

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 28, 2009

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 28, 2009, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Kelly Parks, with the following present: Chair Pro Tem Gwen Welshimer; Commissioner David M. Unruh; Commissioner Tim R. Norton; Commissioner Karl Peterjohn; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Sheena Lynch, Senior Project Assistant, Human Resources; Mr. Troy Bruun, Deputy Chief Financial Officer; Mr. Chris Chronis, Chief Financial Officer; Ms. Claudia Blackburn, Director, Health Department; Ms. Marilyn Cook, Executive Director, COMCARE; Mr. Chad VonAhnen, Director, Sedgwick County Developmental Disability Organization; Ms. Iris Baker, Director, Purchasing; Mr. Ron Holt, Assistant County Manager; Mr. Mark Borst, Engineer, Public Works; Mr. James Weber, Deputy Director, Public Works; Ms. Kristi Zukovich, Director, Communications; and Ms. Angela Lovelace, Deputy County Clerk.

GUESTS

Cadet Colonel (C/COL) Amanda Swanson, Junior Reserve Officer Training Corps
Colonel (COL) Robert V. Hester, Director, Junior Reserve Officer Training Corps
Cadet Command Sergeant Major (C/CSM) Cody Dollmann, Junior Reserve Officer Training Corps
Mr. Kenneth L. Woodard, Appraiser's Office Retiree
Ms. Dollie Shaffer, Kansas Coliseum Retiree

INVOCATION

Pastor Rick Cline, RiverWalk Church of Christ, Wichita

FLAG SALUTE

ROLL CALL

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

CONSIDERATION OF MINUTES

Regular Meeting September 30, 2009
All Commissioners were present

Regular Meeting, October 28, 2009

CONSIDERATION OF MINUTES

Regular Meeting October 7, 2009
All Commissioners were present

Chairman Parks said, “You have all had a chance to read the minutes of both of those meetings. What is the will of the Board?”

MOTION

Commissioner Welshimer moved to accept the Minutes as read.

Chairman Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

PROCLAMATION

A. PROCLAMATION DECLARING NOVEMBER 2 – 8, 2009 AS WICHITA JROTC LEADERSHIP WEEK.

Ms. Kristi Zukovich, Director, Communications, greeted the Commissioners and said, “I’ll read this for the record:

PROCLAMATION

WHEREAS; JROTC was officially implemented in American high schools in 1916, began in Kansas in 1917, and in Wichita in 1994; and

WHEREAS; cadet leadership programs were started in selected middle schools in 1997 making Wichita a leader in the nation in this initiative; and

WHEREAS; the JROTC and leadership programs are recognized in Wichita for building citizenship and good character in our youth; and

Regular Meeting, October 28, 2009

WHEREAS; there are now more than 2,200 Wichita youth participating as cadets in 20 of our public schools;

NOW, THEREFORE, BE IT RESOLVED, that Kelly Parks, Chairman of the Board of Sedgwick County Commissioners, does hereby proclaim November 2-8, 2009 as

‘Wichita JROTC Leadership Week’

in recognition of these fine young men and women who are becoming better leaders and citizens for the future through their involvement in the JROTC and leadership programs.

MOTION

Chairman Parks moved to adopt the Proclamation.

Commissioner Welshimer seconded the motion.

Chairman Parks said, “We do have some people that would like to come forward and...”

Ms. Zukovich said, “We do. We have Cadet Colonel (C/COL) Amanda Swanson, who is here, and of course Colonel (COL) Hester, who we see every year.”

C/COL Amanda Swanson, JROTC, greeted the Commissioners and said, “Commissioner Parks, and members of the Board, we’d like to thank you on behalf of the 2,200 cadets in the corps for this proclamation. We’d also like to invite you to participate in our upcoming two events, which are the Veterans Day Parade and the Veterans Day Ceremony. We’d like to ask you to come and participate in them. Thank you.”

COL Robert V. Hester, Director, JROTC, greeted the Commissioners and said, “This is Cody Dollmann, our Cadet Corps Command Sergeant Major (C/CSM).”

C/CSM Cody Dollmann, JROTC, greeted the Commissioners and said, "Commissioner Parks, members of the Board, we are also going to recognize all branches of the military, as well as America, the Kansas flag, and the USD (Unified School District) 259 flag in the color guard as well.”

Chairman Parks said, “What date and time are those events?”

Regular Meeting, October 28, 2009

COL Hester said, “Commissioner Parks, our Veterans Day Ceremony is going to be at Century II on the 10th of November at 10:00. We’ll have the majority of our cadets in that ceremony, there’ll be about 2,200. We are in the Expo Hall. The Southeast High School band will be providing the music for that, and the South High School Madrigals also have a couple selections, to include the national anthem, that they will be singing. Following that, we’ll have a luncheon, which you and members of the Sedgwick County Commission are invited to attend, where you’ll hear from some parents, administrators and cadets about the successful program here in Wichita. And then before that, on the 7th of November, is the Wichita Veterans Day Parade, which will be starting at Main and Central at 11:00. We will be recognizing the Gold Star Mothers again, and also the World War II veterans. JROTC is building two floats that each of those groups will be able to ride on. That should be a great parade, and we hope that you all will be able to participate in our parade. We also would just really like to thank you for your support at the Junior ROTC programs here in Wichita. They are an outstanding leadership and character building program, and we just enjoy a lot of success here in the school district and in Wichita. Thank you.”

Chairman Parks said, “I have been to your functions in the past and they are great. The luncheon is informative, and it surprised me, the success of the program. We all know that the program is out there, but there are some real good success stories that you have had. I want to thank you for your work with the students, and this is open to the public over at Century II, isn’t it?”

COL Hester said, “By all means, it is. We have plenty of chairs, so we hope that all of you will be able to come.”

Chairman Parks said, “If you want to see an outstanding presentation, and each one of the groups are a little bit different, but one thing about it, they are all in military form, and they are something we can certainly be proud of.”

COL Hester said, “Yes, sir. You certainly can. Good Americans.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

RETIREMENT

B. PRESENTATION OF RETIREMENT CLOCKS

Regular Meeting, October 28, 2009

- **KENNETH L. WOODARD, FISCAL SPECIALIST, APPRAISER'S OFFICE, WILL RETIRE NOVEMBER 1, 2009 AFTER 20 YEARS OF SERVICE.**
- **DOLLIE SHAFFER, KANSAS COLISEUM, FISCAL BUSINESS ANALYST, WILL RETIRE NOVEMBER 1, 2009 AFTER 34 YEARS OF SERVICE.**

Ms. Sheena Lynch, Senior Project Assistant, Human Resources, greeted the Commissioners and said, "We have two retirements to celebrate today. The first recipient is Kenneth L. Woodard. He is a Fiscal Specialist in the Appraiser's Office and will retire November 1st, 2009, after twenty years of service."

Mr. Kenneth L. Woodard, Fiscal Specialist, Appraiser's Office, greeted the Commissioners and said, "Thank you."

Chairman Parks said, "Here is a presentation of a plaque. You can place it on the wall or place it on the mantle. Also I have a clock. Now, this is pretty heavy, but we don't want your burdens to be heavy during your retirement."

Mr. Woodard said, "Thank you."

Chairman Parks said, "Take it easy, and we appreciate your years of service here. We really have outstanding employees and we want to say, especially to you today, for your twenty years of service, thank you."

Mr. Woodard said, "Thank you."

Chairman Parks said, "Do you want to say a few words? You certainly can."

Mr. Woodard said, "Commissioners, I would like to thank you for the opportunity to work with the citizens of Sedgwick County. I do look forward to just doing nothing for the rest of the time. Thank you."

Ms. Lynch said, "Our next retiree is Dollie Shaffer. She is a Fiscal Business Analyst with the Kansas Coliseum, and will retire November 1st, 2009, after 34 years of service."

Chairman Parks said, "Dollie, as a memento of your 34 years of service, we have a Certificate of Recognition and we also have a clock for your mantle so you can watch time pass, whatever your adventures might be. I hear you may be volunteering and doing some other work, and that is great."

Regular Meeting, October 28, 2009

In the items that, personally around the Coliseum where Dollie worked, that's kind of my area also, when I would call for numbers, when I first got on the Commission, they said if you want numbers, call Dollie, so she was the number lady. She knew how many were at the Thunder game..."

Ms. Shaffer said, "I'll probably never forget it."

Chairman Parks said, "...she was the go to person. So thank you for all your work."

Ms. Shaffer said, "Thank you. Lovely."

Chairman Parks said, "Would you like to say a few words?"

Ms. Shaffer said, "I have a few words. Thank you for the beautiful clock. As it turns out, I have a collection of clocks, so this will be a lovely addition. It's been my honor and privilege to work for the citizens of this county for the past 34 years. It has flown by. In reflecting about these past years, I've discovered that I've been very fortunate to have made many lasting friendships, and I truly value that more than you could know. As Commissioner Parks said, I plan to tutor at my grandson's school in Haysville, at Nelson. I have a school down the street from my house where my son went to, and I plan to do that, too. The good thing about volunteering and tutoring is that if it doesn't work out, I can just not go back. I also would like to do some more traveling, and spend more time in my flower gardens, and to catch up on reading, because that is a passion of mine, and there are lots of books left at home for me to start with. Thank you very much."

Commissioner Welshimer said, "Call the next item."

CITIZEN INQUIRY

C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING SEDGWICK COUNTY JAIL MEDICAL NEGLIGENCE.

Mr. William P. Buchanan, County Manager, greeted the Commissioners and said, "Commissioners, he called in to our office and indicated that he was not well, and would like to be on a subsequent Agenda, so we need to defer this item, please."

MOTION

Chairman Parks moved to defer the item.

Regular Meeting, October 28, 2009

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

PRESENTATION

D. PRESENTATION OF QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDING SEPTEMBER 30, 2009.

VISUAL PRESENTATION

Mr. Troy Bruun, Deputy Chief Financial Officer (CFO), greeted the Commissioners and said, “I am going to take a few minutes and give you an update of how the county ended the first three quarters of 2009 financially, and then Chris Chronis will step up and give you some economic information on how the community stands right now. This first slide shows you expenditures and revenue for the entire county except capital project funds. There’s no arena numbers in here, road and bridge construction numbers. The red bars are expenditures, the green bars are revenue. Each portion of the bar is broken up by the percent of the budget that happened in that quarter. So as you can see, the top bar, 2009 expenditures, the county is pretty consistent on how the money is spent each quarter. The revenue, we collected almost 30 percent of our revenue in the first quarter, 30 percent in the second quarter, and it is down to 17.8 percent in the third quarter. As you know, we collect almost all of our property tax revenue in the first half of the year. So far through 2009, we have collected 84 percent of our budgeted revenue. Last year, at the end of the third quarter, we had collected 85 percent, so we’re down just a little bit on our revenue. Expenditures are up 4.3 percent when compared to the same time last year.”

“Focusing on key revenues, ad valorem tax is in the bottom of the slide. The yellow bar is 2009, blue is 2008, and green is 2007. We lowered the mill levy for 2009 by one mill. We still have collected 1.6 percent more in ad valorem taxes in 2009 and 2008. Motor vehicle basically flat, up about a half of a percent. I’m working up the slide. Sales and use tax in the middle, down about seven and a half percent from 2008. Investment income at the very top, down 55 percent. Last year

Regular Meeting, October 28, 2009

at this time, we were earning about five percent on our investments. At the end of the third quarter, 2009, we were earning 1.2 percent. Also, the sales tax revenue we collected for the arena, that is almost gone now that the Intrust Bank Arena is basically complete. This is the same slide I show you every quarter. It is just the breakup, to let citizens know what all the pieces of their tax bill are. The county is about a quarter, USD 259 about a quarter, City of Wichita a little less, and then all the other taxing districts are a little bit more than a quarter. So total levy for the entire county was \$504 million; Sedgwick County's piece was \$127 million.

“Focusing in on the largest revenues, ad valorem taxes, I just showed you on the previous slide, Sedgwick County's was \$127 million, and I'm showing you here that we've collected \$136 [million.] This number also includes the Fire District. So far, through the end of September, we've collected 101 percent of our budget, so we've collected more than we've levied. Well, we've also collected back taxes. In other years, when people haven't paid their taxes, we collect them, so that's reflected here, about 1.6 percent above 2008 numbers. Local sales and use tax, we see down about seven and a half percent. Medicaid fees, down almost 14 percent. There is a reason. Corrections, the JJA (Juvenile Justice Authority) funds, used to be recorded in Medicaid fees, now they are recorded in their own line. That's about \$1.2 million difference. Services offered by CDDO (County Developmental Disability Organization) no longer qualify for Medicaid fees, some of the services, so that's another reason why that's dipped down. State revenue, SRS (Kansas Department of Social and Rehabilitation Services), that's a direct reflection of the state's budget cuts to COMCARE, down about 16 percent. In the Medicaid waiver, they changed some of the services eligible to be paid by the waiver, so that's why that is increasing.

“Switching to expenditures on a budgetary basis, again, 2009 is in yellow, 2008 is in blue, 2007 in green. No surprise, the county spends most of our money either hiring people to provide services, or the second category, contractual, hiring other people to provide those services. Personnel this year through the end of the third quarter is \$133 million. The other interesting item is debt service at the very top, you see the yellow bar exceeds the other two. In 2009, was the first year we started making our debt payments on the National Center for Aviation Training (NCAT). That added about \$3.5 million to our debt service payments.”

Mr. Bruun continued, “Largest expenditures, of the personnel of \$133 million, almost \$96 million went for salaries and wages, up seven percent from last year at this time. There was a four percent salary pool for 2009, and there were also some market adjustments throughout the year that bumped that up. Health insurance, up 10 percent. The county Sheriff health insurance went up six percent, but we've added more insured. The layoffs around the community, some of the family members are now on the county's plan, where previously they were not. Bond principle, up 15 percent, that's the National Center for Aviation Training making that spike. A few lines down, interest; interest on our

Regular Meeting, October 28, 2009

debt also up 15 percent. Retirement contributions and FICA (Federal Insurance Contributions Act); as salaries go up, they go up accordingly. At the bottom, Fleet Management charges shows a 9.2 percent increase. That's really an apples to oranges comparison. Last year, through nine months, we had recorded seven months of Fleet Management charges. This year we've recorded eight months, so we've recorded more this year. I guess that means accounting is getting better, but we project at the end of the year Fleet Management will actually be down about six percent as a result of lower fuel costs.

