

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

July 9, 2008

The Special Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 6:30 P.M., on Wednesday, July 9, 2008 in the Jury Assembly 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; Mr. William P. Buchanan, County Manager; Mr. Michael Pepoon, Assistant County Counselor; Mr. Robert Parnacott, Assistant County Counselor Ms. Kristi Zukovich, Director, Communications; Ms. Lindsey Mahoney, ADA Coordinator, and, Ms. Bethany Carpenetti, Deputy County Clerk.

GUESTS

Cecil E. Walker, JR 1424 Broadway, Parsons, KS 67357
Thomas Wiggins 9764 N. Meridian, Valley Center, KS 67147
Benny Boman, 1914 Euclid, Wichita, KS 67213

ROLL CALL

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

Chairman Winters said, "Commissioner Welshimer had indicated that she did have a conflict early on so depending, she is attempting to be here so we may hear from her later in the evening but I think, I am not sure but I think she is with the Governor of the state of Kansas this evening. So we will certainly give her the ability to do that and she has indicated that she may show up later in the evening. Bethany would you go ahead and call the first item."

PUBLIC HEARING

A. PUBLIC HEARING REGARDING SEDGWICK COUNTY'S AMERICANS WITH DISABILITY ACT (ADA) SELF-EVALUATION AND TRANSITION PLAN.

Chairman Winters said, "Lindsey if you would please speak to us."

Ms. Lindsey Mahoney, ADA Coordinator greeted the Commissioners and said, "Before beginning I would like to recognize our County appointees to the Wichita-Sedgwick County Access Advisory Board, we have John Sullivan with us here today, and we also have Nick Taylor here with us today. We do have several other members of our Advisory Board and again I would like to thank them for their commitment to this board and the time that they volunteer to make our community more accessible.

As you know Sedgwick County is committed to insuring the accessibility of all of our programs, our services, including all aspects of employment to make sure that they are accessible to individuals with disabilities. We do this both because it is required under the Americans with Disabilities Act and we want to comply fully with the letter and spirit of that Act but also because it is the right thing to do. As part of the County's ongoing efforts to ensure accessibility, we have hired an ADA consultant, Kent Johnson, with ADA Accrediting and consulting and he is here with us today. He has helped us to evaluate our programs, our services and our facilities looking at accessibility issues and improvements that we can make. This extensive review has resulted in a self-evaluation document as well as a transition plan for our facilities and those have been provided in draft form both on the County website and on the Air Capital Telephone Reader so that the public can have the opportunity to review this document, comment and participate as much as possible in the planning process. Since undergoing our self-evaluation efforts the County has taken very broad measures to improve accessibility throughout the County, we have hired a full-time ADA Coordinator, we have notification posters at all facilities and reception desks to notify people that we will accommodate them, we have ADA liaisons for every department, we also have training for all County employees from new employees to specific trainings for certain departments. We also collaborate ongoing with the Wichita-Sedgwick County Access Advisory Board and this Board helps us to make decisions regarding accessibility and help make our community more accessible. We have also made numerous efforts to improve the County website so it is more accessible to those who are visually impaired, the Elections process and closed captioning for Commission Meetings. We also recognize that self-evaluation is going to be an ongoing process the way we work is always going to change as we adapt to new facilities, new technologies we want to make sure that we remain accessible. These documents that have been created will help us set up those foundations and will continue to build upon those as we move forward. With that I would like to invite Kent Johnson with ADA Accrediting and Consulting to talk a little more about his report."

Mr. Kent Johnson, Operations Manager, ADA Accrediting and Consulting, greeted the Commissioners and said, "We worked with the County to create a transition plan in an ADA self-evaluation which are requirements of the Americans with Disabilities Act that all counties, all local governments and all state governments perform or create. We worked with the County for approximately one year in creating these documents examining internal policies and practices, examining all public buildings and facilities and in general just working with the county to insure that the things that we are establishing are ingrained and become a systematic part of County policies and practices."

