come to us several times and given us updates on what we are doing and I am very involved in that but this will just help out that much and I am really happy that Spirit has stepped up.”

Chairman Winters said, “Alright, very good. We have a motion and a second to accept the donation is there any other discussion? Seeing none, call the vote.”

VOTE

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

Chairman Winters said, “Rod, thank you very much for all your work. Next item.”

NEW BUSINESS

B. AUTHORIZING RESOLUTION AND INTERLOCAL AGREEMENT TO ENABLE SEDGWICK COUNTY DEPARTMENT ON AGING, AS ADMINISTRATOR OF COORDINATION TRANSIT DISTRICT 12, TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR FEDERAL TRANSPORTATION ASSISTANCE.

Ms. Annette Graham, LSCSW, Director, Department on Aging, greeted the Commissioners and said, “The Coordinated Transit Districts were created in 1992 by the Kansas Legislature. Currently there are 15 CTD’s in the State of Kansas. In 1994, Sedgwick, Butler and Harvey counties and the Paratransit Incorporated, which is a not for profit entity, entered into a interlocal agreement,

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establishing CTD 12 to operate, maintain, and enhance the management and coordination of State and Federal Transportation funds. Sedgwick County Transportation, Department on Aging has been the administrator of the CTD 12 since its inception in 1994. In 2007, we did revise, we worked together and revised and updated the interlocal agreement to further delineate the duties and responsibilities of CTD 12. CTD 12 has been approved by the Governor Kathleen Sebellius to seek formal authorization as a designated recipient under Federal law that would grant CTD 12 the capacity to accept certain obligations to received and administer Federal funds under the new freedom and job access reverse commute, JARC funding. This was new last year, this ability to receive the designation. At that point and time we were not able to pursue that designation fully because we did not have the appropriate language in our CTD interlocal agreement. So we have been working on that to allow us to do this. This authorizing resolution and interlocal agreement being presented today would provide that legal authority to CTD 12 under Federal law to assume obligations associated with a designated recipient role and its subject approval of the FTA. Now in this agreement that you have, it does enable Sedgwick County Department on Aging to file applications with FTA for Federal transportation assistance. Funding would be received by Sedgwick County Department on Aging and passed through to sub-grantees. Sedgwick County Department on Aging is the administrator of CTD 12. The CTD Board appointed a committee that established funding criteria and funding decisions are based on this criteria and scoring outcome.

Last year for these fundings we already had that committee and made these decisions and then submitted that to KDOT because they took over the role as a designated recipient last year but we made those decisions at the local level as to how these New Freedom funding and the JARC funding would be spent or assigned here in Sedgwick County, Sedgwick, Butler and Harvey counties. CTD, under this agreement, would assume the duties of submitting monitoring reports and reimbursement requests for the sub-grantees to FTA. This agreement would establish the CTD 12 as that designated recipient. We would also be working to get the approval of the Attorney General on this agreement. Butler County has approved this on November 25th and Harvey County is in the process of approving this agreement and then we will be working with KDOT and then the Attorney General's office and then it would go to FTA for final approval. We would become the first CTD 12 in the State of Kansas to be assigned this designated recipient role. KDOT is working with us and encouraging us to do this and wanting to push that responsibility down to the local level where it makes more sense to make those funding kind of decisions for these important funds that provide for passenger transportation. I would request that you approve the authorizing resolution and interlocal agreement and authorize the Chair to sign and would be happy to answer any questions."

Chairman Winters said, "Alright, thank you Annette. I guess I don't want a complicated answer but how is this different then what we are doing now because we do have an arrangement for part of this transportation funding now, is that not correct?"

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Ms. Graham said, "Yes we do and we do operate as a CTD 12 when we get administration funds but this is for Federal funds so this is different in that there is a...New Freedom's and the JARC money are all new monies that would now be coming...JARC used to come to Wichita Transit. They were the federally approved recipient so this changed the process due to some changes with the Federal law under safety lieu, that Federal legislation so this changed it to make it come down to the local level so it makes that money now come down through the CTD 12 so we would actually make those decisions and sub-grant out through the CTD 12 and then we would be responsible directly to report back on those funds and to monitor those funds so it's new monies that would be coming down."

Chairman Winters said, "That's right but we are not reinventing the wheel here because we have been doing this for a number of years in partnership with these other counties and I remember back in the '90's I set on that Coordinated Transit District Board for a while so I mean that is an ongoing function so this would just be really new responsibilities for that Board?"

Ms. Graham said, "Yes, exactly, exactly."

Chairman Winters said, "Ok thank you. Commissioner Parks?"

Commissioner Parks said, "If any of these monies dry up from the Federal level... certainly they would let you know a head of time but that would mean that some of this program would go away if that happened then?"

Ms. Graham said, "Yes. Last year when that money was released out that was for...there was a total of three years available. That was for the previous two and the current year so this year no new monies are coming down but when that money comes down it is new by year so it is Federal funding for a one year time period."

Commissioner Parks said, "Ok, thank you."

Chairman Winters said, "Ok, Commissioner Unruh?"

Commissioner Unruh said, "Thank you. Annette, this does not create any new financial obligations for us?"

Ms. Graham said, "No, there is no additional funding that we put into it. It is all Federal dollars that come down and then our grant is added to that."