“Capital projects, as you know, Intrust Bank Arena is nearing completion. The estimated completion of 85 percent, construction wise it's probably well over 95 percent, but we still need to put furniture and fixtures in the building, and do some final things to prepare it for opening. National Center for Aviation Training, the Gateway Building, almost complete. Phase two is well underway, more than a third done. Continuing with the fire station relocation, Fire Station 39 is about a third complete, and [Fire Station] 35 the construction documents are out. Forensic Science Center, if you remember that's a cash funded project, it is 62 percent complete, with almost all of the \$2.4 million budget committed, and finally, the highway preventive maintenance, all \$6 million has been committed to date.

“Switching to GAAP (Generally Accepted Accounting Principles) based numbers, the accountants, this slide shows the results. We have a fund balance policy. In the general fund, we require 20 percent minimum balance based on 20 percent of our expenditures and transfers. At the end of the third quarter, 2009, the general fund unreserved fund balance, meaning we have no legal restriction on it, was at \$83 million, well above the target. Last year at this same time it was \$87 million, so we have spent down our fund balance as we planned this year. We added this slide a couple of quarters ago. It shows the cyclical nature of our fund balance. We receive most of our revenue at the beginning of the year. As you can see, the first two quarters on any year are going up, trending up, and the last two trend down. I've highlighted the third quarter in red, as you can see. In 2006, at the end of the third quarter, we had \$54 million in total fund balance. In 2007, we stood at \$77 million, last year at \$95 million, and at the end of the third quarter, 2009, we are at \$91 million.”

“Investments, we have a \$283 million investment portfolio, and that's the split of where our money is invested. The slide shows you the size and return on our investments, and also shows you the benchmark. The spikes in December are when the county collects all the property tax that we turn around and give to other local governments in January, that's why it spikes so much in December. The blue line is our actual yield on investments. At the end of the third quarter it stood at 1.2 percent. Our benchmark is the one year treasury, and at the end of the third quarter it was at, I believe, 0.4 percent, so we're still earning above our benchmark, which is good news. This slide has not changed since the last quarter. These are things we are concerned about, and the biggies are at the bottom; the economic conditions, and the state budget, what they plan to do. I will be happy to

Regular Meeting, October 28, 2009

answer questions, or turn it over to Chris and he will talk about some economic indicators as of the third quarter for our community.”

Chairman Parks said, “I do have a couple questions. On slide four, if you would please go back to that, this is an indicator if you live in the City of Wichita and the 259 School District. Now, some of the other school districts and cities would be different than this pie chart.”

Mr. Bruun said, “They are in the ‘all other’ section.”

Chairman Parks said, “They are in the all others.”

Mr. Bruun said, “My pie looked pretty busy when I broke into all 106 taxing districts out.”

Chairman Parks said, “Okay, thank you. On six, if you would go to six, the personnel, do we have the out-of-county housing for the jail in that line, or is that in some other line item?”

Mr. Bruun said, “You mean the cost to transport those people?”

Chairman Parks said, “No, the actual housing of those.”

Mr. Bruun said, “No, that would be in the contractual numbers.”

Chairman Parks said, “We're actually a little bit below in total contractual from last year.”

Mr. Bruun said, “Yes. Contractual did dip about 0.63 percent.”

Chairman Parks said, “In some of the talks that I’ve had with the Treasurer's Office, I knew it was going to be down somewhat, but one percent kind of surprises me that we don’t have more than that that weren’t able to pay their taxes with all the layoffs and things. But also even more surprising are the back taxes that they collected, so that’s a good thing, and if staff needs an accolade for that, certainly thank them for collecting those back taxes. That’s all I have. Any other questions from any other Commissioners?”

Commissioner Welshimer said, “I have just one.”

Chairman Parks said, “Commissioner Welshimer.”

Regular Meeting, October 28, 2009

Commissioner Welshimer said, “On the contractual, talking about the jail, the cost of the jail contracts has been less?”

Mr. Bruun said, “I don’t have those numbers with me, the actual numbers of the contracts.”

Commissioner Welshimer said, “Well, does that include the extra money we just appropriated for them?”

Mr. Bruun said, “This is actual expenditures. You gave them additional budget authority, so maybe at the end of the fourth quarter some of those expenditures will be showing up in the contractual line.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Parks said, “If you remember, that’s the total picture there, too. There may be some other departments that have had less also. Commissioner Peterjohn.”

Commissioner Peterjohn said, “A couple of questions. On the personnel, on the increase for 2009, what is the percentage over 2008? Do you have that with you by any chance?”

Mr. Bruun said, “Yes. 6.96 percent, almost seven percent.”

Commissioner Peterjohn said, “Almost seven percent, okay. On slide four, I was also intrigued, I know it’s one that you’ve used in the past, when it says all other category, you are including not only other municipalities, townships, school districts, besides 259 and the City of Wichita, but also any special taxing district in that segment?”

Mr. Bruun said, “Correct, and the Fire District.”

Commissioner Peterjohn said, “And the Fire District, okay. I very much appreciate that clarification. That may explain why that’s out there with all the smaller communities and other school districts besides USD 259 in Sedgwick County. That’s all I have, Mr. Chairman.”

Chairman Parks said, “Thank you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Troy, one other question on the personnel slide. A seven percent increase, approximate, does not imply that we’ve grown our numbers, that’s driven by benefit costs, and papers, and those sort of things?”

Regular Meeting, October 28, 2009

Mr. Bruun said, "Right. We had a 10 percent increase in health costs, KPERs (Kansas Public Employees Retirement System) rates went up, we had a four percent salary pool, so anything above that is all the other things in personnel."

Commissioner Unruh said, "All right. Thank you."

Chairman Parks said, "Okay. Mr. Chronis, are you ready with your presentation? Thank you, Troy."

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "This is the fourth one of these presentations that we've done since the banking crisis hit and the economy went sharply down about a year ago. The presentation that you have received today on finances suggests, and I think it is true, that the county continues to be in very good financial condition. We have managed to control expenditures so that they largely are within expectations, and within the amounts of revenue we have collected. The county continues to collect more revenue than it collected a year ago despite the downturn, although not much more, to be sure, but the point is that we have not fallen off a cliff like so many governments have, and like many businesses have. The economic indicators also are surprisingly good this quarter. Nationally, you've seen in the press for the past several months a number of indicators that suggest that the national economy, perhaps, has reached bottom and is starting to recover. There have been a series of positive reports. In these statistics that I'm going to present you, you will see kind of similar information. The past several months have looked considerably better than the prior nine or ten months had looked. I don't know if you can say three months is a trend; I wouldn't be prepared today to call an end to the downturn in Sedgwick County, or affecting Sedgwick County government, but it certainly looks as if we may have reached bottom."

Mr. Chronis continued, "Foreclosures is a key indicator of how the economy is affecting our citizenry, and what foreclosures show us is that in the past two years, going back to January of '08, there have been a total of 1,738 people who have lost their homes due to foreclosure. You can see here the monthly numbers. It has ranged from a low of 40 in one month to a high of 146 in another month, but more significantly, the left half of this chart representing foreclosures in '08 is consistently higher than the right half of this chart representing foreclosures in '09. In fact, of that 1,738 total foreclosures, in the 21 months since the start of last year, 1,142, or an average of 95 a month, occurred in 2008, and 596, or an average of 66 a month have occurred in 2009. In fact, in no month of 2009, no single month, have we reached the average of the 2008 monthly foreclosures, so that certainly is a good sign for our economy."

"When we turn to construction activity, we see similar good news. The number of permits that have been issued in Wichita, as you can see from this chart, have grown pretty sharply over the past three

Regular Meeting, October 28, 2009

or four months. In April of '09, when we reached bottom, we issued 579 permits in Wichita. That compares to 1,461 permits in April a year earlier. The most recent month that's shown on this chart is August, and in August of '09, 2,552 permits were issued, compared to 992 permits a year earlier. So you can see that we've got, now, four months of consistently good news in permit issuance, and the size of the growth looks pretty promising to us, and when you look at the value of those construction permits, you see moderate news. It's good news, but not as good. What you see is that the value of construction activity is growing, and has grown for the last several months, but it is not growing nearly as quickly as the number of permits. So what it suggests, and what I think you would expect, is that coming out of a downturn, the first projects that get done are the low value projects. As we get deeper into recovery, and people find it easier to get financing for their projects, we will start to see the higher value construction activity undertaken.

“Turning to employment, we started to see declines in total employment in the Wichita MSA (Metropolitan Statistical Area) earlier this year. After a peak at the end of last year, and that is shown on this chart, at 313,000 jobs in the Wichita MSA, we reached bottom in the month of July, and August actually saw an increase in the number of jobs in this community. September data was released by the state Department of Labor just last Friday after the presentation was put together, and that shows another increase in the number of employees in this community, and so we've got a couple of months of growth, not much, but it is growth. It is not declines any longer, and so again, it is evidence that we may have hit bottom.”

“The unemployment rate, which is kind of the reciprocal of employment, also shows that we think we hit bottom in unemployment rates a couple of months ago. You can see here that throughout 2008 we were running between four and five percent unemployment, a very low rate, in fact, that is what economists typically call full employment, but in 2009, there was a very sharp increase in the unemployment rate in Sedgwick County. That unemployment rate reached its peak of 10 percent in the month of July. In the month of August, which is where this chart ends, we saw a sharp drop in the unemployment rate from the 10 percent peak down to 8.9 percent. The month of September, the data that was just released on Friday, shows a further drop in the unemployment rate to 8.5 percent, and so again, it is evidence that we may have reached bottom and recovery may have started, although it is somewhat slow, as I think you would expect.

“The number of layoffs is further evidence that we may have reached bottom. In this community, going back to the beginning of the banking crisis, September of '08, there have been a total of 13,541 people either laid off already, or they have been told that they are going to be laid off before December of this year, and that's what this chart is measuring. The bright red bar; the smaller bars

Regular Meeting, October 28, 2009

for each month, identify the number of new layoffs in that month. The purple bar shows the aggregate number, the total number of layoffs since September of '08, and we will peak in December at 14,600. Right now we are at 13,500, but you can see looking at the red bars that the significant months of layoffs for this community were April and May of this year, when a total of 6,150 people were laid off, nearly half of all of the people that are currently laid off were laid off in those two months. The aircraft companies have told us that they think they are near the bottom, if not at the bottom, for their layoffs. They think that they have gotten down to the level of employees that is required to support current production levels and forecasted production levels for the next 12 months or so. They tell us that if there are going to be any further layoffs in aviation, beyond those that have already been announced, they will be very small in number.

“Now, how does all of this affect the county? Well, so far, and we think probably now because of this turnaround in some of the economic statistics for good, county revenues have stalled, but they haven't dropped very sharply. You can see here the monthly net revenue, that is net of transfers, excluding the arena, as a percentage of the same month a year earlier. For May and August of this year, those two months, the revenues that we collected were lower, and can you see by the bars, they were fairly significantly lower than the same months a year earlier, but every other month this year our receipts have been higher than they were for that month a year prior.”

Mr. Chronis continued, “When you add all that up, and what you see on this chart are those monthly receipts going back for several years, when you add all that up, the year to date revenue, total revenue, excluding arena, is up about three percent over a year ago. We think that's very good news indeed. Now, that is despite the seven percent downturn in sales taxes that Troy outlined for you, and that I will talk a little bit more about later, and it is despite some of the other declines in revenue that Troy mentioned to you. So we think that the county is holding up very well through this downturn.

“Sales tax has been, perhaps, the most volatile revenue source, and that probably is predictable. Year to date we have received a total of \$18.9 million of sales tax revenue. That compares to \$20.4 million a year earlier at the same point in time. That's a decline of about seven percent, as you saw, but, again, if you look at the bars on the far right of this chart, you'll see that where they stand compared to a year earlier is better than where they stood earlier this year. That is, the rate of decline is dropping. We are improving our position as time passes. Mortgage registration fees certainly are subject to economic conditions, but in fact they have been declining for a long time, since before the banking crisis. We have seen declines in mortgage registration fees. Since January of '08 through September of this year mortgage registration fees are down about 11 percent over the

Regular Meeting, October 28, 2009

same time a year earlier. Troy talked about Medicaid revenue. We have received \$16.7 million through September of this year compared to \$19.4 million a year earlier, that's down 14 percent, and Troy outlined for you the reasons for that. It doesn't have much to do with the economy, it has more to do with the way the state pays out Medicaid.

"Now, turning from revenues to expenditures, we have continued to see growth in expenditures at fairly constant rates. Year to date we have spent, and this is, again, total expenditures, Troy was looking only at operating expenditures, year to date we have spent \$305.7 million; that's up about 12 percent over the same time a year ago; a fairly significant increase, I think we would all agree. Here's the reason for that significant increase; it is capital projects. If we look at all capital projects spending, other than the arena, and I've excluded the arena from all these charts, other than the arena, the capital project activity has increased 86 percent over a year ago. That's primarily due to NCAT. That second phase of the project is funded with bonds that we sold late last year, and the construction activity is going on now, so as a result, this year we have spent \$36.8 million on capital project expenditures, compared to less than \$20 million dollars at the same time a year ago."

"The county typically spends about \$30 million a month. Some months less, some months more, but we average out to about \$30 million a month, and what you can see on this chart is the monthly comparisons as we go through a six year cycle of activity. You can see that in most months of this year, county spending has been higher than it was in the prior year. Again, that's a function of capital project expenditures, personnel costs, and mitigated slightly by contractual expenditures that are down for the year. Salaries are our largest single cost item, and they have grown pretty steadily. The spikes that you see on this chart over time are the months in which there are three pay periods, and remember, we're on a bi-weekly pay cycle, so that means there are 26 paydays in a normal year, which means that two months of that year, there are three pay periods, and that's what you see in these spikes.