Chairman Winters said, "Alright Kent thank you very much, Lindsey thank you. This will begin the process of the second public hearing that we have had today as we go through our self-evaluation process. I would like to just comment at the very beginning that Kent we have appreciated your work in this process in getting us to this point, we have all heard good things about the work that has been produced and we also want to again acknowledge Lindsey Mahoney who is now our full-time ADA coordinator and Lindsey we appreciate the work that you have done and are doing and will continue to do we hope for a good long time we have been very pleased with the work that you have done with our current County staff including Mike Pepoon, in the legal department and others as we move forward in putting together this entire plan. So at this time as we go through this process I do want to just want to acknowledge that we did have an article on the front page of Tuesday's *Wichita Eagle* which was talking about these hearings that we are in the

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process of having in this evaluation so again it was good to see that they are responding and reporting on the work that we are doing and I am not sure how we could have got a much better publication for the opportunity for citizens to again visit then being on the front page of our daily paper. Commissioners if any of you have questions of Kent or Lindsey at this time before we open then public hearing, any questions or comments?"

Commissioner Parks said, "One quick question for Lindsey, now all the departments in the Courthouse are under your purview then?"

Ms. Mahoney said, "Yes."

Commissioner Parks said, "Other elected officials, all departments, Judiciary, all of that is under your umbrella of this study."

Ms. Mahoney said, "For the facilities?"

Commissioner Parks said, "Yes."

Ms. Mahoney said, "Yes, including the courts, all the court rooms, those are all included."

Commissioner Parks said, "Okay, thank you."

Chairman Winters said, "Alright, Commissioners seeing no other questions at this time, we will now open the public hearing and if there is any citizen here who wishes to address the Board of County Commissioners now would be the time to do that. So are there citizens? Yes, please move forward. We will bring the microphone to you if it does not turn on. Please give your name and address for the record and we like to try to limit our comments to five minutes but we certainly want to hear everything anybody has to say."

Mr. Cecil Walker, Jr. 1424 Broadway Parsons, KS 67357 said, "I think this is a great idea, this plan that you guys came up with you know but it is you know, this morning I remember him saying it is a 20 year plan and the law has been in effect for 18 years so it is kind of sad that we have to wait 38 years to get access when we could have been working the last 18 years, that is just my personal feeling. And I could go on and on about the accessibility problems but the survey pretty well does it, they did good work on finding what the problems are in the County, but I just wanted to mention that you put in the new Sedgwick County Extension office down here, brand new beautiful facility but three entrances, both entrances have heavy double doors, there are no automatic door openers, so it would make it a lot easier people that have limited mobility in the upper part of the body and the accessible fishing docks at your County lakes are not accessible to

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people that use wheelchairs, that's my comments. Thank you for your time."

Chairman Winters said, "Okay thank you for your comments. Lindsey you might be making some notes, and we might want to talk about the 20 year plan time frame as we close and how we are going to work that. Is there anyone else in the room? Yes, Mr. Wiggins come forward please."

Mr. Thomas Wiggins 9764 N. Meridian Valley Center, KS 67147, said, "And I am hard of hearing, been hard of hearing all my life and when I am close to somebody I can communicate fairly well but when I am at a distance and somebody is behind me talking I cannot discriminate what they are saying. I have had a lot of bad experiences in the Sedgwick County system starting with Judge Macias over in the County Court system a few years back, I asked for real time interpretation he said they could not afford it and so on he did not believe that I was hard of hearing, he asked me to come up with proof, case law or something. I came up with some Federal laws that was happening in Oklahoma City took it up to him and he said I want to see some case law from Kansas, I said sir this is a Federal, ADA is federal and so anyway on and on and I wound up over here in the District Sedgwick [sic] County on an appeal and one of the County attorneys, Prosecutors asked Judge Kennedy to order me to take a hearing test because they did not believe I was hard of hearing, here I am wearing two hearing aids. And so I took the hearing test, the County paid three-hundred and some dollars for that test came back and Kennedy says I guess you are hard of hearing you will get real-time. So it is humiliating to go through this and I have experienced it in some of the other courts, and I think what you really need to do is educate these Judges and their assistants the importance of the ADA regulations pertaining to disabilities especially the hard of hearing. Just because a person is setting there talking face-to-face doesn't mean that he can hear somebody like a prosecutor over there talking to a Judge, I can't understand what they are saying that is the problem I have had so therefore I was probably one of the first citizens in Sedgwick County to use this because they got them out unwrapped them, moved the County Court session over there to this courthouse, these things were kind of Mickey Mouse, sometimes they work sometimes they don't. I was in one courtroom filing a motion in front of a Judge a couple years ago and I asked for this assisted hearing, they handed me a deal, the headphones were all busted up in pieces so I was standing there talking to the Judge and I asked him a couple times to repeat what he said and he got belligerent, I mean to tell you it makes a person want to sit down and cry when this stuff happens to you. I suggest that what would work is, I liked the real-time and they keep telling me 'well we can't afford to send off for Court Reports that can do this' well, I think it would be nice if you could come up with a plan to put a monitor in every courtroom and everything that Court Reporter is typing is up there where they can read it because I am not the only one that misses these conversations. I was in an appeal case over in the Federal Courthouse one day about four years ago and they handed me two of these one for backup and I was sitting there listening, we were listening to some cases before my appeal came up, my attorney at the time said let me try one of those on and he tried on the extra one I had and he was amazed at how much better he was hearing because even the attorneys do not hear everything that is going on so you had a situation there where it is