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Commissioner Unruh said, “And it doesn’t create management or administrative responsibilities that we are not currently involved in?”

Ms. Graham said, “It does increase that but there is also some administration dollars that come down as a part of that to support those functions.”

Commissioner Unruh said, “Ok, thank you.”

Chairman Winters said, “Alright, Commissioners are there other questions of Annette? If not, what is the will of the Board?”

MOTION

Chairman Winters moved to approve the authorizing resolution and interlocal agreement and authorize the Chair to sign.

Commissioner Norton 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, “Thank you Annette. Next item.”

C. DEPARTMENT OF HEALTH

- 1. APPROVE THE HEALTHY BABIES NORTHEAST WICHITA HEALTHY START INITIATIVE (NEWHSI) RE-APPLICATION TO HEALTH RESOURCES & SERVICE ADMINISTRATION (HRSA), MATERNAL AND CHILD HEALTHY BUREAU, FROM THE HEALTHY START INITIATIVE- ELIMINATING DISPARITIES IN PERINATAL HEALTH GRANT.**

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Ms. Susan Wilson, Director, Healthy Babies Program, greeted the Commissioners and said, “Healthy Babies is a prenatal and postpartum group education and home visitation program and our sole mission is to improve birth outcomes in Sedgwick County. We serve moms in all zip codes and we really strive to reduce the incidence of premature and low birth weight births and infant deaths, especially among those high risk moms. Healthy Babies has various funding sources and our Healthy Start funding is one of those funding sources. The Federal Healthy Start funding referred to here as the Northeast Wichita Healthy Start Initiative or NEWHSI is the funding that we are talking about and this funding was first received at Sedgwick County in 1997 and this is a reapplication for that funding. This funding, to qualify for this, we have to meet certain criteria and one of those is a very high infant mortality rate and I am sorry to say that we do meet that in these zip codes. These zip codes that we target with this funding are 67208, 67214 and 67219 in Northeast Wichita and those rates, they are about triple the National average and even the local average for infant mortality and the African American rate is about quadruple the National average.

For this grant, for this reapplication, this is a \$550,000 a year grant and this is a five year renewal for us. It funds seven positions with the Healthy Babies program. That would be two CHM2’s or Registered Nurses, two Community Liaisons, one Nurse Team Leader, one Project Manager; and those are all direct service providers and then one Program Director and we are not asking for any new positions with this grant so this is really just a renewal of a grant that we currently have. So with this five year renewal it’s a \$2,750,000 grant from June 1, 2009 through May 31, 2014 and then we do continuation grant applications every year and then we get funded if money is available. We have never had a problem with that in the past. I would be happy to answer any questions that you may have.”

Chairman Winters said, “Alright, thank you very much Susan. Are there questions?”

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Winters said, “The only comment I would make is I think the Commission whole heartedly supports this and the renewal or hopefully renewed grant, just from everything we have learned from Juvenile Justice to what is right in the community, the very earliest we can start to making sure that children have healthy lives the better we are in the community so we and you can

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reassure all of your staff with the Healthy Babies program that we believe they are doing valuable work in our community.”

Ms. Wilson said, “Thank you. We are grateful for your support.”

VOTE

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

Chairman Winters said, “Thank you Susan.”

Ms. Wilson said, “Thank you.”

Chairman Winters said, “Next item, oh you are still here...next item.”

2. APPROVE THE HEALTHY BABIES HEALTHY START (HBHS) APPLICATION TO HEALTH RESOURCES & SERVICES & SERVICES ADMINISTRATION (HRSA), MATERNAL AND CHILD HEALTH BUREAU, FOR THE HEALTHY START INITIATIVE – ELIMINATING DISPARITIES IN PERINATAL HEALTH GRANT.

Ms. Wilson said, “Well we opted to kind of extend ourselves a little bit on this one and we have two grant applications due actually this Friday and it is the same guidance that we are responding to on the new HSI but this is extending the Federal Healthy Start grant to four additional zip codes here in Sedgwick County that also have very high infant mortality rates and this would be for zip codes 67203, 67210, 67213 and 67218. We did a very extensive analysis of all zip codes in Sedgwick County last year and we actually submitted this grant application a year ago December. It was approved by HRSA but it was unfunded because they didn’t have enough money so we kept it for a year and we waited until the time came up for another application cycle. We were encouraged by our Project officer to submit the application again and so we fine tuned it and we would like to submit this application so that we can pull down Federal funding. We already serve these zip codes but this would bring Federal money in so that we could serve these moms and babies. These zip codes actually have, for 2002 to 2004, the infant mortality rate for African American babies in the four new zip codes increased from 22.60 to 30.67 infant deaths per 1,000 live births and we really feel like with Healthy Babies Wraparound services and with Wraparound services from our

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community partners we can truly make a difference. Now with this grant, this is a \$650,000 a year grant for five years we would add new staff so we would have four Community Health Nurses, one Outreach Coordinator, one Nurse Project Manager; and she would also carry a case load, and one Fiscal Associate. So we would have seven new staff that we would add with this grant. So the total amount of this grant would be \$3,250,000 over the course of the five years and of course then we do our continuation applications every year and this is the five year renewal too. We feel very confident because we did apply last year, we were approved, we got a very high score on our grant summary there just wasn't enough money to go around and I would be happy to answer any questions."