"For this year, we have been seeing a fairly steady increase of salaries over prior years of about seven percent. Troy mentioned to you that we have a four percent pay pool. That is the amount of pay raises that were allowed to be awarded to employees, and the difference between that and the additional three percent to get us to a total of seven percent increase represents new employees that have been added, principally because of grant awards. Overtime expenditures, another personnel cost, are down nine percent over a year prior. As we have gone through the downturn, and we have seen a need to manage expenditures, this is one of those that we have paid particular attention to, and you can see here the results of that effort. Grant awards are a key contractual expenditure. Grant

Regular Meeting, October 28, 2009

awards in this context are grants that we're giving to somebody else to provide services on our behalf, and you can see here that over time, going back as far as 2004, generally, the county has reduced its use of grant awards, which is an indication that as a service delivery strategy, over time the county increasingly has resulted more on its own forces to deliver services, and less on outside contractors. Year to date grant awards stand at just over \$14 million, they have decreased about two percent from a year earlier.

“When you take all this into account, the bottom line is general fund liquidity, what is happening with general funds cash, because that's how we pay our bills. Liquidity in the general fund increased substantially, going back to 2003, and that was a conscious effort of the county because of the last downturn, and our experiences in that downturn. At that point in time, those of you who were on the Commission will recall that you went through some fairly difficult decision-making processes. You ended up laying off about a hundred county employees. You ended up reducing some county services, and we all said, ‘We don't want to have to go through that again.’ And the way to avoid that is to build up cash balances and reserves, fund balances, to make sure you have adequate money in the bank to allow you to ride out a downturn when one comes. We are in that downturn now. We have built up those reserves, and we're using them to help sustain our activities through this downturn.”

Mr. Chronis continued, “What conclusions do I draw from all this? Well, as I've said, the local economy is down, but the impact has been relatively muted. Now, if you are one of those 13,000 or 14,000 people that have been laid off, or if you are in the family of one of those people, you're going to take issue with that comment, but if we look at the total community, and in particular if we look at Sedgwick County, and the effects of the economy on Sedgwick County, I think you have to agree that the impact of the economic downturn has been fairly muted. We have gone through this in better shape than anybody projected that we would when the banking crisis hit a year ago. Unemployment appears to have peaked in this community. We expect that there may be a few more layoffs to come, but we think that the worst of the damage has already been caused, and we think that we are starting to enter a recovery period. One result of all of that is that county revenues remain stagnant; they are growing over a year earlier, but they are growing fairly slowly, and they are a little bit volatile. The good news, again, is that the decreases that we have suffered have been fairly shallow, unlike some businesses and some governments, and much of what you read about in the national press, Sedgwick County government hasn't fallen off the cliff. We don't have to take rash actions to respond to the economic downturn.

“Another result of the economy, and one that's predictable, is that for some key county services, the demand for those services actually increases. That is, in the face of a downturn economy, we need to spend more money there rather than less. As people get laid off, some of them commit more crimes than they would have if they were still employed. We run the correctional system, so we end

Regular Meeting, October 28, 2009

up having to pay for those people. Some of those people who have been laid off, and some of their family members, require social services that they wouldn't have required if they were still employed. We run the social services, we run COMCARE, and CDDO, and Aging services, and so, in a downturn, it's predictable that we are going to see an increase in demand, and we are going to have to spend more money, not less, for some of the things that we do.

“So, when you combine that increased demand for services with normal cost increases that we have been experiencing, and stagnant revenues, what you end up with is a forecast of a general fund deficit this year on the order of \$1 million to \$2 million, except that in the last quarter, since the last time I did this presentation for you, we have received a repayment from Cessna of the \$5 million forgivable loan that we gave them last year. As you know, they've cancelled their project, their manufacturing plant, and they've repaid the loan as an inducement to locate that plant in Sedgwick County, so that \$5 million is unanticipated revenue to the general fund this year. With that revenue, we will end with the general fund position this year on the order of \$3 million dollars of net income. If you exclude that one-time nonrecurring activity that receipt from Cessna, we would have experienced a \$1 million to \$2 million deficit this year.”

“Now, turning to state effects on us, and again this is the same presentation, the same slide I showed you before, because there's been no change in the state's actions, as they affect Sedgwick County. Looking at revenues, the state has made fairly moderate reductions in the revenues that affect Sedgwick County. Looking at services, they have made somewhat more severe cuts and you see those outlined here. They total \$4 million in funding cuts for services that the state expects us to deliver on their behalf. Those revenue cuts are manageable; we have absorbed those in our system, the general fund effect of those cuts is actually less than even the \$2 million of revenue. The service cuts have had an effect on us. In general, Sedgwick County has decided to continue to provide those services using local funds instead of the state funds that we used to get, and so that has required us to figure out how to manage our affairs so that we can do those additional services, spend that additional money with stagnant revenue, but we think that we've managed that situation effectively. We think, in total, our financial position continues to be strong, and we're happy to see that so many of the economic indicators suggest that Sedgwick County may have reached bottom.

“This presentation is a summary of this quarterly report that you all have received, and that we publish quarterly each year. This is located on Sedgwick County's website, people can download it from the site if they wish. If they want a hard copy they can call the County's Budget Office and receive one. As I've told you many times in the past, I don't do any real work, I just stand up here and take credit for other peoples' work. This presentation, this quarterly report, is the result of a lot of effort from a lot of people in Finance, and I'm going to try to name everybody, almost certainly I'll leave somebody out, and they're going to be ticked at me, but here goes. Troy Bruun, the Deputy CFO, who you have already seen, is responsible for preparing this presentation, for

Regular Meeting, October 28, 2009

updating this presentation. David Miller and Chris Duncan, Pete Giroux, Nikki Huntington, Jill Tinsely and Anthony Swartzendruber, all in the Budget Office, responsible for preparing the narrative analysis, and the budgetary statements, and forecasts that appear at the front of the quarterly report.

“Ann Smarsh, our Accounting Director, and Brandi Baily, Sara Jantz, Pam Kelly, Ginger Radley and Daniela Rivas, all in the Accounting Department, are responsible for preparing the quarterly financial statements that appear in the back half of this report. I have to tell you, as I’ve told you before, that there aren’t very many governments that have the competence in their staff to be able to do this level of work at all during the year, let alone do it every quarter. You have an extraordinary Finance staff working for you, and I am very grateful that I get to work with them and take credit for their efforts. I’ll be happy to answer any questions that you have about this, if you have no questions, then I would recommend you receive and file.”

Chairman Parks said, “Commissioner Welshimer.”

Commissioner Welshimer said, “Chris, I appreciate the report. You always do a great job, and your staff does a great job. You have kept us in good shape, and kept us advised at intervals so that we know what our financial situation is. You mentioned 13,500 layoffs. That's not unemployed is it? I mean, the total unemployed? I was at a meeting last night at WSU (Wichita State University), they claim we have 17,000 unemployed in the area.”

Mr. Chronis said, “The number of people unemployed is a statistical measure and it is computed in a number of different ways; 17,000 may very well be the correct number using whatever way WSU is using. I’ve seen other reports that suggest the number of unemployed actually is less than the number of people who have been laid off, that total number that have been laid off. I’ve seen one number of unemployed that’s 12,000 in this community...”

Commissioner Welshimer said, “It would be very hard to find.”

Mr. Chronis said, “It is a lot of people.”

Commissioner Welshimer said, “The other thing I didn’t hear, maybe I missed it in your overall projections of stimulus money, we have had stimulus money come in different areas, and particularly in the housing market, that \$8,000 stimulus tax credit that is boosting sales. Have any of these, any of the stimulus projects, would they change your opinion here, or are they do you think that’s going to affect us when those are gone?”

Regular Meeting, October 28, 2009

Mr. Chronis said, “No, I don’t think it’s going to affect us when they’re gone, and they haven’t had very much of an effect on the picture that I have given you today. Sedgwick County has received awards totaling about \$2.5 million or \$3 million of total stimulus project funding. In addition to that, the state is doing some road projects, as you know, and they are considerably more expensive, but of Sedgwick County’s grant awards we have received, to date, less than a half million dollars of actual cash from the federal government. All of those stimulus programs that we have received are funded on a reimbursement basis, and it is a quarterly reporting system, so at the end of each quarter we have to tell the federal government how much money we spent on a program that they awarded funding to and then they reimburse us that. That exercise has just now commenced and so we haven’t received very much of that money; we don’t think it’s going to have very much of an effect on our financial condition.”

Commissioner Welshimer said, “Not on jobs, either?”

Mr. Chronis said, “Sedgwick County’s programs, as I recall, are expected to result in the creation of 75 jobs in the community.”

Commissioner Welshimer said, “Okay. Well, I think it has affected the housing sales, and probably those permits as well.”

Mr. Chronis said, “That’s very possible.”

Commissioner Welshimer said, “Okay. Thank you.”

Chairman Parks said, “I did have a question, and I don’t know how we measure this; the sales tax took a big hit, as you alluded to there. How much of this goes back to the internet purchases?”

Mr. Chronis said, “There is no way of knowing that. In fact, there is no way of knowing how much of that seven percent decline is attributable to the economy, and how much is due to the state’s statutory distribution formula. Sedgwick County’s one percent local option tax is shared on a formula basis with all of the cities in Sedgwick County, and that formula resets every six months. So there have been some changes in distribution because of the formula; there have been some changes in distribution because of the economy. The way the state reports the information, it’s not possible for us to figure out how much of that seven percent decline is taxable sales reduction and how much is state formula changes.”

Chairman Parks said, “I just had a personal interaction on the internet. I tried to buy my item locally, it was kind of a specialty item, and I went out and, certainly, they were not ready to put a Kansas tax on it from another state that was two or three states away, and so I don’t know how we really police that, but I think that there is probably some loss of sales tax through that.”

Regular Meeting, October 28, 2009

Mr. Chronis said, "I don't doubt that a bit."

Chairman Parks said, "Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. Mr. Chronis, I want to second Commissioner Welshimer's comments concerning your staff and getting this report information to us. I find it very useful and helpful, and they are to be commended. I wanted to visit a little bit, follow up on Commissioner Park's comments, in terms of the formula, because last year, when the Commission reduced mill levy by about one mill, my understanding is that formula for the sales tax and sales tax distribution is partially based on the mill levy that's charged by the local units, including Sedgwick County and the other cities that receive distributions."

Commissioner Peterjohn continued, "So if, let's say, the other cities on average here in Sedgwick County raised their mill levy one percent, and we lowered it one mill, which would be about, ballpark, about a three percent reduction, that could be explaining a significant portion of that decline, but I'm not sure when it would kick-in in the formula. Do you have any insight to share on that point?"

Mr. Chronis said, "As I said, the state resets the formula twice a year. I don't recall which factor is reset at which time of the year, but in January and July the formula is reset. One of those times of the year it is reset because of the property tax levy that you just cited. The other time of the year, it is reset because of population in each of the jurisdictions."

Commissioner Peterjohn said, "How do they get the population numbers, do you have any idea? Just use the census estimates?"

Mr. Chronis said, "Yes, and in between the ten year census, the estimates, I think, come from the state, some state agency, but I am not sure which one. I don't know where that comes from exactly."

Commissioner Peterjohn said, "Jumping back to the beginning of your presentation, towards the beginning where you had the charts with the increased registration, and the big spike in housing sales, I was curious, I don't know if we can go back to that or not, but I was interested in any insight, in terms of..."

Commissioner Unruh said, "Construction?"

Regular Meeting, October 28, 2009

Commissioner Peterjohn said, “Yeah, I think it may have been construction activity on the rebound perhaps. Yes. That is the chart. I didn’t make out the number. I was wondering with that big spike that’s on the end of that chart where it shows a major improvement, you would think that the economy was moving ahead, and I was concerned that this one-time first time home buyers tax credit, that’s due to expire at the end of November, might be doing for housing sales and construction activity what the Cash for Clunkers program did for automobile sales earlier this year, and it will be interesting to see if that number holds up or falls back, because the registration number that you showed, I think in the subsequent chart, didn’t seem to reflect a big jump there.”

Mr. Chronis said, “The value?”

Commissioner Peterjohn said, “Yeah.”

Mr. Chronis said, “Yeah, that’s the next chart.”

Commissioner Peterjohn said, “It didn’t show the value, and I thought, perhaps, that’s something I am going to be watching very closely. Jumping ahead to slide 28, if I could, there was a bit of an anomaly there. You mentioned that, because there’s 26 pay periods, and normally two per month, we’re going to have two spikes, but I was curious if you had any explanation why we would have two spikes in succeeding months. Normally they’re split up about six months apart?”

Mr. Chronis said, “What you’re looking at are here year-to-date data. In the year ‘09, January had three pay periods, and so the year-to-date salaries paid out were higher, and that continued into February; the year-to-date number continued higher into February.”

Commissioner Peterjohn said, “Okay, because you would have had the four percent pay increase that went into effect January 1, 2009, that would have kicked in.”

Mr. Chronis said, “Right.”

Commissioner Peterjohn said, “Okay, slide 31. You had mentioned that we had a decrease in the last year. I was curious if you had a dollar amount, as opposed to this chart, which is percentages, a dollar amount, in terms of how much the general fund liquidity has declined in the last 12 months.”

Mr. Chronis said, “No, I can’t tell you that. I can determine that and respond to you later, but I know that at September we had a total of \$80.5 million dollars of cash.”

Commissioner Peterjohn said, “I was interested, in terms of just how it had changed in the last year. I’ll look forward to receiving it. That’s all the questions I have. Thank you, Mr. Chairman.”

Regular Meeting, October 28, 2009

Chairman Parks said, “Just to clear up the population figures. I do know from another job that I had that they do rely heavily on utilities, and they look to how many were turned on versus turned off. They do go to some of those city utilities to get that data. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chair. Chris, before I get started, I just echo the comments of my colleagues, and say I really appreciate the expert, professional work that you and your staff do to keep us informed on the financial condition of the county. I appreciate your hard work. I need just a clarification, I think, because I don’t understand here. You talked about state budget reductions of approximately just over \$4 million, and then we had to also deal with, you said, state cuts in revenue, a little less than \$2 million.”

Mr. Chronis said, “That’s correct.”

Commissioner Unruh said, “That’s in addition to the \$4 million?”

Mr. Chronis said, “Yes.”

Commissioner Unruh said, “So this is just in funding for our services?”

Mr. Chronis said, “Yes, the \$4 million is the amount of funding for each of these services that’s enumerated that the state eliminated.”