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important, there's people that need to be hearing some of these things that's missing out and so if they would put a monitor, big monitor up there and put everything that goes through that transcript up there where people in the whole Courtroom can see it and hear. I gave you an example, I was in a zoning hearing here two weeks ago in Valley Center and they were up there talking and I said I can't hear you, well they went and got their thing out and they fiddled around with it for 15 minutes and they never could get it to work. Well finally they got their PA system working so I could hear it and I was sitting on the front row and a neighbor of mine wears two hearing aids said I could not hear them either but he was too bashful to speak up and that is the problem a lot of us have I have been bashful too about making a big deal about my disability but I have had it ever since I was a baby, nerve damage from Scarlet Fever. Another thing I would like to see you implement is to educate these Judges and their assistants the importance of these problems. Thank you."

Chairman Winters said, "Thank you Mr. Wiggins. I see no questions right now, is there anyone else who would like to address the Board of County Commissioners as we work on our self-evaluation plan for ADA compliance? Anyone else? Lindsey I might ask you to come up you received a couple letters or e-mails and we have assured everyone that they would be made part of the record, they are not very long would you just like to read those into the record?"

Ms. Mahoney said, "The first is an e-mail from Lori Lawrence, 321 N. Lorraine, Wichita, 67214; her e-mail says: 'I saw the article in the paper this morning announcing the ADA public hearing, I do wonder why Kent didn't find that no accessible telephones in the courthouse wasn't very high level. We all know it needs to be added but the paper says nothing is very high priority at the courthouse right now. There are a few options for accessible phones but the best fit for the courthouse would be one that is accessible to every person with a hearing loss. There is a video phone available that could be used by people that know sign language that is also available to those who do not sign but do not hear and need a text telephone. This same equipment also includes a regular voice phone that could be used by anyone. The studies such as the one done to prepare the transition plan always focus on physical accessibility so many times deaf people and their needs are left out.'

And then I received this letter at this morning's public hearing from Sanford Alexander on behalf of the Wichita Association for the Visually Handicapped, his address is 5321 Plaza Lane, Wichita, 67208 and he is the President for the Wichita Association for the Visually Handicapped 'I am writing on behalf of the Wichita Association for the Visually Handicapped (WAVH) which shares a seat on the Wichita-Sedgwick County Assess Advisory Board.

The progress Sedgwick County has made with respect to conducting an ADA facility survey leading to the development of a transition plan has been laudable. Overall, a proactive attitude has resulted in a thorough review with sound recommendations. We have only one area of moderate concern and one in which we think the County has not taken sufficient credit for its efforts.

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The area of concern relates to the timing for implementation of recommendations to provide Braille signage in several facilities. On a priority scale of 1, 5, 10 and 20 years, a tendency has been noted to put this signage issue into the 10 year category. We cannot understand why such an important item for the blind and visually impaired community is given such low priority, especially given the low cost of performing the corrections. The area in which we feel the County has failed to take the credit it has earned is that of accessible voting. The election voting for all disabled citizens a reality and has particularly made notable efforts for and with the blind and visually impaired community, despite this there is virtually no note of these accomplishments in the plan which, granted, more keenly focuses on physical barriers.