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

Commissioner Parks said, "This is certainly not going to compete with the one we just approved right?"

Ms. Wilson said, "No."

Commissioner Parks said, "Ok, thank you."

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Winters said, "We have a motion and a second. Commissioner Norton?"

Commissioner Norton said, "Susan, where are these new zip codes? I didn't catch all of them. Where are they, are they contiguous with the zip codes in the northeast?"

Ms. Wilson said, "They are. 67218 is just south of where we are, 67218 is just south of 208 so that is going to be where like the South Top Project is."

Commissioner Norton said, "Ok."

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Ms. Wilson said, “And then 67203, 67213 and 67210...so we are going to pick up Midtown area...”

Commissioner Norton said, “Ok.”

Ms. Wilson said, “And a little bit out west and so that is going to give us the opportunity to pick up some more of our Hispanic population and granted we do serve these zip codes already but it allows us to pull in more of that Federal funding and we would like them to be responsible for more of the services that we are providing and we will continue to have our KHPA funding and our MCH Block grant and continue to seek out other funding sources but it just allows us to serve more of the moms that we need to serve.”

Commissioner Norton said, “That is all I have Mr. Chair.”

Chairman Winters said, “Alright, thank you. Well, Susan, I think for all the reasons we supported the previous item I think we all are in support of this one also. Commissioners, are there any other comments? Seeing none, Madame Clerk, call the vote.”

VOTE

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

Chairman Winters said, “Susan, one last question, when do we expect to hear back whether this has been awarded and funded?”

Ms. Wilson said, “I would anticipate...”

Chairman Winters said, “Will it be a long time or a short time?”

Ms. Wilson said, “I would anticipate probably in April or May because these grants start June 1, 2009.”

Chairman Winters said, “Ok, thank you very much.”

Ms. Wilson said, “Thank you.”

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Chairman Winters said, "Next item."

D. REQUEST TO OVERFILL TWO (2) SHERIFF'S OFFICE LIEUTENANT POSITIONS.

Colonel Richard Powell, Chief Deputy, Sheriff's Department, greeted the Commissioners and said, "Currently the Sheriff's office has two Lieutenants, Commission Lieutenant Denning and Detention Lieutenant Evans, who are both deployed on extended military leave. Per the military records the earliest anticipated return for Lieutenant Denning is September of '09 and could actually be extended to as far out as September 2010. Lieutenant Evans current orders as they set now, he will be deployed military service through November of 2009 at the earliest. These two positions, both on the Commission side and the Detention side of the Sheriff's side, are greatly hindering the day to day operations because of the vacancies that have been created by the deployment of these two Lieutenants. And as much as these two positions have to maintained in open slots on the return of their duty from military service it is the request of Sheriff Elect Hinshaw and Sheriff Steed that the Sheriff's office be authorized the authority to backfill these two positions until such time as Lieutenants Denning and Evans return from active military duty. Upon their return, if there are not Lieutenant positions that are available, it is the request of Sheriff Elect Hinshaw and Sheriff Steed that we be allowed to fund those, at that point it would be two extra positions, either through salary savings or other funding measures within the Sheriff's office until such time as two openings do become available and we can reintegrate them back into the office again and again this would not allow for any additional table staffing, any changes have been previous approved by the Board of County Commissioners."

Chairman Winters said, "Alright, thank you Colonel Powell. Are there questions at this time? If there is not are we ready for a motion?"

MOTION

Commissioner Parks moved to approve the overfill positions for Sheriff's staffing table.

Commissioner Norton 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, "Might just take a moment to welcome Colonel Powell to Sedgwick County. He is no stranger to Sedgwick County but he is new at the senior staff level with the Sheriff's Department and Richard, welcome to the Sedgwick County team. If there is anything that the Board of County Commissioners can help you with or the department please be in contact with us. I think we have another comment."

Commissioner Norton said, "Well, we were briefed on this prior to today's meeting and obviously we are supportive of it. I would have the question to Manager Buchanan, do we have other individuals in our organization that at some point because of their military duty that we are going to have take some action or try to understand how we accommodate their job as they move in and out of their military obligation?"

Mr. William Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, I don't have an exact number but we do have a number of people who have been deployed and will be deployed. We have made adjustments and have come to you when they didn't fit the current policy. We have current policies in place that would help us to overfill positions and in this case any overfill position needs to come to you for approval. Often times to reintegrate someone there are vacancies that we just do that normally but we have a number of people who are deployed."

Commissioner Norton said, "Well, it is something that we haven't had to deal with much but I think it is going to ramp up here, probably in the next year or two and we need to be prepared to understand what our obligation is and how do we accommodate those military folks that have gone and served and now are coming back and it is a much broader perspective then just the Sheriff's Department. I am glad that we've had that before us today but it makes us think about are their others in our organization that we need to be thinking about now to be prepared so that is all I have Mr. Chair."

Chairman Winters said, "Alright, thanks. Commissioner Parks?"

Commissioner Parks said, "Well, I, too, have talked with the Sheriff's Department about these and in the past I just wanted to make a comment that I have called and talked with the Personnel

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Department and I feel comfortable that we have the personnel policies in place to, when our soldiers are coming back and needing their jobs back that we will be able to facilitate that and that was one of the first things I did actually when I came into office was look through some of those personnel policies to make sure that they have a job when they get back. Thank you.”