Commissioner Unruh said, “And the \$2 million is just a reduction in revenue from sales tax?”

Mr. Chronis said, “From state revenues that they distribute to us for general purposes.”

Commissioner Unruh said, “Okay, so then for our total government we’re looking at about a \$6 million reduction?”

Mr. Chronis said, “Yes, and I should have said, and neglected to, that what you’re seeing here is point-in-time information, and as I told you, this is the same chart that we gave you a quarter ago, three months ago, because there hasn’t been any change in state response to the economy since then. I think we would all understand that it’s likely, that when the legislature comes back in session in January, they’re going to take another whack at the state budget. They’re going to have to. We don’t know how they’re going to do that. We don’t know how severe that cut is going to be, or what programs they’re going to whack at, so it’s possible, it may be probable, that there are going to be further effects on Sedgwick County of state action, but we don’t have any way right now of projecting either the size or the placement of those actions.”

Regular Meeting, October 28, 2009

Commissioner Unruh said, "Okay, thank you. You had indicated that this year that we were going to invade our reserves by about \$1 million to \$2 million?"

Mr. Chronis said, "In the general fund, yes. Well, that's what would have happened had we not received the Cessna repayment."

Commissioner Unruh said, "Correct. I understand that, but just in our general planning..."

Mr. Chronis said, "That's right."

Commissioner Unruh said, "Now, next year, the budget we approved indicates that we are going to, I mean, what is the budgeted deficit spending for next year?"

Mr. Chronis said, "The budget for the general fund for next year shows a \$19 million draw on fund balance. The actual draw, the actual projection, is expected to be about \$6 million. The difference between those two numbers always exists. There always is a sizable difference between the adopted budget and the projection of reality. The reason for that is the state's budget law that very narrowly constrains your ability to amend the budget mid-cycle. If you want to change the spending authority of the county, mid-cycle, you have to go back through the entire process; you have to have public hearings, you have to do legal advertisements, you have to do certifications to the state, and that's a fairly elaborate process, as you know. It takes a fair amount of time. If a disaster hits this county, if a crisis hits this county, and we are required to spend money quickly in response to that crisis, we need to be able to do that. The state budget law doesn't allow us to do that unless we have reserves, contingencies, budgeted, and so we always budget significant amounts of contingencies in case there is a need for those during the course of the year. We never expect to spend those contingencies. We don't think the crisis is actually going to happen, and so we never raise current property taxes to fund those contingencies. We always fund those with a draw on fund balance, and we will only actually have that draw if the crisis hits and we have to use the contingencies."

Commissioner Unruh said, "Okay, I understand that, but our expected deficit spending is \$6 million?"

Mr. Chronis said, "Six million for the general fund is the projection for next year."

Commissioner Unruh said, "All right. I just, I guess, want to emphasize that, because I'm nervous about deficit spending, and I am comfortable with our very comfortable fund balances, and I just want to make sure we are aware of what we are doing, because I don't want to deplete those."

Mr. Chronis said, "In the interest of full disclosure, then, I will remind you that our financial plan shows an \$11 million deficit in 2011, and so we are projecting that we're going to be drawing down

Regular Meeting, October 28, 2009

fund balance fairly significantly, at least compared to our history, over the next couple of years. That is planned, that is why we have those sizable reserves, and it is something that we think is appropriate to avoid disrupting service delivery to our community.”

Commissioner Unruh said, “All right. Well, thank you. I just want to keep a watchful eye on that, so we avoid crises and can continue to deliver our services. That’s all I had, Mr. Chair.”

Chairman Parks said, “Thank you. I would also like to commend your staff for the public website, and I’d like to tell the public that there is a site that you can go out there and see virtually every expenditure that the county makes. That’s through the county website, and you can just certainly go to those, they’ll give you leads on there to go to expenditures, and financials, and what not, and that is good, and I have heard a lot of positive comment about that. I know your staff works hard to get those expenditures in there. Thank you.”

MOTION

Commissioner Peterjohn moved to receive and file the report.

Chairman Parks seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

NEW BUSINESS

E. HEALTH DEPARTMENT.

- 1. PUBLIC HEALTH EMERGENCY RESPONSE (PHER) PHASE 2 GRANT AWARD TO THE KANSAS DEPARTMENT OF HEALTH AND**

Regular Meeting, October 28, 2009

ENVIRONMENT (KDHE) FOR PANDEMIC H1N1 SUPPLEMENTAL FUNDING.

VISUAL PRESENTATION

Ms. Claudia Blackburn, Director, Health Department, greeted the Commissioners and said, “I have two Agenda items this morning, and a presentation on H1N1, and Chairman, if it meets with your approval, I would recommend that I give the presentation first. It will provide context for the two Agenda items.”

Chairman Parks said, “Certainly do that.”

Ms. Blackburn said, “Okay, thanks. Commissioners, in August I shared information with you on the emerging H1N1 influenza, with a focus on preventing the spread of disease because we did not have any vaccine at the time. The situation has continued to evolve. We have worked closely with our state and federal partners, and our local partners are key stakeholders, the Pandemic Influenza Work Group (PIW) to respond to this pandemic, and we continue to do so. I, like Chris, have to give credit to my staff who have worked tirelessly on this since April now, with a resurgence in September as we got ready for vaccine. Dr. Cindy Burbach, who is the Division Director for Health Protection and Promotion, Janice McCoy, the Health Protection Division Coordinator and the many staff that have worked through our incident command structure to make this happen. If I started listing them all, I would be here for a long time. There are about 30, but there’s a core group of, probably 10, that have worked tirelessly and they really deserve a lot of credit. I would also like to thank you for your support and your good questions. Mr. Buchanan, and Charlene Stevens and the Communications Department that has worked overtime to make sure that the public knows what’s going on and that we’ve been transparent about our decisions.

“Just to remind you that keeping our community healthy is core to public health, we are responsible for protecting the community, promoting health and assuring that the people have services they need related to healthcare, but all of our work is a shared responsibility; the Health Department just plays a small role. As I have said before, this is our mantra: the situation related to H1N1 is very fluid and evolving, and the plans change as we learn more about the situation, and that couldn’t be more true than it is today. I want to just update you on what we are doing. We’re implementing the plan. We continue to inform, monitor the community for disease, carry out our vaccination plans, and secure and allocate resources. We are continuing to provide regular updates to you, as I am doing today, and also to the Pandemic Influenza Work Group in the form of one to two page newsletters that you receive via email. We have done many press releases, 11 at the last count, and 56 interviews; this is since September 1st, so we’ve been very busy educating the public through the media. They have been wonderful partners in this process. We also have a very rich and robust

Regular Meeting, October 28, 2009

Health Department website which is being updated constantly. We have a call center number, 660-5558, that people can call to ask anything about H1N1, to ask for presentations, to ask for supplies, and so this number is a very important number.”

Ms. Blackburn continued, “We have a call center that is manned. It’s coordinated by one of our health educators, and it’s manned by some of the temporary staff that we have hired, and I’m being told that we need more people to help man the call center. We also have flu@sedgwick.gov, it’s an email address that people can submit questions to, requests for presentations, materials, and we have people in the call center that are responding to the emails as well. We also are working with the United Way’s 211 line. Jenny McCausland from Communications worked with the health departments throughout the state to create a generic script that 211 can use for all of us, and with individualized information from each health department about where clinics are located and things like that, so this is another resource for citizens if they can’t remember our phone number, they can just call 211 and get information.

“We have promoted our business Continuation of Operation (COOP) planning guide. It is posted on our website. We have handed out at least 103 copies. We don’t give it to everybody, trying to save trees, we’re giving some copies that had left over from 2007, but it is still very applicable and useful, and I know that the Director of the Environmental Services Department for the City of Wichita really promotes it, because she feels like it’s really well written, and easy for businesses to understand and follow. We have done lots of H1N1 and hand washing presentations; we kind of combined those, 90 of those to over 4,500 individuals. Then we have Cox [Communications] crawl. I don’t have Cox, so I don’t get to see this, but it crawls on the bottom of the screen and gives updated information. This will be handy now for our vaccine clinics; what time, who the target groups are, and that kind of information.

“We’re monitoring the community for disease. We are on the 194th day of the H1N1 outbreak, according to the Director of the Centers for Disease Control (CDC). We are in the second wave. The first wave was very small. It was April, peaked in May, and came down. The second wave started in May and has not yet peaked that we know of. The cases are still climbing, and we have general information. Our numbers are small, locally, so we really have to rely on national and state data to kind of make decisions, but we are tracking cases, generally, through our influenza-like illness network. We’re collecting school absenteeism data from many school districts, and we have hospital syndromic surveillance data, and EMS (Emergency Medical Services) transport data as well. For the week ending October 23rd, we had an increase in cases in Sedgwick County in the state. For the state, the average age was 16. Sixty-seven percent of the cases are under 24, which is

Regular Meeting, October 28, 2009

consistent with what we know about this disease. It's hitting younger people. The Wesley Emergency Department for that week reported 211 influenza-like cases, out of 240 patients seen in their ER (Emergency Room), and their average age was 11 years."

"School surveillance; we had 69 schools that reported to us student and faculty absences. This varies week to week, but that's generally the number of schools that report, and generally, I am told by the Health Coordinator for USD 259 that the absenteeism rate is under 10 percent. We're trying to get a better baseline so that we can do a better comparison, so for schools that are reporting over 10 percent absenteeism, 20 percent of the elementary schools reported over 10 percent absenteeism last week, 50 percent of the middle schools, and 60 percent of the high schools. For elementary schools this was a big decrease, because the week before that it was 65 percent. Middle schools stayed the same, and high schools increased from 28 percent, so it looks like we have this aging of people that are getting infected with H1N1, kind of interesting to look at. Nationally, pregnant women represent one percent of the population, and six percent of the deaths from H1N1. I don't know exactly why, except to say that the pregnancy must create some kind of immuno-compromised state of whatever allows a woman to continue to carry a pregnancy, also makes them a little more vulnerable to disease, especially in this case.

"Children represent 30 percent of the population and 30 percent of the deaths from H1N1, and that's very troubling. Seventy percent of the deaths have been associated with an underlying medical condition, and almost all of the deaths, my understanding is, in children, they have been children that have an underlying medical condition. Then there have been very few reported deaths in those older than 64 years of age. Again, we're seeing this disease hit our younger people. So right now, we are busy implementing the vaccination plan. Our goal is the same; to immunize as many as possible with the least inconvenience to the public and the least disruption to organizations. We are trying to use our partners in the existing healthcare delivery system as much as possible in the existing school system. Our target groups, and this is a little bit different; these are the target groups that have been identified by the CDC's Advisory Council [Committee] on Immunization Practices (ACIP). This is a subset of the priority groups that were identified previously. This is what we look at when we have scarce resources, which is what we're dealing with right now. We don't have enough vaccine for everybody so we are prioritizing. Healthcare workers and Emergency Medical Services personnel who have direct contact with patients or infectious material, pregnant women, children six months through four years of age, children that are five to 18 that have some kind of underlying medical condition that puts them at higher risks for complication for the flu, and then caregivers for babies age zero to six months, and that would include daycare workers. We are working with our partners. We have, thus far, received 18,100 doses into Sedgwick County in the last three weeks. We do anticipate getting 5,100 doses sometime this week. The majority of those doses have been shipped to hospitals and large healthcare providers for their healthcare workers."

Regular Meeting, October 28, 2009

Ms. Blackburn continued, “We are working with other providers, other healthcare workers, to get them the vaccine that they need, and also to emergency medical services and EMTs (Emergency Medical Technicians) who routinely respond to medical calls, and then there are five schools that we have identified that are serving special needs children, and their absenteeism rate has been higher than everybody else’s. Those schools are being vaccinated beginning today. I just talked to the school nurse coordinator and that’s going very well from what I understand. Today we’re opening our public H1N1 clinic at the Wichita Clinic on East Harry Street. I believe it is 4031, the 4,000 block of East Harry. It will be open from 2:00 to 7:00 today, and it will be open through Saturday, or until we run out of vaccine, and we will be serving only healthcare workers and pregnant women this week. Only healthcare workers and pregnant women. We are asking that healthcare workers bring some kind of identification so that we know that they’re healthcare workers, and the demand, and the vaccine availability, and our surveillance information will help us determine priority groups, target groups, to be served in the coming weeks. We make decisions about that weekly, and we’ll be letting the public know as that changes. It will change beginning next week. Next week all of the target groups that I listed, in addition to healthcare workers and pregnant women, people that take care of babies, the six months to four-year-olds, and then the five to 18-year-olds that have chronic underlying medical conditions, those groups will all be seen at the Harry Street clinic, again, the same hours, until the vaccine runs out.

“We ask the public to please stay tuned for updated priority groups that are being served, and they can call the 660-5558 number. I would recommend calling to make sure that we are open, and that we still have vaccine, and that they understand who we are seeing in the clinic. It will be in the news, and it will be on our website which is updated quite frequently, www.sedgwickcounty.org. We are also securing and allocating resources. That’s what one of the Agenda items is about today. We received our first Public Health Emergency Response (PHER) grant, and you approved it October 8th for \$704,957. That was for planning, and to begin our vaccination response, and then today I am bringing to you the agreement for \$1,413,470. That’s a total of over \$2.1 million for this project.

“Last time I updated you, I think we had 350 volunteers. That’s gone up by 89 percent. I think we can thank Ellen Bayhille. I haven’t talked to her in a month, because I think she’s been out talking to everybody and their brother about being a volunteer for us. She has really done a good job; she and the people that are helping her. I know I received a card in the mail asking if I would volunteer, and many of my nurse colleagues have, and they have signed up, so it’s a good thing. We have 70 Sedgwick County employees that are also willing to work, even if that includes overtime, and we will be able to pay for that out of this funding.”

Regular Meeting, October 28, 2009

“At the Health Department, we are implementing our Continuation of Operation plan, and making sure that we are keeping our vital services, like prenatal care, and tuberculosis control, and communicable disease control up and running. We have pulled probably about 30 staff from their regular job to help with this. We have been trying to do our best to support the staff through this change, because they are having to work different schedules and do different jobs, and so there’s been a consistent message that this is coming, you need to make plans for your life, because you may be asked to work, you know, evenings, weekends, and do different things, and so far it’s working, they’ve been doing a great job. We have been working closely with COMCARE. Tom Pletcher and the COMCARE team is providing mental health support to our staff, and they’ll also be in the clinic providing mental health support for anybody that needs it there. Our expected timeline in October, November, we anticipate focusing on target groups. As far as the vaccine goes, we take that week-to-week or day-to-day, and in December, if there’s adequate supply of vaccine, then we’ll be giving it to everybody that wants it.