We will continue to work with the County as it continues to move forward toward making our community as a barrier-free as is possible and practical.”

Chairman Winters said, “Alright, thank you very much. Again is there anyone else in the room who would like to address the Board of County Commissioners? Anyone else who would like to address the Board of County Commissioners before we close the public hearing? I see a gentleman moving forward, sir if you would please just give your name and address for the record.”

Mr. Benny Bowman, 1914 Euclid, Wichita, 67213 said, “I don’t want to take up much of your time but I would like to bring to you transcript of my trial or portion of what I appeared before Rebecca Pilshaw in this, in the courtroom here a few years back and I, during this hearing, it was a hearing on attempt to dismiss certain charges and excuse me I’m reading now ‘Mr. Bowman: Your Honor...I have a hearing problem and you have a motor or something in there that is’ in other words this motor was running and it was just wiping out my hearing, could not hear, could not understand anything they were saying and of course the Judge says I can’t do anything about that and that is part of a heating and cooling system and I can’t turn it off so there was very little or no concern and of course they proceeded on and I couldn’t hear half of what was going on it was you know. That’s all I am saying. Thank you.”

Chairman Winters said, “Alright sir thank you very much for those comments. We might just note that Mr. Wiggins talked about Judge Macias who is a County Court Judge and then he talked also about District Court Judge Kennedy and Rebecca Pilshaw who is a District Court Judge but those are certainly issues that we appreciate you bringing to our attention.

Is there anyone else in the room that would like to address the Board of County Commissioners, is there anyone else who would like to address the Board of County Commissioners as we proceed with our self-evaluation for ADA improvements and compliance? Alright at this time we will close the public hearing and Lindsey I would like for you to just make a couple comments if you could on timing issues. I mean we heard about timing, we talked a little bit about that at our Commission

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Meeting this morning so could you just make a couple comments and maybe even Kent if you would like to make a couple comments about timing and how we select issues that need to be addressed.”

Ms. Mahoney said, “I will let Kent go ahead and speak on that, the timing set up there is part of his report.”

Mr. Johnson said, “The time frame is fairly typical with what we do for any state or local government that we work with simply because the expenditure of the money is so great that we realize it can’t be done really quickly especially in bad economic times and so the way we try to strategize this is to make sure that severe barriers are removed quickly in the time frame process and let other things rest especially where there are facilities that are very seldom used and where there might be other types of programs or activities that are very similar. So even though we go those 10 and 20 year periods some of those things are duplicate programs like say the County has two parks and there is an accessible dock at one but not at the other one, well maybe we can let the other one ride for a little while so it is all kind of a guessing game and you really, what I want everybody to understand is that the self-evaluation and transition plan is never intended to be set in stone, it is always a living document it will change overtime as the County builds new structures, makes modifications and so forth, things in that transition plan will change so you know these are exactly the kind of comments that we want and why we hold these hearings so that we can get this feedback and then take that back and make the appropriate changes that we need to make.”

Chairman Winters “Alright Kent thank you very much. I see that we do have County Manager Bill Buchanan in the audience and budget analyst Pete Giroux who is our budget expert on this area. Just my simple comment as I think our Extension, one of the gentlemen mentioned the Extension Service, we are very proud of that facility and I do not know where those doors are on the list but I would be one who would support ratcheting that up because that is just a first class facility and we want that to certainly be accessible to everyone as soon as possible. Does anyone know where that is on the schedule?”

Ms. Mahoney said, “I actually looked up this one after talking with, actually after doing a training for our facilities maintenance staff about two days ago, I guess it was last Friday, but two of our facilities maintenance staff who work out at the extension center mentioned that to me and I checked on our transition plan it is set as a medium priority which is five years. But what I have been doing as I meet with groups I have been trying to meet with organizations that represent and serve people with disabilities but also as I meet with our employees and get comments I have just been keeping a running list but that is one that I have on my list but that I would like to make the recommendation that that changes to a very high priority and that we, and there is a high level of use of people with disabilities at that location I think that makes sense.”