Chairman Winters said, “Alright, thank you. Again, Richard, thanks and welcome to the team.”

Colonel Powell said, “Thank you.”

Chairman Winters said, “Next item.”

E. KANSAS DEPARTMENT OF CORRECTIONS (KDOC) APPLICATIONS FOR FY08 UNEXPECTED FUNDS.

Mr. Mark Masterson, Director, Department of Corrections, greeted the Commissioners and said, “I am here today to ask your approval to submit a grant application to the Kansas Department of Corrections for \$400,476.00 from a pool of unexpended funds allocated in State Fiscal Year 2008 for Community Corrections. We contributed to that pool by returning over \$300,000 to the State due to changes in the planned implementation schedule for the new Senate Bill 14 Initiative funded by the State. We are asking in this application for \$239,476.00 for personnel costs, \$48,000 to replace 32 computer workstations that have aged out and \$113,000 for substance abuse treatment for indigent clients. I would be happy to answer any questions.”

Chairman Winters said, “Alright, thank you Mark. Are there questions, comments? Seeing none, what is the will of the Board?”

MOTION

Commissioner Welshimer moved to approve the application and authorize the Chair to sign all necessary documentation including the grant award agreement containing substantially the same terms and conditions as this application and approve establishment of budget at the time the grant award documents are executed.

Commissioner Norton 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, “Thanks Mark. Next item.”

F. KANSAS COLISEUM MONTHLY REPORT OCTOBER 2008.

Mr. Dave Rush, Director, Kansas Coliseum, greeted the Commissioners and said, “In October the Kansas Coliseum received, we had a total attendance of 55,117 people from 12 events and 22 individual performances with a net revenue of \$264,336.80. The highlights were the Jeff Dunham concert, the Worldwide Paint Horse Congress had their event, Michael Buble concert was a great event, the Women’s Ranch National Rodeo Finals, which was a new event to our community for this year and we are looking forward to having them back again. It was a very successful event. Disney Live Winnie the Pooh and then in November we had the Wichita Toy Run, which everybody saw and probably had to stop in traffic for all the motorcycles to come through town and that was a very successful event. The Farm show was bigger this year than ever, they are selling out all of their space. The T.I. and Akon concert went off real smooth; we had no problems and the Park City Pilgrim Shootout Go Kart Races, which is over Thanksgiving weekend. They didn’t get as many entries as they hoped but they are growing and they are coming back in March with their show again. Upcoming events, we’ve got Transiberian Orchestra this Friday evening. It is sold out. We have the Flea Market this weekend and then on the New Year’s Eve party the Diamond W Wranglers are going to host a party and dinner and dance in the Pavilion this year. If there are any questions I would be happy to answer...and then also we have our normal schedule of hockey.”

Chairman Winters said, “Alright, thank you Dave. Commissioners, do you have questions of Dave? Seeing none, what is the will of the Board?”

MOTION

Commissioner Unruh moved to receive and file the report from the Kansas Coliseum.

Commissioner Norton 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, “Well, I hope you have a good sold out event Friday night.”

Mr. Rush said, “We will, thank you.”

Chairman Winters said, “You bet. Next item.”

G. APPROVAL OF THE “FORCE ACCOUNT CONSTRUCTION ENGINEERING INSPECTION SERVICES AGREEMENT” WITH THE KANSAS DEPARTMENT OF TRANSPORTATION FOR SEDGWICK COUNTY PROJECT 839-P-4500; BRIDGE ON 143RD STREET EAST OVER THE KANSAS TURNPIKE. CIP#B-444. DISTRICT 1.

Mr. David C. Spears, P.E., Director, Public Works, greeted the Commissioners and said, “Item G is a Force Account Agreement with the Kansas Department of Transportation to reimburse Sedgwick County for engineering inspection services performed during construction of the bridge replacement project on 143rd Street East over the Turnpike. This project is designated as B-444 in the Capital Improvement Plan and will have 80% reimbursement. The maximum amount of Federal funds a county can receive is \$116,435.00. I recommend that you approve the agreement and authorize the Chairman to sign.”

Chairman Winters said, “Alright, thank you David. Are there questions of David Spears on this item?”

MOTION

Commissioner Welshimer moved to approve the agreement and authorize the Chairman to sign.

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, "Thank you very much David."

Mr. Spears said, "Thank you."

Chairman Winters said, "Madame Clerk would you go ahead and call Item H?"

H. RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ENTER INTO A LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION IN ORDER TO FINANCE A TECHNICAL EDUCATION COMPLEX.

Chairman Winters said, "Commissioners, this is the item that the request for proposals on the bond sale was not going to take place until 10 o'clock this morning so we need to defer this until later in the morning. We do have the Consent Agenda, Other and an Executive Session so Mr. Euson, would it be proper to make a motion that we come back and take this item up at 10:15 or do we need a motion...10:30, do we need a motion to do that?"

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, "Chris Chronis sent out a note regarding this and his suggestion was that the numbers to be inserted into the lease that you are going to be asked to approve wouldn't be ready until at least 10:30 so I would suggest that...and it makes no different to me about Executive Session so I would suggest you perhaps take up the Consent Agenda and then recess the meeting until at least 10:30."