“Your role is very important, as always. You are our ambassadors, and you know these messages well. Wash your hands, cover your cough, stay home when you’re sick, vaccinate, contact your primary health care provider if you think you may have the flu, early on, especially if you have some kind of medical condition that puts you at high risk for complications, or if you’re pregnant, and then practice good health habits. In addition, I will rely on you to help us maintain our focus on the target groups and direct your constituents to the clinic at the right time. If there’s any way we can support you in that, we certainly will. I know it’s very hard when you have people calling you, and they want the vaccine and their group isn’t up yet, to give them a good response, but we are expanding the target groups next week, and I hope that will make people feel a little bit more comfortable about their options. I hope that we get more vaccine, and a lot of it, just as soon as possible. Our next steps, keep informing, monitoring, we know it’s here. People have done a good job doing the things they need to do to prevent spread, but it’s going to spread anyway, but I think that we can blunt that spread with the hand washing, and the staying home when people are most infectious. We continue to prepare for vaccination and provide updates to you, and here’s some additional information for our viewers. Again, www.sedgwickcounty.org, there’s also the Kansas Department of Health and Environment (KDHE) website and the CDC. I’m happy to answer any questions, or proceed with the Agenda items if you’d like me to do that.”

Chairman Parks said, “I had written down several questions, and you answered most of them in the last three minutes. So thank you. I had one other question that you didn’t touch on. Is there going to be a cycle of this in future years, or do we know if this is like all the other flu, that we just have maybe one year, or one season, and then we don’t have to worry about it for a while?”

Regular Meeting, October 28, 2009

Ms. Blackburn said, “I think we honestly don’t know. I’ll be looking to see if they incorporate some form of this vaccine into next year’s seasonal flu vaccine. They’ll be watching the virus closely to see if there are any changes in it and adapt the vaccine, the seasonal flu vaccine, to those changes, but I really don’t know. I would not be surprised if we saw a third wave of this.”

Chairman Parks said, “Okay. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. I am concerned at the growth that I have seen, just in the existing second wave. I heard your comments this morning, Claudia, on the radio driving in, talking about how you found the federal response frustrating and inefficient, and I strongly agree with the sentiments that were expressed on that news broadcast that I heard. I look at the fact that we have had 1,000 Americans who have died so far from H1N1, and that’s not much, I mean, for those families who have lost loved ones, that’s never easy, but we’re fortunate that this flu, so far, has remained relatively mild, and unlike some past flu, where it became extremely virulent, we haven’t had that problem. I wanted to visit with you; I saw media reports that 120,000,000 doses for the vaccine had been projected to be produced by mid-October, but the federal government only actually produced between 10,000,000 and 15,000,000 according to some news reports. I thought, if we are receiving a proportion, our proportion of that 10,000,000 to 15,000,000, that might explain why we’re still in the process of inoculating only a few key providers, and not getting down to some other groups. How far down, when you get the additional 5,000 doses, Claudia, can we go, in terms of getting to the pregnant women, and getting past the medical first providers, and starting to inoculate children?”

Ms. Blackburn said, “Our estimates are that we have between 28,000 and 30,000 medical providers, healthcare providers. That doesn’t include dentists. Those were estimates that were made when we created our pandemic influenza flu plan. They’re probably still fairly accurate. We figure that there are 5,500 to 6,000 pregnant women in the community, and, you know, we’re just going to make available what we have, and try to get it into the people that need it, and as we get more, we’ll keep doing the same. I’ve kind of given up anticipating how much vaccine were going to get from week to week, and we just kind of deal with what we get, because the projections have been not very accurate.”

Commissioner Peterjohn said, “That’s a major concern for me in two-fold. One, for our current condition, obviously, but looking at this issue more broadly, because we’re looking at an expanded government role in providing healthcare nationally. It’s a big debate at the moment, and I’m concerned that the reason we have vaccine problems are tied to decisions made in the 1990s.”

“It pushed, because of the lack of lawsuit reform, we forced our vaccine manufacturers overseas, and didn’t invest in it, we’re still using 1950s and 1960s technology in producing the vaccine, and

Regular Meeting, October 28, 2009

that got us into the current fix that we are in. My big concern is that we are not receiving our proportional share if, on the east coast and the west coast perhaps, they're already inoculating children and we're still working on first providers, I am very concerned that we are not getting our fair share, and if there is any information you can assure me that we are getting what's proportional for us I would like to hear it."

Ms. Blackburn said, "I will have to check into that. My understanding is that Kansas is supposed to get about 14,000,000 doses, and we should get as much as we need, at least 300,000 or more. So I'll have to check into that, because I have not heard that we're not getting our fair share."

Commissioner Peterjohn said, "I'm just using it from the fact that, if there's roughly 15,000,000 that have been produced nationally, Kansas is about one percent of the national population, and so if it was 15,000,000, that would mean our state would get about 150,000. We are about 16 to 17 percent of the state population, so I would be thinking we should be getting a higher percentage than is out there. When you said..."

Ms. Blackburn said, "By the end of the week we should have about just over 23,000 because we have 18,100, and we're getting 5,100 doses in."

Commissioner Peterjohn said, "Okay, because that's only about five percent of the County's population, ballpark, and if they've got 15 percent nationally, that would be roughly the same, but that's a concern I have, in terms of what's coming down from Washington, since we've got a government takeover on vaccines, and I just continue to hope and pray that this remains relatively mild. I know that's no comfort for the folks who have lost loved ones, but with these percentages in the schools, and maybe even half the kids having this, this is a major health concern."

Ms. Blackburn said, "Yeah. I didn't mean to be critical of the federal government. I was basically saying that it's very inefficient when you're trying to deliver vaccine to the whole population, to have to be able to do it in small little groups like this. It would be much more efficient if we had a lot of vaccine."

Commissioner Peterjohn said, "My concern is, we just have on our Agenda today part of the money side, and shipping money out of Washington, we had the legislative recovery stimulus bill back in February, and a lot of that money hasn't been spent, and we're just getting a bill from Washington to help cover the financial cost. It's already past, they said they were going to have a

Regular Meeting, October 28, 2009

lot of this vaccine distributed by mid-October, and October is almost history at this point. We've only got a couple days left. It didn't arrive, and the money is getting here late too."

Ms. Blackburn said, "True."

Commissioner Peterjohn said, "Thank you, Mr. Chairman."

Chairman Parks said, "Thank you. Commissioner Unruh."

Commissioner Unruh said, "Thank you, Mr. Chairman. Claudia, thank you for the updated report, appreciate it, and I guess that my perspective on this is that you're working hard to deal with the situation as it exists and do the best job we can with it, but you have made a comment in your presentation that you appreciated wonderful partnership, you called it I think, with the media in Sedgwick County. And I've noticed that, also, that we are getting great support as we try to carry out our responsibilities as a health department, and it seems like, in this situation, one of the most important things that we can do is give information as quickly as we get it, and that it's accurate, and that it's understandable, so that people can know everything we know, and that's probably one of the best ways to deal with this at this time. I appreciate that you've given great effort to do that, and we've got good partners, and we'll go forward with the resources we have. Not a question, just an editorial comment."

Ms. Blackburn said, "Thank you."

Commissioner Unruh said, "Thank you for your presentation."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Well, when you check on whether or not we are getting our fair share, we need to know if that's being dispensed as population. In other words, one state might have a greater population than another, which would give them more of the vaccine. My understanding is they are having a problem growing it; it is taking more time, and they're going about it with all the resources they can put into it. That's all I have. Thank you."

Chairman Parks said, "That is grown from a live virus, is it not?"

Ms. Blackburn said, "It's grown in chicken eggs, yes, but the vaccine itself is inactivated, or weakened, so that it can't be spread from person to person. People that are vaccinated cannot give it to somebody else."

Chairman Parks said, "Okay. Commissioner Norton."

Regular Meeting, October 28, 2009

Commissioner Norton said, “I just happened to be at a neighborhood association last night, and Melissa Shippy gave her presentation on H1N1, and I wanted to congratulate her on doing a great job for the citizens down there. The outreach is working, there were probably 40 citizens there that got really good information from one of your outreach persons, so just give her a shout out.”

Ms. Blackburn said, “Thank you.”

Chairman Parks said, “I’ll reserve one of my other questions until we deal with number two on the staffing table.”

MOTION

Chairman Parks moved to approve the Grant Award and authorize the Chair to sign all necessary documents, including the Grant Award Agreement; and approve establishment of budget authority at the time 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 Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

2. STAFFING TABLE ADJUSTMENT TO ADD 20 PART-TIME TEMPORARY POSITIONS TO THE STAFFING TABLE, FUNDED FROM PHASE II H1N1 GRANT AGREEMENT.

Ms. Blackburn said, “Commissioners, this is the companion Agenda item to the Public Health Emergency Response Phase 2 agreement. It is a staffing table adjustment to add 20 part-time temporary positions to be used for the H1N1 response. These positions will be used in a variety of ways, including support of the command center, staffing the call center, general administrative

Regular Meeting, October 28, 2009

tasks, staffing the supply distribution center, and vaccine distribution and delivery. The total cost is expected to be \$196,092. Each position is being budgeted at \$12 an hour for 750 hours. I recommend that you approve this request, and authorize the Chair to sign, and grant an increase in budget authority to cover the position. I would be happy to answer any questions.”

MOTION

Commissioner Welshimer moved to approve and authorize the staffing adjustment and increase budget authority accordingly.

Commissioner Unruh seconded the motion.

Chairman Parks said, “I did have a question on the 20 part-time temporary positions. You do have volunteers that are out there above and beyond this? If you just kind of explain, so the public will know, and in fact, this is not the end of our request, or not the end of our recruitment of people to help with this possible epidemic.”

Ms. Blackburn said, “Thank you for bringing that up, because I don’t think I mentioned that. We have 660 volunteers, but that’s not enough. We need more. It’s easier, if it was very intense and short, and we could get it done, but it looks like it’s going to take longer to get this done, so volunteers are going to get busy, especially if we get into the holiday season. The way it works right now, you can sign up by going to our website, clicking on H1N1, and there’s a one page volunteer application form. You can submit it online, or you can call and we’ll take your information. Those volunteers then go into a database and somebody calls them to find out when they are available, and then we schedule them as they are available, and as we need them. That’s how that is working now. But we also need some part-time temporary staff that are there all the time that can do higher level activities, higher level jobs.”

Chairman Parks said, “And I have been privy to some of those people that have volunteered, and some of those are nursing core people, people that helped us early on the MMRS (Metropolitan Medical Response System), and getting some of those things going, so they are to be commended for that also. Seeing no further discussion on this item, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye

Regular Meeting, October 28, 2009

Commissioner Welshimer Aye
Chairman Parks Aye

F. DIVISION OF HUMAN SERVICES.

- 1. COMCARE HOMELESS PROGRAM TRANSITIONAL HOUSING PROJECT RENEWAL GRANT TO BE INCLUDED IN THE WICHITA/SEDGWICK COUNTY CONTINUUM OF CARE APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

Ms. Marilyn Cook, Executive Director, COMCARE, greeted the Commissioners and said, “This is a grant application to HUD, the Department of Housing and Urban Development, to be included in a larger homeless assistance grant that will be submitted by United Way of the Plains on November 9th for this community. This is actually for COMCARE, a renewal of two projects; the Transitional Housing Project, or THP is what we call that, which began in 2003, which provided 16 apartments to homeless individuals who have co-occurring disorders. Then we were granted an enhancement to that project, called the THP Enhancement in 2006, which provided an additional four apartments, so we have 20 total apartments for this population. This grant amount of \$279,523 provides funding for those first 16 apartments, and then we’re requesting an additional \$41,946 for those additional four apartments, and together, this money that we receive provides 4.4 FTE (full time equivalent) staff. One of those is a therapist, one is an addiction counselor. We have 1.4 FTEs of case managers that serve this population, and one clerical person, and it also provides some money for payee services, and we contract with Episcopal Social Services to help this population manage their money. I think I presented that Agenda item a couple of weeks ago.”

“COMCARE is responsible for a match. On the first grant, the match is \$50,830, and for the four apartments, that match that we’re responsible for is \$4,493, and we get the money to provide that match primarily from services that we provide to this population. Folks in this project are in the project for up to two years. It’s transitional housing, so it’s not long-term housing, it’s not permanent housing, and in fact the goal is to move people successfully from this transitional housing to permanent housing, and there are expectations. Those expectations are, they are to remain abstinent from the substances, although we do understand there are relapses that occur, but then they are also mandated to participate in two group sessions a week; one focused on addiction, one focused on mental health counseling, and then two individual appointments, again; one to focus on the addiction, one on the mental health issues, and they are expected to meet with their case managers. We have had some really wonderful success with this over the years. I have

Regular Meeting, October 28, 2009

some stories, but since there are so few people living in those apartments, I think its identifiable when I looked at the stories, so I'm not going to share that this morning, but we are pretty proud of the success that we have had. We are going to recommend that you approve the grant application and authorize the Chair to sign all the necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application, and approve establishment of the budget authority at the time the grant award documents are executed. I'm happy to answer any questions you might have."

MOTION

Commissioner Welshimer 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 the application; and approve establishment of budget authority at the time the Grant Award documents are executed.

Chairman Parks seconded the motion.

Chairman Parks said, "What kind of percentages, if you know right offhand, are substance or alcohol abuse?"

Ms. Cook said, "Everyone in this program. Oh, you mean versus drug abuse?"

Chairman Parks said, "Versus mental illness or other..."

Ms. Cook said, "Everyone in this program has both conditions."

Chairman Parks said, "Both conditions."

Ms. Cook said, "They're homeless, they have a mental illness that has been diagnosed. Many of them with severe and persistent mental illness, and then an addiction, or drug use issue, going on as well."