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Chairman Winters said, "Alright thank you. The public hearing has been closed but I would open it up if there is anybody else here that would like to say anything because they came in late perhaps, because we certainly do want to give anybody the opportunity again seeing no one moving forward Commissioners are there any comments or closing remarks?"

Commissioner Norton said, "Just one, we started working on the CIP today and there is a line item for the ADA items and we will have spirited conversation I am sure about what will be in the first five years and what goes in the out years, what it costs and what we will move forward and backward but I think it is important for the public to know that generally where you put your dollars is where there is priorities and there is a line item and there is money and we've just got to figure out where to spend that money, what year to put it in but it is not like we are doing all of this and there's going to be no money attached, I think there will be, we will have to be prudent with what year we put it in and what is reasonable to get done but there is a line item in fact it was the number one rated priority on the CIP list now where we end up putting money in different years and what those projects look like some of them will move faster because there won't be a lot of design involved with it it will just be purchase of equipment or what other, others may have to have redesign work done and that requires an architect or an engineer and that may take a little longer but there is a line item for ADA."

Commissioner Parks said, "I think when we are talking about priorities there is no other potential for I would think liability then to have somebody deprived of their liberty and if they are in a courtroom setting and they can't defend themselves and they go to jail or some other thing like that I think that needs to be pushed to the top, I don't know about every courtroom having that but at least one so they can schedule that in to where the people can have a defense or their attorneys can have defense and they can talk with them and see what is being said in the courtroom because if we get somebody that just puts more people in our jail it puts more stress on that and I do not know if the jail has sufficient equipment, I am sure they have somebody over there that'll sign, I do know some people that sign and they send them down to the jail once in a while, but maybe more education programs to get more deputies to learn how to sign also."

Chairman Winters said, "Alright very good, well Mr. Buchanan, any other things we need to take care of today, Mr. Pepoon anything else, Lindsey anything else? I thought you were going to say something Lindsey."

Ms. Mahoney said, "What I thought I might add, first off thank everyone for sharing their comments but what I would want to add is that I think that the training programs that we are launching are really going to help educate people and employees and knowing how to respond appropriately to situations and make sure that this training also notifies everyone of the reasonable accommodation policies and the reasonable modification policies, those are our policies that help to provide assistive listening devices or transcription services. Those kind of things and this self-

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evaluation and transition plan has those policies in it and with adoption of the plan will formally adopt those policies although we have been following those policies in the way that we handle those requests, and I think the more we educate people about that I think that should help some of the issues that were described today.”

Chairman Winters said, “Alright thank you very much, Kent did you have a closing comment?”

Mr. Johnson said, “Yes, I just wanted to follow up with Mr. Parks comments in reference to the courtrooms and Judges and the comments that we have heard tonight are fairly typical everywhere you go about people who have difficulty with receiving appropriate auxiliary agent services in courtroom activities. And it is a difficult issue to deal with because Judges are not controlled by the County, they are not paid by the County so you know the County really cannot force a Judge to do a particular thing or not a particular thing so it creates a conflict for us in how to deal with that, I am sure with the people you have here to work on it it will get done, but I just wanted to let you know it is difficult everywhere across the country and it is a training that has totally been missed in training the judicial system about the American with Disabilities Act. One final comment I have is that I just want to reiterate how proud I am of the County like I say I have worked with an enormous amount of local governments and I have never seen any organization that is so organized and so ready to take on this very important project and I really want to just applaud the County Manager because I think that is where it all starts from. Thank you.”

Chairman Winters said, “Alright Kent thank you very much for your services, Lindsey thank you for your work on this project before we adjourn I would just like to acknowledge that one of our Advisory Board Members here Nick Taylor is an Olympic athlete and will be traveling to Beijing in September and Nick this is an official from the Board of County Commissioners best of luck have a great trip we hope it is a rewarding experience and we hope everything goes well for you. Alright if there is nothing else to come before the board at this time this meeting is adjourned.”

B. OTHER

C. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 7:07 PM.

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

THOMAS G. WINTERS, Chairman
Third District

Regular Meeting, July 9, 2008

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