Chairman Winters said, "Ok, we will defer this item at this time and when we get to the Executive Committee Session we will recess then until 10:30 and we will back here in session at 10:30 and hopefully we can take care of this item then so this item is temporarily deferred until later in the morning. Madame Clerk, would you call the next item?"

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CONSENT AGENDA

I. CONSENT AGENDA.

- 1. Annual Report for the Sedgwick County Foreign-Trade Zone Project for the 2007-2008 Federal Fiscal Year.**
- 2. First Amendment to the Contract with the Board of County Commissioners and the Kansas Department of Wildlife and Parks for the Community Fisheries Assistance Program at Lake Afton and Sedgwick County Parks.**
- 3. Approval of a Cereal Malt Beverage License for Bomber Burger by the County Clerk's Office.**
- 4. Approval of a Cereal Malt Beverage License for Cheney Lanes, Inc/D' Mario's Pizza.**
- 5. Approval of a Cereal Malt Beverage License for Jeymanco/ Schulte Country Store.**
- 6. General Bills Check Register for the week of November 19, 2008 - November 25, 2008.**

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

MOTION

Commissioner Norton moved to approve the Consent Agenda as presented.

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, "Commissioners, this brings us to other business, does anyone have anything in the Other category that they would like to discuss? Commissioner Parks?"

J. OTHER

Commissioner Parks said, "Well, out at the Pavilions on the 14th of December the Flea Market will be out there and some people that may think that this is junk or just second hand stuff there are a lot of new items out there and if you have your Christmas shopping, some things on your list there are some new and unique items at the Flea Market at the Pavilions out in the Coliseum complex. And I just wanted to say that that is something that is going on in my district and come on out. Thanks."

Chairman Winters said, "Alright, is there any other? Commissioner Unruh?"

Commissioner Unruh said, "Thank you Mr. Chair. I just might mention, perhaps almost too early, that we are going to have an E-Waste Collection event on January 24th but as folks are shopping and replacing some of their electronic appliances and so forth, rather than trying to just put them in the trash if they will just save them and plan for that January 24th event we are going to take care of it appropriately so it is kind of an early warning notice about that. That is all I have."

Chairman Winters said, "Alright, very good. Commissioner Welshimer?"

Commissioner Welshimer said, "Well our Legislative Delegation is going to be answering questions for citizens down in Derby in the morning, I believe it is around 7:30. That should be verified but all the people that live around Derby and so on would probably like to know that."

Chairman Winters said, "Alright, thank you. Before we go into Executive Session I would like to acknowledge a little bit of a rarity this morning, we have two former County Commissioners in our audience this morning; former County Commissioner Bill Hancock is here and former County Commissioner Bud Henson is in the audience this morning so welcome to both of you. Now we do need to have an Executive Session and our Item H will not be ready until 10:30 so I would suggest that we have a motion that we go into an Executive Session and we reconvene here at 10:30."

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MOTION

Commissioner Norton moved that the Board of County Commissioners recess into the Executive Session until 10:30 to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending claims and litigation, potential litigation, legal advice and that the Board of County Commissioners return to this room from Executive Session no sooner than 10:30 a.m.

Chairman Winters seconded the motion.

Mr. Euson said, "Commissioner Norton the motion was set up for 10 minutes and that is really about all we need and I would suggest that if you could amend that to just a 10 minute motion then when you return from Executive Session then you can recess the meeting until 10:30."

Chairman Winters said, "So we need to come...we can't just..."

Mr. Euson said, "We do not need the session for much longer than 10 minutes."

Commissioner Norton said, "Ok I will amend it to 10 minutes and we will return at 10 minutes till 10:00."

Chairman Winters said, "Alright, I will second that motion but just for clarification for anyone listening or the audience, we are going to come back at 10 till 10:00 and then we are going to recess until 10:30 so it is really going to be 10:30 before we conduct any other business."

VOTE

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

Chairman Winters said, "We are recessing for Executive Session for approximately 10 minutes."

RECESSED TO EXECUTIVE SESSION: 9:35 a.m. TO 9:52 a.m.

Chairman Winters said, "Let the record show that there was no binding action taken in Executive Session. Mr. Euson, we need no action resulting from that, do we?"

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Mr. Euson said, “No action is needed, that’s correct.”

Chairman Winters said, “Alright, thank you. That concludes our Regular Agenda except for Item H, which is the lease agreement and the financing of the Technical Education Complex and that will not be ready for another 30 minutes from Finance Department so at this time I am going to recess our Regular Meeting of December 3rd until 10:30, which is approximately 30 minutes. We are in recess for 30 minutes.”

RECESS: 9:52 a.m. TO 10:42 a.m.

Chairman Winters said, “I will call back to order the Board of County Commissioners Regular Meeting December 3rd, 2008. We have been in recess while the Financial Department prepared calculations for our final agenda item of the day so Madame Clerk, at this time would you call Item H?”

RESOLUTION AUTHORIZING SEDGWICK COUNTY, KANSAS TO ENTER INTO A LEASE WITH THE SEDGWICK COUNTY PUBLIC BUILDING COMMISSION IN ORDER TO FINANCE A TECHNICAL EDUCATION COMPLEX.