Chairman Parks said, "Thank you. Commissioner Peterjohn."

Commissioner Peterjohn said, "Thank you, Mr. Chairman. I don't have a question as much as a comment, because we have talked about this issue in the past. I have some concerns, in terms of the likelihood, in terms of the success, but with the matching funds going along, I'm interested in seeing if we can have a triumph of hope over experience, in terms of this effort. It's something I want to continue to monitor closely. I have concerns about it, but my plan is, at this point, to watch this, monitor it, and look for the results that come from this, and so I will be voting for it, but

Regular Meeting, October 28, 2009

reservations. I have expressed earlier, in terms of the long-term success, is something, like I said, I hope we have more success here than some other communities that have tried similar programs elsewhere, and we can succeed where they have not. Thank you, Mr. Chairman.”

Chairman Parks said, “And I would say with that, that Marilyn’s been good about bringing back reports to us, and I want to anticipate some success and success/failure ratios in the future also.”

Ms. Cook said, “I do have a little of that information today anticipating that you might ask it.”

Chairman Parks said, “Go ahead.”

Ms. Cook said, “Nationally the standard for programs like this is 65 percent of people leaving these programs are discharged into permanent housing. Our average for the last two years is 62 percent, so three percent under the national average, but that national average includes all kinds of housing for homeless individuals. This particular population is particularly challenging because few of them work when they are starting out. One of our success stories is a young man who decided to go on to school, and our staff helped him to do that. So clearly, our goal is to get people benefits when they’re eligible for benefits; get them connected to meaningful work when that is possible. So we are doing pretty well given that this population is a sub-population of that one that was 65 percent.”

Chairman Parks said, “And would it be a fair assessment to say that these people could end up in our county jail also, if not monitored?”

Ms. Cook said, “If not involved in this program, I imagine that possibility is very likely.”

Chairman Parks said, “Okay, thank you. Commissioner Unruh.”

Commissioner Unruh said, “Thank you, Mr. Chairman. Marilyn, how does this coordinate, or is this part of the Housing First?”

Ms. Cook said, “No. It’s not Housing First, in fact, it’s very different from Housing First, in that Housing First is permanent housing for as long as that individual will participate. There isn’t a mandate for services other than to see a case manager one time a week. This is different, and the other piece that’s a little different about this is we expect that part of the money that these individuals have at their disposal, many of them are on disability for their conditions, we set aside a certain percentage of that, so when they leave, they get a certain percentage of that back. Not in cash; we don’t give them the cash, but we allow them, after they’ve lived there up to a couple of years, a certain amount of money to get that first rent paid in an apartment, to get furnishings for that apartment, to do what it takes to get established in the community in a more permanent way. It’s kind of the opposite of Housing First.”

Regular Meeting, October 28, 2009

Commissioner Unruh said, “All right. Thank you.”

Chairman Parks said, “Thank you for that additional explanation.”

Ms. Cook said, “Sure.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

2. CHILDREN WITH DEVELOPMENTAL DISABILITIES & CHALLENGING BEHAVIORS WORK GROUP PROGRESS REPORT.

VISUAL PRESENTATION

Mr. Chad VonAhnen, Director, Sedgwick County Developmental Disability Organization, greeted the Commissioners and said, “This morning I’d like to take a few minutes to give you an update on a work group that we’ve had together for all of 2009 that’s been dealing with issues of children with challenging behaviors and developmental disabilities. I think it’s important to first give you an idea of what we mean when we talk about what a challenging behavior is. These aren’t things like temper tantrums, or something like that in children. These are severe aggression, where kids are acting out physically; assaulting people, putting themselves at risk by self-harm, or possibly sexually acting out in different ways, and so I just wanted to give you that precursor to what a challenging behavior is before we start this discussion. I also think it’s important to talk a little bit about the background of how we got to this group. In 2006, the County Commission approved an ad

Regular Meeting, October 28, 2009

hoc task force on developmental disabilities and mental illness. That group provided recommendations to the Commission in December of 2006. In 2007, funding was provided for, starting in 2008, for challenging behaviors. So through 2008 we had a work group focusing on adults with challenging behaviors and developmental disabilities.

“Through that work group, we created a crisis response team of employees of different community service providers that respond to individuals that are in crisis. We also started a contractual agreement with psychologist Dr. James Vincent who is working with individuals that are kind of at the highest level of need, in terms of crisis, that have developmental disabilities and mental illness. From that point, the decision was made that we really need to start looking at the children that are affected with challenging behaviors, and both developmental disabilities and mental illness. So in January of 2009, the CDDO, along with SRS at Wichita Regional Office, and COMCARE, started the discussion about how we can best try to address the needs of these children that are either in their family home, or in foster care, and are at risk of going into state custody if they are in the family home. We started in January 2009, and we’ve had monthly meetings that have been facilitated by the Centers for Community Support and Research through Wichita State. The regular attendance of these meetings has been about 20 to 30 people. We’ve had a diverse group of organizations that have been involved, including agencies from the mental health side, the developmental disability side, corrections, children, the foster care system, and we’ve had parents of children with developmental disabilities involved, as well as Via Christi has been involved as well.”

Mr. VonAhnen continued, “Again, I think this speaks to the importance of the issue to these various groups and entities. I think the number that I have heard from the corrections system is that, for some of these children that are served in multiple systems, it can cost up to \$90,000 per year to serve these children, so this is an important issue for us to address. The goals of this work group were decided early on, and we had four goals we identified: to help build the capacity of the organizations that serve this population, to build capacity in our community to serve this group, to start to rethink the system’s philosophical approach about how we address challenging behaviors and I think the core of that is, is it best to talk a lot about restraint, is restraint really the best approach or is it better to try to find what’s causing the behavior and work with the individuals as people? The fourth goal is to enhance collaboration between systems and organizations within Sedgwick County.

“The guiding principles that drove these goals has kind of been the key to this group. The first piece of this, the first principle, trust enhances collaboration, has been something that’s been very helpful for all of us. A lot of times there are agencies that work with each other, or the individual served may be served in different systems, but we don’t always understand the restrictions, or the barriers

Regular Meeting, October 28, 2009

to receiving those services. For example, a person in the developmental disability system, needing mental health services; there may be barriers in their system that we're not aware of. We know our system well but we don't know theirs. This group has provided an avenue to start to put faces with names, give contacts, people can pick up the phone and have conversations to better serve individuals.

“That's also led to creativity in approaching these challenges, belief that the individuals and the systems can grow and change, and using data to help shape our decision making. Our steps made towards our first goal have been to, how can we better build capacity within organizations. And what we've done is first surveyed all of the organizations to see how they address individuals with challenging behaviors. What we have done through that, is used the results of the survey to share with the rest of the group, and found ways for agencies to collaborate with one another. If they're doing certain trainings that could benefit another group, we have been able to start sharing those. One of the real pieces of this that's already occurring is Via Christi has now started sharing their training resources with other organizations involved in this group, and that's been something that's been very helpful. We're also developing a service and partnership directory, and what that will be is something we'll be able to share with other agencies that may not have been involved in this group, but may run into an individual with a challenging behavior, that they would be able to quickly look at, and see how they can receive services for a person that may be displaying these behaviors.”

Mr. VonAhnen continued, “We're looking, particularly in this directory, at services in Sedgwick County for children with challenging behaviors, and showing data for the numbers of the individuals served by those agencies, and also to talk some about what their current collaborative efforts are with other agencies. The second goal has been to increase capacity in the community, and this has been something for the developmental disability system that we have struggled with for a while. One thing that we have looked at has been the Southeast Kansas Therapeutic Foster Care Program. That program is in the Parsons area, and Parsons State Hospital helps administer it. We had Jerry Ray, the Superintendent of Parsons State Hospital, visited and gave an overview of the program. The goal is to work with foster families and biological families to increase the social behaviors of the child and the family, and also to stabilize those families, so the kids don't have to move from foster home to foster home. That's another frequent issue that we see as some of the foster homes don't have the tools in place yet to serve some of these kids with real challenging behaviors, so you can see some children move 20 to 30 places in a matter of a few years, which is a real concern.

“This program helps give behavioral therapy in the home. They go to the home and work with the family, with the children, do skills training, follow-up phone calls, and they're there if there's a crisis. Since this work group has begun, United Methodist Youthville in Parsons has worked to

Regular Meeting, October 28, 2009

replicate that program in Sedgwick County, and they will be starting either later this fall, they're already putting the people in place and hiring people, so it will be this fall or winter where they will get started with the program, and that program will be called the BEST program, which is Behavioral Emphasis for Successful Treatment. That's one of the outcomes that we're already seeing, and again, not directly attributable to the CDDO, but bringing all the groups together, we're seeing these things that are going to benefit our community.

“The other thing, as I mentioned, the DD (Developmental Disability) system has longed for some other professional capacity in the community that we don't have right now, and developing relationships with our universities is one of those things that we're trying to achieve. We really looked at the university faculty and students as an untapped resource for us; not only in looking at things that they can do, in terms of data gathering, or identifying other programs around the nation that could be helpful to us, but also just within the students that they have, and how can we better educate our psychology students in our local universities to work with people with developmental disabilities. That's something there's not a lot of in the community, so one of our items, after this today, is an agreement that we're proposing with the Psychology Department at Wichita State University to start to help to develop that here.”

“Our third goal has been to rethink the system's philosophical approach. A couple of things that we have looked at with this are how to increase the capacity of the natural supports. How do we get parents, foster families, loved ones, the skills and tools to better work with their children or individuals that they love? There are some things that we're looking at to try to enhance that.”

“Employment First is a statewide initiative going on in the developmental disability system. Sometimes the challenging behaviors may be occurring out of boredom. What we see in some cases is that you get a person a meaningful life, get them into a job, the behaviors go away, so Employment First may be an option where we can find jobs for some of these people as they grow older and work towards graduation from high school and before they move into adulthood. The other piece of this slide is called Shift Happens, and what that means is, there's a book, George Cease from The Arc of Delaware County, New York, and the shift is changing that philosophical approach on how we work with individuals; because a person doesn't do what you want, because they may be demonstrating behavior, does that mean you should have three people restrain them? Maybe not, maybe we need a hands off approach on how we can better serve people, and look at children and adults as individuals, rather than clients. He recently spoke at our InterHab, the state Developmental Disability Association state conference, and he will also be returning to Wichita in November, and we have had a lot of interest from our local service providers to attend that training. I think that's going to be a real benefit to our community as well.

Regular Meeting, October 28, 2009

“Our fourth goal has been enhancing our collaborative efforts in Sedgwick County. What we have done, through this year to date, has been to have a few different presentations from programs that are already in place. The Crisis Intervention Team, through Wichita Police and COMCARE, has come and presented to us. The Southeast Kansas Therapeutic Foster Care Program, as I mentioned before, and then the Family Checkup Program is through Wichita State University Psychology Department. That’s a program that they came and presented to us early on. There has been a lot of interest from the work group and we can look at that program, geared more towards younger children, zero to five age, not really zero to two, there’s not a lot there, but as they get closer to five, that’s where their focus had been. The work group wanted to replicate that program to work with adolescent youth as well, so that’s something that we will look at in our proposal following this item. Also, how can we reduce some duplication between the different systems? Are there release forms that we’re using that others can use, or if we have an individual coming in, that we know in the DD system may need mental health services, are there things we can use, in terms of releases for the hospital, or through COMCARE, that we can take care of up front to share information to better serve the individuals?”

Mr. VonAhnen continued, “Another project that’s been going on, I guess, a team that’s been working throughout this year as well, is a cross-systems planning team, and that’s led by the Sedgwick County Permanency Coordinating Council. While we have been looking in our group at a macro level, this group really gets down to the individual and looks at the case-specific kids that we have, that we are all trying to serve right now, that have been really difficult to maintain and stabilize in one place. We get together with child welfare system, juvenile offender system, mental health, us, and the DD system, substance abuse and education, and we’ll take, case by case, and meet and discuss for an hour or an hour and a half with about 20 people on one kid, and the parent will be there, and try to figure out what’s the best thing we can do for them. There are always barriers that come in, but it’s how can we creatively work around, or through, those barriers to get this kid the best services they need?”

“What is next for this group? The initial plan was to meet through 2009. The work group has started to discuss if there is a need to continue past December. We’ll be discussing that at the November meeting. We want to make sure, if we continue to meet, that there’s a meaning for it, that we have a goal in sight, that we either continue to make progress on the four goals we have stated, or that we have something else in mind that we want to achieve. This group has helped contribute to the CDDO strategic plan for the next three years. We’re going to continue individually. There’s a commitment from each system to continue to work on this prevention issues and early intervention, and today we’ll ask for your adoption of the adaptation of the Family Checkup Program to target

Regular Meeting, October 28, 2009

adolescent youth, and we also want to continue to try to enhance training opportunities to all of our partners.

“If people are interested in being involved, John Sullivan has been the real lead person on this issue, and he’s done a tremendous job of coordinating these meetings, and just in keeping us all on track to serve this population. The contact information; he can be reached at 660-7630, or you can contact me as well. We can get people involved. I’d be glad to answer any questions. Otherwise, I would suggest you receive and file.”

MOTION

Chairman Parks moved to receive and file.

Commissioner Unruh seconded the motion.

Chairman Parks said, “Once again, I had a question that wasn’t in the backup, but you answered it in your presentation about the CIT (Crisis Intervention Team), not the CRT (Crisis Response Team), but the CIT with the police departments, and I’m really happy to see that the City of Wichita, and the other cities in the county, have stepped up and provided some of their officers this training, and that’s going to be a great help in this kind of program. Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

3. PROFESSIONAL SERVICES AGREEMENT WITH WICHITA STATE UNIVERSITY.

Mr. VonAhnen said, “The next item is an agreement with Wichita State University. This is the item we referred to earlier, the Family Checkup Program. Following discussions of the work group that we have had throughout this year, the consensus was, if there was a way that we could expand this program to look at adolescent youth as well as younger children, that we wanted to explore that.

Regular Meeting, October 28, 2009

This program was recommended as a pilot project starting immediately through 2010, with a goal of working with 50 families. The program works in a way where we would have three sessions for the child, and the family would be assessed, to look at the child's developmental issues. The goals of the program are to increase the skills in the parent of the child, how they can better anticipate and handle the developmental transitions for the child, and it also helps us with our goal of increasing community capacity, as there would be nine students that would be trained in this program; seven graduate students and two undergraduate students, as well as the professor, Dr. Lowe, who will be heading this program. The total amount of the contract would be \$62,580, which would run now through 2010. I would recommend you approve the agreement, and I'd be glad to answer any questions."

MOTION

Commissioner Welshimer moved to approve the Agreement.

Chairman Parks seconded the motion.

Chairman Parks said, "We do have some discussion. Commissioner Peterjohn."

Commissioner Peterjohn said, "I appreciate trying to reconcile the numbers a little bit. You mentioned, I believe, \$65,280."

Mr. VonAhnen said, "\$62,580."

Commissioner Peterjohn said, "Because the backup information gave a total budget of \$100,000, with \$17,000 to be paid in 2009, and \$45,580 in 2010 to be paid in quarterly installments, which is your \$62,580, so..."

Mr. VonAhnen said, "The \$100,000 is the total budget that was allocated for Challenging Behaviors initiatives. The \$62,580 would be the \$17,000 that would go out immediately in 2009, plus the \$45,000 for 2010, so the \$100,000 is the budget."

Commissioner Peterjohn said, "You're going to still have \$37,000 and change left."

Mr. VonAhnen said, "Actually, it would be \$55,000. The \$17,000 would come out of the 2009 budget, so out of 2010 would be \$45,000 allocated for the project. There are some upfront costs for training and supplies, and different things for the assessment that will be needed, and that's where that first \$17,000 will be directed."

Regular Meeting, October 28, 2009

Commissioner Peterjohn said, “Is that money coming out of a grant?”

Mr. VonAhnen said, “No. This is county mill levy funding that was allocated for the Challenging Behaviors initiatives following the ad hoc task force group in 2006. Funding started in 2008.”

Commissioner Peterjohn said, “Thank you very much.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

4. PROFESSIONAL SERVICES AGREEMENT WITH DR. JAMES VINCENT.

Mr. VonAhnen said, “Our last item is a renewal of a contract with Dr. James Vincent to work with individuals with developmental disabilities and challenging behaviors. We began our relationship with Dr. Vincent in the middle of 2008. Since then, he’s worked with 43 individuals. We currently have 18 people still waiting to see him. What we started this year, in 2009, is that Dr. Vincent has hired a graduate student in psychology to work with him and to assist in data gathering, and also doing some of the hands-on work with these individuals that need the service. In 2010, we have added that Dr. Vincent, the graduate student, and one of our staff at the CDDO will be working monthly with agencies to try to better equip their staff in working with the individuals that demonstrate some of the challenging behaviors we’ve talked about today. The total amount for this contract is \$32,400, and again, as Commissioner Peterjohn alluded to, this would come out of the \$100,000 budget, so these two items would be the primary things funded out of the \$100,000, along with the Crisis Response Team in 2010. I would be glad to answer any questions, otherwise I’d recommend approval of the agreement.”

MOTION

Chairman Parks moved to approve the Agreement.

Commissioner Welshimer seconded the motion.

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

Regular Meeting, October 28, 2009

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Chairman Parks said, “If you will indulge me for a little bit. We’ve been at this for two hours and 15 minutes. We’re going to recess and have a ten minute break.”

The Board of Sedgwick County Commissioners recessed at 11:16 a.m and returned at 11:26 a.m.

Chairman Parks said, “Call the meeting back to order. Next item on the Agenda.”

G. AMENDMENT NO. 2 TO THE MANAGEMENT AGREEMENT BETWEEN SEDGWICK COUNTY AND SMG.

Mr. Ron Holt, Assistant County Manager, greeted the Commissioners and said, “This item is a request for change in the agreement with SMG that would release them from their obligation to manage the Kansas Coliseum facilities for us. Let me give you some background. On August 1, 2007, the county entered into an agreement with them to provide pre-opening services for the Intrust Bank Arena, and management services for the Intrust Bank Arena and the Kansas Coliseum complex. The agreement, as I mentioned, contains three separate requirements for SMG. Number one, to provide services during the pre-opening period while the new arena was being constructed. That funding, SMG is required to operate within the pre-opening budget submitted by SMG and approved by the Board of County Commissioners. Two, provide management services for the existing facility, which is identified in the agreement as the Kansas Coliseum complex. SMG was to be paid a five percent of gross revenue management fee for providing this service; and three, to provide management services for the Intrust Bank Arena. For this service, SMG is responsible for any net operating losses associated with the facility and is entitled to the first \$450,000 in profits, with a formula for the distribution of profits beyond that amount.

“The action being requested of you today, again, relates only to SMG providing management services at the Kansas Coliseum complex. Your approval of this Agenda item will release SMG from their obligation to provide these services at the Kansas Coliseum complex in all aspects except for food and beverage services. SMG will continue to provide these services at least through

Regular Meeting, October 28, 2009

January, which will give us time to figure out the food and beverage needs going forward, and how to meet those needs. Taking this action today will in no way hamper or alter our ability to continue operations at the Kansas Coliseum complex going forward. So why are we doing this now? Back in 2007, when the agreement with SMG was negotiated and approved, we assumed there would be opportunities for cross-marketing and cross-use of employee resources between the new arena and the Kansas Coliseum. With the pre-opening work with the arena, that we have been involved in with SMG over the past year, it's been very clear that this was not a good assumption. Because of the distance between the locations, and different financial operating models of the two venues, the assumption that we started with has proven, again, to be no longer realistic or feasible."

Mr. Holt continued, "As you know, at 12:01 a.m. on Saturday, October 31st, Dondlinger Hunt Construction, the general contractor, will meet the substantial completion milestone for the Intrust Bank Arena and will turn the keys to that facility over to SMG. This is two and a half months ahead of the scheduled date for substantial completion called for in the contract. We're all elated about reaching this important milestone, and being ahead of schedule is a major feat. Substantial completion means that the building is available for use based on the purposes for which it has been constructed. The contractor, though, has an additional 120 days to complete what is identified as the construction punch list items, and they will continue to be on site working on those items, but by SMG taking control of the building now, allows them to move into the building, further allows them a great deal of flexibility to complete the delivery and installation of a number of furniture, fixture, and equipment items that still need to be installed, including the variable rise seating that, you will remember, was a change to the seating bowl that you approved back in the spring.

"Also, by having control of the building at this time, allows SMG, between now and the time the building is open to the public, a great deal of time and flexibility in hiring staff, and getting them trained to operate the new facility. By taking control of the building at this time allows, again, SMG ample time and confidence that they will be ready to open the facility to the public the first week of January, 2010. As has been announced, the Brad Paisley concert is the first ticketed event for the arena to be held on Saturday, January 9th, so releasing SMG from the obligations to provide management services at the Kansas Coliseum complex at this time allows SMG to give their full time and attention to getting the Intrust Bank Arena open, and ongoing will allow SMG to focus on meeting the financial obligations they have for making Intrust Bank Arena a successful operation, both from fan experience, and certainly from the financial area as well. With that background, Commissioners, I would ask that you approve the agreement and authorize the Chair to sign. I'd be happy to answer any questions that you might have."

Regular Meeting, October 28, 2009

MOTION

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

Commissioner Welshimer seconded the motion.

Chairman Parks said, "I do have a discussion item. You said verbally there that the food and beverage through January, do you have some plan for food and beverage, 4th, 5th, and 6th, which is A's (Wichita A's Model A Ford Club), and another event on the 6th right immediately after the A's at the pavilions?"

Mr. Holt said, "Are you talking January or February?"

Chairman Parks said, "February."

Mr. Holt said, "We will have fully developed a food and beverage plan, Commissioner, in the next 30 days, so I am confident we will have that. I have some sense about what that would be, but want to get that more documented and presented to you."

Chairman Parks said, "Please keep me informed on that and the hours of operation, and the hours that will be open."

Mr. Holt said, "Absolutely."

Chairman Parks said, "Commissioner Welshimer."

Commissioner Welshimer said, "Back when we approved the management agreement for SMG of the arena, I did vote against it because I didn't think that it was going to work well for them to manage both sites, and the reason I voted against it was the problems they might have managing the pavilions and Britt Brown. We have had a 71 percent event vacancy rate over a three year period at Britt Brown, and a 37 percent event vacancy rate on the pavilions. That hasn't improved over the length of time that they have had that contract on the Coliseum, has it?"

Mr. Holt said, "The vacancy rate that you are referring to, I would, I guess I would say..."

Commissioner Welshimer said, "Number of days."

Mr. Holt said, "...we have had lesser events over the past four years, and if that's the vacancy rate you're referring to, part of that, in the pavilions was related to, well all of it is related to back in

Regular Meeting, October 28, 2009

2002, 2003, we announced that the whole complex would be shut down for renovation. At that time, we lost some events that had been longstanding events at the Kansas Coliseum complex. Then we changed that with the move on the downtown arena. Then further announced, later, that the pavilions would be closed, and they were during the summer of 2007. So the downturn in those we can attribute to a couple of things. One is the sense that the facility was going to be closed for a while. The other has to do with, or another aspect, has to do with what the future is going to be for those facilities.”

Commissioner Welshimer said, “I was going to ask you a question about the future. Right now, overall, we’re losing about \$2 million a year at the Coliseum site, and yesterday, the proposals that came to us, one of them talked about seven years to pay for a \$20 some million worth of improvements to get the Britt Brown up and running, but if we lose \$2 million a year, if we do nothing and choose no proposal, \$2 million a year loss, seven years, that’s \$14 million. Plus, we lose the income on the Britt Brown altogether, and we’ll have maintenance and public safety issues if we don’t tear these facilities down, over the years, so I am thinking that, in seven years, we could be up to \$20 million in losses.”

Mr. Holt said, “I think, Commissioner, that would be absolutely the worst case scenario. We have operated Britt Brown and the pavilions over the years without much competition in this market with other facilities. With the Intrust Bank Arena coming online, the whole plan has been that those events at Britt Brown would be moved to Intrust Bank. We also now have competition from the Hartman Arena for whatever that might mean, mostly for events that would normally, in the past, would be handled in Britt Brown.”

Commissioner Welshimer said, “The arena, they have concerts, and that’s no real competition for us because we can’t have concerts anymore at Britt Brown.”

Mr. Holt said, “The point I would get to is that we’ve never operated the pavilions as a stand-alone operation. We will have a chance to take a look at that during this next year, and during that time, we’ll be looking at all aspects. How do we increase the revenue? How do we cut the expenses? How do we make that operation, if Britt Brown is no longer a component of that operating, and even if it is, it won’t be the same as it has been in the past. We have to take 2010 and do a complete and thorough review and analysis based on 2010, what the prospects are going forward. I would say during the budgeting process for 2011 we’ll have a much, even though it’s early in 2010, we’ll have a much clearer view, and projections about what it will cost to operate the Kansas Coliseum complex as it’s defined in the first few months of 2010 going forward.”

Regular Meeting, October 28, 2009

Commissioner Welshimer said, “At one time that site might have made a profit, I don’t know about that, but I do know we established the other day in a meeting that we don’t have any assets, recreation or otherwise, that produce a profit; that everything we operate in that category is at a loss.”

Mr. Holt said, “There certainly have been years when the Kansas Coliseum complex, as we look at the whole facility out there, made a surplus, had a surplus. There have been a number of years that it did not have a surplus. A lot of that is dependent on the economy, but a whole lot of it has to depend on the market we’re operating in, and what you can charge for the use of those facilities, and if you want the facilities used by, the opportunity to be used by everybody, that begins to determine what kind of price points you can have for the kind of events that are going on there. As you saw last year, when we talked about, in 2008 I believe it is, when we talked about ‘07, when we talked about raising the rates and doing parking out there, there was a tremendous amount of pushback from those users of the pavilions who had experienced reasonable rates because of the county willing to subsidize it, and/or the operation of Britt Brown producing enough funds to subsidize what was going on in the pavilions.”

Commissioner Welshimer said, “Well, we’ve never made any renovations or updates to Britt Brown.”

Mr. Holt said, “We have made minimal renovations and updates to Britt Brown over the years. The last 15 years, that was a conscious decision based on whether or not there was going to be an arena downtown or not.”

Commissioner Welshimer said, “Right, but that profit didn’t go back, when they made a profit, at the time we did, it didn’t go into capital improvement.”

Mr. Holt said, “It stayed as a part of operating, that’s correct.”

Commissioner Welshimer said, “That caused us to lose money. Okay, that’s all I’ve got. I just wanted to establish that. Thank you.”

Chairman Parks said, “I had another question about the RV (Recreational Vehicle) park. Who will be taking care of that during this interim time also, up and through February 6th?”

Regular Meeting, October 28, 2009

Mr. Holt said, "It will continue to be operated as a part of the Coliseum complex, depending on what happens to Britt Brown. Assuming at this point, let's say, that only the pavilions stay open, the RV park will continue to be operated as a part of the pavilion operations until and unless the Commission makes a decision to do something different there."

Chairman Parks said, "Being a vendor at the A's swap meet, I hope you appreciate that, because when they grab somebody to tar and feather, I'm right there. Commissioner Peterjohn."

Commissioner Peterjohn said, "Yes. I just wanted to clarify and follow-up on some earlier dialogue. Mr. Holt, we've never provided any sort of a set-aside or depreciation for the Britt Brown Arena or the pavilion complex and their operation during, since they were opened up back in the 1970s, have we?"

Mr. Holt said, "Are you asking capital set-asides or operating?"

Commissioner Peterjohn said, "Well, capital in the sense that we were not looking at any capital set asides for depreciation, or capital for putting back into the building. It's been strictly operating trying to balance it out, pretty much operationally, between receipts and expenditures every year."

Mr. Holt said, "Over the years, there have been some CIP (Capital Improvement Program) projects, but again, they were not focused on any major renovations. We did, when we were looking at renovating the whole complex, we were looking at a \$50 some million capital project. Of course, that didn't come to fruition, because we changed our course of action."

Commissioner Peterjohn said, "All right. I just meant, in terms of the operation wasn't run the way you would a, for instance, like a business; the depreciation, and assuming some of those costs that way."