Mr. Chris Chronis, Chief Financial Officer, Division of Finance, greeted the Commissioners and said, “Thank you for waiting for us. I think we have some reasonably good news for you today. We have taken bids as we had told you we intended to for the sale of \$43 million worth of bonds to be issued by the Public Building Commission in order to provide most of the financing for the National Center for Aviation Training at Jabara Airport. Those bids were received at 10 o’clock this morning, the bid deadline, and as we work through this presentation we will talk a little bit more detail about those but before we do that I thought it might be appropriate for us to start with having Dave MacGillivray, who is the County’s Financial Advisor, talk to you about the ratings that we received for these bonds and what the credit rating agencies had to say about Sedgwick County as a credit.”

Mr. Dave MacGillivray, Chairman, Springsted Inc./County Financial Advisor, greeted the Commissioners and said, “As part of this process, as with other County bond transactions, there is a rating review by the three National rate agencies; Fitch, Moody’s and Standard & Poor’s. In this situation it was a much more intensive process. It involved a tour of the County, the involvement of County staff and one of the Commissioners. We would like to note in this market environment, credit quality is of extreme importance. What has been going on in the financial market certainly transfers to municipal market and as you go through here I would like to highlight some of that and as I think through the sale process one of the most noteworthy items is going to be the upgrade to

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Triple A by Standard and Poor's but on the overhead you can see these are the synopsis of the overall headlines from each of the reports, Fitch Ratings; the AAA County rating was affirmed: county strong credit fundamentals, conservative management, low direct debt levels; when they say direct they mean the County's own debt as compared to other underlying entities and solid general fund reserve levels. Moody's Investors Service; their rating was affirmed at AA-1, that is one rating level below the AAA. Their comments: financial operations, healthy reserve levels, strong financial management, ample revenue raising flexibility, substantial tax base, economy remains strong, noted the concentration of the aircraft manufacturing, above average overall debt burden, here again overall relates to not just yours but those of your underlying entities; school districts, cities, etc. And then Standard and Poor's, the AAA, which is an upgrade: tax base expansion, significant role as regional economic center, maintenance of consistently strong financial operations. I think you should keep in mind out of roughly 12,000 entities in the United States that receive ratings of probably about a 100 right now with AAAs so this is a significant achievement. It will save your tax payers money immediately and I think an estimate is generally about one tenth of a percent, which when you are borrowing \$44 million is real money.

The last thing, as I said, in this economy and these markets the achievement of AAA and what that means in terms of long term interest cost savings is substantial so these rating levels, particularly the AAA, you know as I said there are only 100 in the country, you know, they result from a lot of solid decision making along the way by the Board and the work of your professional staff in providing you with the information to make those decisions so it is something you should take immense pride in so...I think Chris is going to follow through."

Chairman Winters said, "Alright, thank you Dave."

Mr. Chronis said, "The transaction that you have authorized us to undertake and that we are proposing to undertake today is the sale of lease revenue bonds by the Public Building Commission. They will be meeting within the next hour to approve the award of a bid for the sale of those bonds assuming that you approve the lease that we are bringing to you today. The bonds, as I said, are lease revenue bonds of the Public Building Commission. They are secured by the rent revenue that the PBC expects to receive from Sedgwick County pursuant to the lease that is the subject of this agenda item. That lease gives you the operational rights to the facilities that will be financed with these bonds, the National Center for Aviation Training. As you know, the land on which those buildings sit is owned by the Airport Authority and back in December of 2006 you approved and the Public Building Commission approved a land lease with the Airport Authority for 50 years to provide these facilities. The plan is for the County to sublease the facilities, once they are constructed, and the land to the Technical Training Authority and WATC and they will be the operator of the training programs. You know all of that, but for anybody that is watching in I wanted to make sure that people understood what is going on here and what this was about. The

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bonds themselves have a 20 year maximum maturity. We will close them on December the 18th, meaning that's when the paper and the money will exchange hands; they will be dated as of December the 15th of this year, that is when the interest clock starts. They will be callable 10 years from now at par, meaning at 100% of their face value and you see here the bond ratings that David has already talked about. The transaction, the lease, will constitute a general obligation of Sedgwick County, meaning that you are pledging to levy property taxes to whatever level is necessary to repay those bonds. Should the County default on the bonds then the Public Building Commission has the right to compel you to levy those property taxes under this lease and that is standard language that is included in all PBC leases that we have executed and we do that specifically because we consider it to be a minimal risk to Sedgwick County, that is we have no plans to default on those bonds and because doing that allows the PBC effectively to take advantage of the County's good credit and that is what allows the PBC, with only lease revenues as a revenue stream, to obtain an AAA rating on their bonds.

The total amount of money in this bond issue is \$43,830,000. That is what we took bids on. The low bidder has proposed to give us a premium; that is they are proposing to give us more than we asked for in bonds. They are proposing to give us a premium of \$440,896.00. That will go into the construction account and serve as a contingency that is available to cover any unanticipated shortfalls in the project and I will get to that in just a second. The County has additionally received \$4,495,000 of grant revenue from the State and the Federal government to help finance this facility and all of that money together adds up to \$48,700...just under \$766,000 as you see here. All of that money will be used for the project costs with the exception of about \$114,000, which will be used to pay the issuance costs for this transaction. The bids came in I think very acceptable to us, as I have said to you in prior meetings leading up to today, we expected and we received bids that were somewhat higher than we would have received last summer or last year. Because of the downturn of the economy and the crash of the financial markets, interest rates on all of this sort of debt have spiked but now they are coming back down and so these rates we consider to be very acceptable. You see here that we received six bids and as an indication I think of the volatility in the marketplace and the sensitivity that investment banks have to that volatility now. We take these bids through an electronic system, it's an auction kind of a system where bidders are filling out the forms and pushing the send button to electronically submit their bids. They have up until 10 a.m. to do that. Typically, what you see on these kinds of transactions is some bidders coming in as much as 15 minutes before 10 a.m., 15 to 20 minutes early they start dribbling in. On this transaction we received all six of these bids in the last 30 seconds and so we were kind of nervous up in Finance as to whether or not we were going to have to come down here with egg on our face but six bids came in as you see, there is a tight spread in those bids. The low bidder, Citigroup, gave us a true interest cost of 4.8%. To put that in perspective our financial plan, which you know shows you our estimates of County's costs over the next several years. Our financial plan had been predicated on an assumption that the interest rate on these bonds would be 4%. As I have indicated to you, if we

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had sold them even six months ago, they would have been well below 4%. Had we sold them a month ago, they would have probably been over 6%. We told you yesterday, I believe, that we expected that the interest rates would come in around 5% so this is in line with our expectations and we think it is a good bid and we certainly are going to recommend that you recommend to the Public Building Commission that they accept that low bid.

That brings us to the document that we have a request for you to approve. It is a resolution authorizing the Chair to execute a lease and I would like Joe Norton, the County's Bond Counsel to describe those legal documents to you and just as an aside, we've put these documents together very late as know and I have emailed to each of you a copy of the draft of the lease for your review if you are interested in seeing all of the gory details."

Mr. Joe Norton, Bond Counsel, Gilmore & Bell, greeted the Commissioners and said, "Chris has done a very good job of summarizing the legal documentation transaction, the underlying land owned by the Airport Authority leased to the Public Building Commission will then lease the land and facility to Sedgwick County who will then enter into an operating agreement or sublease of some type with the Educational Training Authority. The resolution before you today basically is very short. It recites the fact that you previously adopted two resolutions requesting that the Public Building Commission go finance this project up to the amount of \$50,750.00 and that you will enter into a lease to make payments to support that debt service. As Chris indicated, due to some grants and other money you have received the size of the bond issue is now in the \$43 million range. The operative provisions of the resolution authorize the Chair to enter into this lease. The lease basically is what I call a triple net lease, in other words PBC has no funds, you are going to assume the payment of all debt service payments of the lease, all operating expenses; you in turn will then pass some of those obligations onto the Educational Training Authority on a day to day operating basis. It also authorizes the execution of such an agreement as is necessary for the operation of the facility and authorize the Chair to take other actions necessary to complete this transaction. I did go back and look. You previously authorized several transactions with the PBC of a very similar nature and the lease is substantially identical to those. You did originally the Forensic Science Center project with the PBC, two series of bonds for the Juvenile Justice Complex, Exploration Place and the Public Services/Public Works building down on South Seneca so this lease document is substantially the same as all those documents you previously entered into and this method of financing has worked very well for the County in the past so I would be happy to try and address any questions you may have."

Chairman Winters, "Alright, thank you. We have a question from Commissioner Parks."

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Commissioner Parks said, “Joe, you know we have our rating or AAA rating and they rate us, how would you rate if going back to the companies that bid on this this morning, how...is there a rating for them? Is there one of those that is better than another one or is there...?”

Mr. Norton said, “Each of the companies that have been on your bonds or ones which have bid on them in the past, both the PBC and the County bonds, I mean, they are large banks and investment banking firms. How each of those are doing today with respect to the bank industry I am not sure I am qualified to tell you this. It seems to be changing on a day to day basis. We want to make sure they are credit worthy enough to come up with the \$43 million 15 days from now and from what we know anyway we don’t know that any of them have problems being able to do that at this point and time.”

Commissioner Parks said, “Well, you know, I just recognized some of those names being in the news lately and just wondered, you know, how we could...to vote on this and to rate them, you know, in your opinion and I appreciate that you are not qualified to do that but...”

Mr. Norton said, “We have had other sales from other jurisdictions with these same types of investors and they have completed the transactions. As Chris indicated back in six or eight weeks ago, in October, I am not sure I could have said that on some of these people but now they are completing transactions in other parts of the Country and other parts of the State so we don’t know of any reason. Maybe Dave is more qualified to answer that question than am I.”

Mr. MacGillivray said, “I don’t know if I am more qualified because it is highly dynamic but one of the mechanisms within a transaction is they have to provide a cash deposit of multi-hundreds of thousands of dollars and if they renig then you keep that money and we go and talk to the next bidder so it is dynamic and yes, you could see something with Citigroup in tomorrow, they fulfilled all the legal requirements of bidding. There is nothing that we can say that would call them; say they are an irresponsible bidder so I think our recommendation would be to proceed.”

Commissioner Parks said, “So if these companies go broke or the company that we are looking at...they do have substantial cash up front to take care of...”

Mr. Norton said, “Right, each of the bidders who bid posted \$875,000 as a bid bond. That is wire transfer money and good money we have.”

Commissioner Parks said, “Then the bonding company would take care of it then?”