Mr. Holt said, "The Kansas Coliseum has been operated as an enterprise fund, which does mean in a sense that it is operating as a business, but you are correct, not in the sense that you fund depreciation, to make sure that you have those funds year after year to build up to do capital projects."

Commissioner Peterjohn said, "Thank you very much."

Chairman Parks said, "We have a motion and a second, no further discussion, call the vote."

VOTE

Regular Meeting, October 28, 2009

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	No

H. PUBLIC WORKS.

1. APPROVAL OF A GRANT AGREEMENT WITH THE CITY OF DERBY FOR INSPECTION OF A KDOT CONSTRUCTION PROJECT ON MADISON FROM K-15 TO ROCK ROAD. DISTRICT 5.

Mr. David Spears, Director, Public Works, greeted the Commissioners and said, “We request your approval of a grant agreement with the City of Derby for inspection and testing services on their construction project on Madison from K-15 to Rock Road. The City of Derby does not have KDOT (Kansas Department of Transportation) certified inspectors, and both KDOT and the City of Derby have asked that Sedgwick County Public Works provide inspection services for the project. The county entered into a similar agreement in January of 2009 for inspection of construction work in Derby. At that time, it was determined that use of a grant funding format would best meet the accounting and budgeting requirements of the county. Public Works staff is fully certified to perform this work for KDOT and Derby. Our personnel and equipment will be available during the construction window and to complete the work. Reimbursement rates will fully cover the cost of personnel and equipment used on the project by the county. The agreement calls for reimbursement of up to \$21,648.50 to the county for work performed under the grant agreement. We request that you approve the agreement and authorize the Chairman to sign.”

MOTION

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

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
--------------------	-----

Regular Meeting, October 28, 2009

Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

2. RESOLUTION AUTHORIZING THE ESTABLISHMENT AND ENFORCEMENT OF SPEED LIMITS ON ROADS AND STREETS IN THE K-42 ESTATES ADDITION IN ILLINOIS TOWNSHIP, SEDGWICK COUNTY, KANSAS.

Mr. Mark Borst, Engineer, Public Works, greeted the Commissioners and said, “The Illinois Township Board requested the speed limit resolution in response to citizen requests from those living within K-42 Estates. The lots in K-42 Estates are of a large enough size that the area does not meet the statutory requirements for the statutory 30 miles per hour speed limit in an urban district, and thus, the resolution is required. The subdivision is completely residential, and the layout of the streets is such that 30 miles per hour is a reasonable speed limit. The Illinois Township Board did request this, and I would recommend that you adopt the resolution.”

MOTION

Commissioner Peterjohn moved to adopt the Resolution

Commissioner Welshimer seconded the motion.

Chairman Parks said, “We have a motion and a second, any discussion? And this is in compliance with the MUTCD (Manual on Uniform Traffic Control Devices)?”

Mr. Borst said, “Yes.”

Chairman Parks said, “Thank you. Seeing no further questions, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Regular Meeting, October 28, 2009

3. APPROVAL OF AN AGREEMENT WITH AMEC EARTH AND ENVIRONMENTAL FOR PROFESSIONAL CONSULTING SERVICES RELATING TO THE SEDGWICK COUNTY STORMWATER MANAGEMENT PERMIT.

Mr. James Weber, Deputy Director, Public Works, greeted the Commissioners and said, “We’re requesting your approval of an agreement for professional consulting services relating to the Sedgwick County stormwater management permit. Sedgwick County currently holds a municipal stormwater permit with KDHE and the EPA (Environmental Protection Agency). These permits are issued in five year cycles and require implementation of measures to reduce the pollution in stormwater discharges. Our current permit was scheduled to expire on September 30th, but we can continue to operate under the terms of the present permit until a new permit is issued by KDHE. The new permit is likely to contain additional or modified requirements. Public Works has reviewed our existing permit and recommends our program be updated at this time in order to more fully meet the federal program requirements, and in anticipation of stricter requirements in our next permit. It’s generally accepted by stormwater professionals that the current federal administration will begin to push for stricter compliance with environmental laws that the former administration did not strongly enforce.

“We need to ensure that our program is in compliance with the current federal requirements. This is also an ideal time to incorporate the existing body of work that’s been accomplished locally through development of the Stormwater Design Manual, the Levee Accreditation Study, and the ongoing work of the Stormwater Management Advisory Board. We’d like to get those incorporated into the Stormwater Management Program. Public Works recommends contracting with Amec Earth and Environmental to assist us in upgrading our program. The use of Amec will help to capitalize on the expenditures that were already made on the Stormwater Design Manual and the Levee Accreditation Study. Their national experience, and their current work on the City of Wichita’s program, will help us to implement the right level of regulations for unincorporated Sedgwick County. At last week’s meeting, you amended the CIP to provide funding for this project. The cost of this work will not exceed \$132,110, and we request your approval of the agreement. I’d be happy to try to answer any questions that you might have.”

MOTION

Commissioner Welshimer moved to approve the Agreement and authorize the chairman to sign.

Regular Meeting, October 28, 2009

Commissioner Peterjohn seconded the motion.

Chairman Parks said, “This does have to do with the NPDES (National Pollution Discharge Elimination System) program also?”

Mr. Weber said, “Yes.”

Chairman Parks said, “Although I do disagree with many of the factors of the NPDES program, I am going to vote for this, and I thought I would tell the people out there why, in the rural areas. It’s simply because we have to facilitate some studies. That’s a have to situation, and even though I don’t agree with some of those NPDES rules and regulations, I am going to support this funding.”

Mr. Weber said, “Well, I might add to that just a little bit. The portion of the county that we actually have to regulate is the urbanized area, which tends to be the boundary around Wichita and the other cities that are regulated. As you get farther in the county, in the more agricultural areas, these things would get implemented, but we’re not required to regulate that in the same way.”

Chairman Parks said, “Thank you. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Mr. Chairman, I have very similar concerns, and although I will be supporting this, I wanted to state those for the record. Thank you.”

Chairman Parks said, “See no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

Regular Meeting, October 28, 2009

I. REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON OCTOBER 22, 2009.

Ms. Iris Baker, Director, Purchasing Department, greeted the Commissioners and said, "The meeting of October 22nd results in five items for consideration today. Item 1;

- 1. CHANGE ORDER #3 FORENSIC SCIENCE CENTER EXPANSION – FACILITIES DEPARTMENT
FUNDING – CONSTRUCTION OF REGIONAL FORENSIC SCIENCE CENTER**

"Recommendation is to accept the change order with Conco, Inc. in the amount of \$79,386. Item 2;

- 2. MEDICAL SERVICES FOR THE ADULT DETENTION FACILITY – SHERIFF'S OFFICE
FUNDING – SHERIFF'S OFFICE**

"Recommendation is to accept the negotiated proposal from Conmed, Inc. and execute a five year contract, and I would like to add, for the record, that we have had an additional conversation with Conmed regarding the proposal, and late last week Conmed came back and offered to amend their proposal for years two through five, and they have reduced their cap from four percent to three percent of the Medical Services Consumer Price Index, so in essence, what that means is, in years two through five any increases that are tied to the Medical Services Consumer Price Index would be capped at three percent, so no increase in excess of three percent, so that will be added to the contract, and that language will be modified. Item 3;

- 3. ROAD IMPROVEMENTS – PUBLIC WORKS
FUNDING – PUBLIC WORKS**

"This is for Calais and Calais Court. The recommendation is to reject all bids due to insufficient funding. Item 4;

- 4. TRASH AND SMOKING RECEPTACLES FOR INTRUST BANK ARENA – FACILITIES DEPARTMENT
FUNDING – ARENA SALES TAX**

"I'm going to modify this recommendation, and defer this item back to Bid Board, and item 5;

Regular Meeting, October 28, 2009

**5. SUITE REFRIGERATORS FOR INTRUST BANK ARENA – FACILITIES
DEPARTMENT
FUNDING – ARENA SALES TAX**

“Recommendation is to accept the low bid meeting specifications from Lytton’s Appliance for option number one in the amount of \$27,000. I would be happy to answer any questions, and I recommend approval of these items.”

MOTION

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

Commissioner Unruh seconded the motion.

Chairman Parks said, “Have a motion and second. I do have a couple of questions. Mr. Euson, on number two, since that is three percent, we will be coming back with a contract and be approving that in another action and not this action, is that correct?”

Mr. Rich Euson, County Counselor, greeted the Commissioners and said, “The charter allows the Purchasing Director to sign that contract, so it would not come back to you unless you want it to.”

Chairman Parks said, “Well, I was just concerned about the printed material. It said four percent, and the three percent. Ms. Baker, can you kind of expand on that a little bit how that will be facilitated?”

Ms. Baker said, “If you accept the minutes, this item, the language in the contract will be changed to reflect the three percent cap.”

Chairman Parks said, “Okay. You will sign that contract at that three percent? That’s been put on the record now, so I guess that takes care of it.”

Ms. Baker said, “Correct.”

Chairman Parks said, “Number four, you’re going to strike completely, or you’re going...”

Regular Meeting, October 28, 2009

Ms. Baker said, “I am taking this back to Bid Board tomorrow. For the record, the low bidder for Item 1, in discussion with that vendor to verify that he met the specs (specifications), he indicated he had. Just as additional follow through, for confirmation we had asked for him to provide a spec on what he had bid, and he did, and we found that it did not meet our specifications.”

Chairman Parks said, “Do we need to amend the motion to strike number four then, Mr. Euson?”

Mr. Euson said, “Commissioner, Ms. Baker amended the recommendation to include that action. So I think you’re okay as is.”

Chairman Parks said, “Okay. Thank you. Commissioner Peterjohn.”

Commissioner Peterjohn said, “Thank you, Mr. Chairman. That was my point entirely, so if we’ve got it resolved, I am good to go.”

Chairman Parks said, “Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

CONSENT AGENDA

J. CONSENT AGENDA.

- 1. CUP2006-38 (DP-301 Associated with ZON2006-39) – Extension of time to complete platting requirement for a zone change from SF-20 Single Family Residential to LC Limited Commercial; generally located east of Ridge Road between K-96 and 45th Street north. District 4.**
- 2. Affiliation Agreement with Trust HomeCare, LLC.**
- 3. Lease Agreement between SMG and Sedgwick County for the INTRUST bank arena.**
- 4. General Bill Check Register of October 14, 2009 – October 20, 2009.**

Regular Meeting, October 28, 2009

5. Payroll Check Register for the week of October 10, 2009.

6. Plat.

Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

Cedar Hills Estates Addition

7. Plat.

Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

ASR Treatment Plant Addition

8. Plat.

Approved by Public Works. The County Treasurer has certified that taxes in 2008 and all prior years have been paid for the following plat:

ASR Intake Site Addition

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

MOTION

Commissioner Unruh moved to approve the Consent Agenda.

Commissioner Peterjohn seconded the motion.

Chairman Parks said, "I do have some discussion on that. Mr. Manager, for the record, if we could just elaborate a little bit on number three there."

Mr. Buchanan said, "Item 3 is a lease agreement for SMG and Sedgwick County for the Intrust Bank Arena. We need to formally lease the building to them so that they can apply for, and receive, a liquor license for the concession stands, and so this is the lease agreement. It has no effect upon

Regular Meeting, October 28, 2009

our management agreement, but it leases the building to them for \$50 a year for the length of their management contract. It allows them to apply for a liquor license.”

Chairman Parks said, “It doesn’t do anything to the profit margin, or any of our potential gains on that?”

Mr. Buchanan said, “No, sir.”

Chairman Parks said, “Thank you. Seeing no further discussion, call the vote.”

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

K. OTHER

Chairman Parks said, “Next item, ‘other.’ We’re going do ‘other’ before we go into an Exec [Executive] Session. I would like to say that on November 7th, Valley Center is having a designation; their city has been designated as a Veterans City. There are very few cities across the country that get this designation, and they’re having ceremonies on the 7th. The Department of Defense is pretty stingy with those designations, and they’ve done some things up there, and at the direction of Kate Jackson has brought this to fruition, and please seek out this information on their website and they have several activities, including, I believe in the afternoon, the USO (United Service Organization) show, so that might be interesting.”

Chairman Parks continued, “Also, Halloween is coming up. I want to make sure that people out there drive safely. Making sure that some of the kids, I think in conjunction with the schools, are having their trick-or-treat on Friday night, and so be aware Friday and Saturday night, especially after dark, if parents can get their kids out early, that’s great, but drivers need to be aware in the residential area. We just heard a modification of a speed limit. I would say that 30 miles an hour is

Regular Meeting, October 28, 2009

going to be too fast in residential on Halloween night. If we can slow down and make sure we don't get anybody injured there. We did have a marathon meeting yesterday, a couple of them with our potential vendors and RFPs (Request for Proposal) for the Kansas Coliseum complex and Britt Brown Arena, and those are posted on Sedgwick County's website. I would urge you, if you're interested, to go to that website and view those entire meetings on there on the streaming video, and that's all I had for 'other.' Commissioner Welshimer."

Commissioner Welshimer said, "Last week Derby had a successful Consumption Junction. That's their food fair and silent auction; a fundraiser for their chamber. That was a lot of fun, and I just want to wish everyone a happy Halloween this weekend."

Chairman Parks said, "Seeing no further discussion, I would entertain a motion for Executive Session."

MOTION

Commissioner Welshimer moved that the Board of County Commissioners recess into executive session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney client relationship relating to pending claims in litigation and legal advice, and that the Board of County Commissioners return to this room from executive session no sooner than 12:20 p.m.

Commissioner Peterjohn seconded the motion.

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

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Welshimer	Aye
Chairman Parks	Aye

The Board of Sedgwick County Commissioners recessed into Executive Session at 12:00 p.m. and returned at 12:23 p.m.

Chairman Parks said, "We are back in session from our executive session. No binding action was taken. Seeing nothing else to come before the Board of County Commissioners, we are adjourned."

Regular Meeting, October 28, 2009

L. ADJOURNMENT

There being no other business to come before the Board, the Meeting was adjourned at 12:23 p.m.

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

KELLY PARKS, Chairman
Fourth District

DAVID M. UNRUH, Commissioner
First District

TIM R. NORTON, Commissioner
Second District

KARL PETERJOHN, Commissioner
Third District

GWEN WELSHIMER, Commissioner
Fifth District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:

November 18, 2009