Mr. MacGillivray said, “Yeah, we are in receipt...I mean Springsted is in receipt of those wires, \$870,000 from each of the bidders and as soon as this activity today with the approvals concludes

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we will wire that to the County. You will have that cash deposit, which will be yours in the event that they defaulted on the closing of this transaction.”

Commissioner Parks said, “Ok, thank you.”

Chairman Winters said, “Alright, just to follow up on that, once December 18th and the funds are transferred to Sedgwick County then anything could happen to one of these companies and our responsibility is to actually who holds the bonds, whether it is one of these companies or someone that they sell the bonds to, we really don’t have much dealing with any of these companies after that.”

Mr. Norton said, “That is correct. We will have an agreement the State Treasurer as paying agent for you and the bonds. The County or the PBC will provide the debt service payments to the paying agent, the State Treasurer, and it is their responsibility to get that money to whoever happens to own the bonds at the time the payments are due so we have no further dealing with Citigroup in this case once we get to the closing.”

Chairman Winters said, “Alright, Commissioner Unruh?”

Commissioner Unruh said, “Thank you. I had a question about the true interest rate, is that taking into account the premium we received?”

Mr. Chronis said, “Yes it does. And I think I would like Dave to give you a little bit more technical explanation then just yes it does.”

Mr. MacGillivray said, “The true interest rate is really a present value equivalent of your payments over time discounted back to today and it includes any costs paid to the underwriter, in this case with the premium those have been considered as part of that cost so yes, it includes that and it’s an industry standard and it reflects the present value of those future payments.”

Commissioner Unruh said, “Ok thank you. And then a second question just to kind of how this relates to other bond issues recently, does this...I mean are we on the good side of the curve? I mean, what have other people done recently?”

Mr. MacGillivray said, “Well, recently it has been kind of a wild ride but seriously we have performed an analysis of these bids and I would like to say generally we did an estimate last week, had you sold last week, and we came up with an interest rate of 4.99% so this is below that by approximately 15 base points, 15 hundredths of 1%. We also have daily scales that are sent out to the industry and we have a consensus of maybe 30 investment banking firms that public a daily

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index of AAA rated municipal bond transactions and we compared your interest rates with that standard for today and generally this is a 20 year transaction, in the first 10 years you are somewhat below the mean of those and the last 10 you are slightly above. You have to recall that having a split rating with the Moody's AA-1 is a drag so you can't compare yourself with those that have...are strictly AAA without having that other rating that is somewhat below and in these days those spreads between the interest rate differences between a AAA and a AA are substantial and then they get even more substantial as you go to an A rated, etc. so we believe that these are very acceptable market interest rates that the County received today."

Commissioner Unruh said, "Ok, thank you. That's all I have."

Chairman Winters said, "Alright, I have a question for Joe. Joe, just for clarification for the record and future years perhaps, you do represent the County as our outside Bond Counsel."

Mr. Norton said, "That's correct."

Chairman Winters said, "And you believe that this is a good workable deal and everything to your knowledge at this time is proper and in order?"

Mr. Norton said, "I agree with that statement."

Chairman Winters said, "Alright, very good. And Mr. Euson, your staff has examined all of this information and you are comfortable that everything is proper and in order?"

Mr. Euson said, "Yes we have. As Joe indicated this is a pretty standard lease and it is a good arm's length lease document and we are very comfortable with it."

Chairman Winters said, "Alright, thank you very much. Now I see no other questions. If any Commissioner has questions this is the time and the place, if not, we are preparing the time we need a motion to approve this resolution. You have a question Mr. Unruh?"

Commissioner Unruh said, "Mr. Chronis, just and I think we know the answer and perhaps you even said it but in our long range financial plan this is accounted for in such a way that this doesn't imply future changes to our mill levy and...?"

Mr. Chronis said, "No, absolutely not."

Commissioner Unruh said, "Ok, thank you. That is the answer I wanted. Thank you."

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Chairman Winters said, "Alright."

MOTION

Commissioner Unruh moved to adopt the resolution.

Commissioner Norton 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, "Mr. Buchanan?"

Mr. Buchanan said, "I said it yesterday and I need to say it again today what a great achievement it is for Chris Chronis' staff, Joe Norton and Dave MacGillivray, for the hard work they have done to make assure that our bond rating has increased. That is significant. When you can save the tax payers approximately \$800,000 over 20 year period that is a big deal and because of their good effort and your good sum policies that we got there and so you deserve a pat on the back as does Chris."

Chairman Winters said, "Well, I would second that. I think we've got a great team in place, a great staff, some good advisors, consultants, and we appreciate the work that you have helped us do. I think I am proud of the foundation that this Commission has been based on. Before the time I came of trying to work in a sound, conservative manner and not become overextended so I think the actions of past Commissions have played; in the distant past, the medium past and the immediate past, has played a strong role in allowing us to obtain these AAA ratings which mean a great deal so thank you to all of you who have been involved in this process. Commissioners, is there any other business or any other comments at this time? Seeing none, our meeting of November [sic] December 3rd is now adjourned."

K. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:03 a.m.

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

THOMAS G. WINTERS, Chairman
Third District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KELLY PARKS, Commissioner
Fourth District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Don Brace, County Clerk

APPROVED:

_____, 2008